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An Act to enable the mayor, aldermen, and burgesses of the borough of Liverpool to make new and widen existing streets, and to construct new works in connexion with their waterworks; to make provision with respect to the further improvement and government of the said borough; and for other purposes. [31st July 1871.] A.D. 1871.

WHEREAS within the borough of Liverpool the local and special Acts following, or parts of those Acts, are in force, which Acts are in this Act referred to generally as the former Acts, and severally by the short references herein-after mentioned:

The Act of the session of the fifth and sixth years of Her present Majesty, chapter forty-four, 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 in this Act called "The Building Act, 1842:" — 5 & 6 Vict. c. xliv.

"The Liverpool Improvement Act, 1842," in this Act called "The Improvement Act, 1842:" — 5 & 6 Vict. c. cvi.

The Act of the session of the ninth and tenth years of Her present Majesty, chapter one hundred and twenty-seven, intituled "An Act for the Improvement of the Sewerage and Drainage of the Borough of Liverpool, and for making further provisions for the Sanitary Regulations of the said borough," and in this Act called "The Sanitary Act, 1846:" — 9 & 10 Vict. c. cxxvii.

"The Liverpool Corporation Waterworks Act, 1847," in this Act called "The Waterworks Act, 1847:" — 10 & 11 Vict. c. cclxi.

"The Liverpool Corporation Waterworks Amendment Act, 1850," in this Act called "The Waterworks Act, 1850:" — 13 & 14 Vict. c. lxxx.

"The Liverpool Corporation Waterworks (Deviations) Act, 1852," in this Act called "The Waterworks Act, 1852:" — 15 Vict. c. xlvii.

"The Liverpool Library and Museum Act, 1852," in this Act called "The Museum Act, 1852:" — 15 & 16 Vict. c. iii.

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17 & 18 Vict. c. xv. "The Liverpool Sanitary Amendment Act, 1854," in this Act called "The Sanitary Act, 1854:"

18 & 19 Vict. c. clv. "The Liverpool Improvement Act, 1855," in this Act called "The Improvement Act, 1855:"

21 & 22 Vict. c. lxxx. "The Liverpool Improvement Act, 1858," in this Act called "The Improvement Act, 1858:"

24 & 25 Vict. c. xlii. "The Liverpool Improvement Act, 1861," in this Act called "The Improvement Act, 1861:"

25 & 26 Vict. c. cvii. "The Liverpool Corporation Waterworks Act, 1862," in this Act called "The Waterworks Act, 1862:"

27 & 28 Vict. c. lxxii. "The Liverpool Improvement Act, 1864," in this Act called "The Improvement Act, 1864:"

27 & 28 Vict. c. lxxiii. "The Liverpool Sanitary Amendment Act, 1864," in this Act called "The Sanitary Act, 1864:"

28 & 29 Vict. c. xx. "The Liverpool Improvement Act, 1865," in this Act called "The Improvement Act, 1865:"

29 & 30 Vict. c. cxxvi. "The Liverpool Corporation Waterworks Act, 1866," in this Act called "The Waterworks Act, 1866:"

30 & 31 Vict. c. clxviii. "The Liverpool Improvement Act, 1867," in this Act called "The Improvement Act, 1867:"

And whereas it is expedient that the mayor, aldermen, and burgesses of the borough of Liverpool, in this Act called "the Corporation," be authorised to construct the new streets and improvements of streets, and to stop up the lanes, paths, and footpaths herein-after mentioned:

And whereas by reason of the working of coal in the neighbourhood of certain portions of the waterworks of the Corporation the stability of such portions may be impaired, and it is expedient that the Corporation be authorised to construct the works herein-after mentioned with reference to water:

And whereas it is expedient to enable the Corporation, if they think fit, to pay the coroner of the said borough a fixed salary in lieu of the fees now by law payable to him for the performance of the duties of his office, and to require him to devote the whole of his service to the duties of that office; and the present coroner of the said borough, previous to his appointment to the office of coroner, agreed to hold that office according to the foregoing terms, if the same should be sanctioned by Parliament:

And whereas it is expedient that the Corporation be empowered to raise further money by rates and by borrowing, for the purposes of this Act, and of certain street improvements authorised by the Improvement Act, 1864, and the Improvement Act, 1865, respectively:

And whereas it is expedient to enable the Corporation to make further byelaws with respect to parks and marine store dealers, and for the regulation of the traffic in the said borough:

And whereas it is expedient that the former Acts be amended in divers particulars, and that the powers of the Corporation for the better ordering and improving the said borough be extended:

And whereas it is expedient that the Corporation be authorised to acquire and appropriate lands for the purposes of this Act:

And whereas plans and sections of the several works to be authorised by this Act, showing the lines and levels thereof, and the lands which are required for the purposes of this Act, with a book of reference to those plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of those lands respectively, have been deposited with the clerk of the peace for the county of Lancaster:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Title of Act, Interpretation of Words, &c.

Short title.

1. This Act may for all purposes be cited as "Liverpool Improvement and Waterworks Act, 1871."

Provisions of general Acts herein named incorporated.

2. The following Acts and portions of Acts; (namely,)

"The Lands Clauses Consolidation Act, 1845," except sections 134 to 148, both inclusive;

"The Lands Clauses Consolidation Acts Amendment Act, 1860;"

"The Lands Clauses Consolidation Act, 1869;"

"The Waterworks Clauses Act, 1847," except sections 35 to 53, and 68 to 89, all inclusive,

so far as the provisions of those Acts respectively are applicable for the purposes and not inconsistent with the provisions of this Act, are hereby incorporated with this Act.

Same meanings to words in this Act as in incorporated Acts.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith, or rendered applicable hereto, shall have the same respective meanings, unless the same be varied by this Act, or unless there be something in the subject or context repugnant to such construction.

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Interpretation of terms.

4. In this Act, and for the purposes of this Act, in any Act incorporated herewith or rendered applicable hereto—

The expressions "the promoters," "the undertakers," and "the company" shall respectively mean the Corporation:

The expression "the borough" shall mean the borough of Liverpool:

The expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough of Liverpool:

The expressions "the mayor," "the council," "the town clerk," and "the treasurer" shall mean respectively the mayor, the council, the town clerk, and the treasurer for the time being of the borough:

The expression "the borough engineer" shall mean the person appointed by the council to act as local surveyor of drainage and other works authorised under the provisions of "The Sanitary Act, 1846:"

The expression "the medical officer of health" shall mean the medical officer of health appointed under "The Sanitary Act, 1846:"

The expression "the collector" shall mean any person appointed by the Corporation for the collecting rates, rents, and tolls leviable by or payable to the Corporation:

The expression "the borough fund" shall mean the borough fund of the borough:

The term "Municipal Corporations Act" shall mean the Act of the session of the fifth and sixth years of King William the Fourth (chapter seventy-six), "to provide for the regulation "of municipal corporations in England and Wales," and all Acts for the time being in force amending the same, or otherwise relating to municipal corporations in England:

The word "person" shall include company and also a corporation, whether aggregate or sole:

The word "justice" shall mean a justice of the peace for the borough, and also a justice of the peace for the county of Lancaster or one police magistrate:

The expression "two justices" shall mean two or more justices assembled and acting together in petty sessions, or one police or stipendiary magistrate:

The expressions "the deposited plans," "the deposited sections," "the book of reference," shall respectively mean the plans, sections, and book of reference deposited for the purposes of the application for this Act with the clerk of the peace for the county of Lancaster:

The expressions "court of quarter sessions" and "quarter sessions" shall mean the general or quarter sessions for the borough of Liverpool:

The expressions "the superior courts" and "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute:

The word "land" or "lands" shall respectively include messuages, lands, tenements, and hereditaments of any tenure:

The word "owner" shall mean the person for the time being receiving the rackrent of the lands and premises in connexion with which the said word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent:

The word "occupier" shall mean the person for the time being in the actual occupation or possession of the land with reference to which that expression is used:

The expression "rack rent" shall mean rent which is not less than two thirds of the net annual value of the land out of which the rent arises:

"Net annual value" shall have the meaning assigned to it by the Act to regulate parochial assessments:

The expression "water rate" shall include "water rent:"

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

The word "court" shall mean the whole or any part of any street, not being a carriageway, and having the principal or only entrance of any dwelling-house therein:

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

The word "building" shall include all dwelling-houses, houses, messuages, warehouses, mills, manufactories, walls, chimney shafts, and erections:

The word "premises" shall include houses, buildings, and erections, and parts thereof respectively, and land with or without houses, buildings, or erections thereon:

The expression "outer wall" (where used in the schedule to this Act) shall mean every existing or future wall which shall not be used, or shall not at the time of the building thereof have

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been intended to be used, as a separation of one building from another, or of one part of a building from another part of the same building:

The word "cart" shall include any vehicle made or used for the conveyance of goods or chattels in any street:

The word "carriage" shall include any vehicle of what nature soever, made or used for the conveyance of persons in any street, and shall include a hearse:

The word "cattle" shall include bulls, cows, oxen, heifers, calves, rams, wethers, ewes, lambs, goats, and swine.

As to Execution of Acts, &c.

Limits of the Act.

5. This Act, except where otherwise hereby expressly provided, shall apply exclusively within the borough.

Execution of Act by Corporation.

6. This Act shall (subject to the provisions herein contained) be carried into execution by the Corporation acting by their council, and in accordance with the public general statutes and local Acts and laws from time to time in force and relating to the Corporation and their council, and their committees, agents, officers, and servants, and applicable for the purposes of this Act, and as nearly as possible as if the purposes of this Act were purposes of the Act for the regulation of municipal corporations in England and Wales, so far as that Act is in force in Liverpool.

Regulations as to committees of council.

7. Where, under the authority of the Municipal Corporations Act, or any public or local Act for the time being in force within the borough, the council appoint any committee for the execution of any of the purposes of this Act, or any other Act for the time being in force within the borough, every act and proceeding of any such committee shall, after approval by the council, relate back to and take effect from the day of the date of such act and proceeding respectively, unless at the time of such approval the council otherwise order.

Time for appointing new trustees.

8. The day on which the council shall appoint new trustees (not being such trustees as may be required to fill extraordinary vacancies) under the provisions in that behalf contained in section seventy-three of the fifth and sixth of William the Fourth, chapter seventy-six, shall be the first day of the first meeting of the council, to be held in the month of January in every year, instead of the first day of January, as mentioned in that section; and any trustees appointed under those provisions shall continue in office until the appointment of their successors.

Power to contract for works.

9. The Corporation from time to time may, if they think fit, contract with any person for performing or doing any of the works

or things by this Act authorised, and all such contracts shall be in writing, sealed with the common seal of the Corporation, or signed by the town clerk and executed by the person contracting, and shall specify the works and things so to be done, and the prices at and the times within which they are to be done; and the Corporation may take such bond or other security from every contractor, and his surety or sureties (if any), for the due performance of his contract, as they may think sufficient.

Power to compound with contractors.

10. The Corporation may from time to time compound with any person having entered into any contract with the Corporation under this Act for any penalty contained in such contract, or in any bond or other security for the performance thereof, or on account of any breach or non-performance of such contract, bond, or security, for such sum of money or other recompense as the Corporation think proper.

As to new Streets authorised by Act.

Power to make new streets and improvements.

11. Subject to the provisions in this Act contained, and to the powers of deviation hereby given, the Corporation may, if they think fit, in the lines and situation and upon the lands in that behalf delineated on the deposited plans and described in the book of reference, and according to the levels in that behalf shown in the deposited sections, make and maintain the works and improvements and do the things following; (that is to say,)

In the Parish and Borough of Liverpool:

1. In connexion with an improvement authorised by "The Improvement Act, 1864," (being the making of a new street called Victoria Street,) the stopping up and discontinuing of the following streets, (that is to say,) Shawhill Street and Spitalfields leading from Preston Street to Victoria Street:
2. A new street in continuation eastwards of Charlotte Place to Mersey Street:
3. In connexion with the improvement No. 2, the stopping up, discontinuing, and appropriating of so much of Charlotte Place as lies between the first-named Charlotte Place and Salthouse Lane:

In the Township of Kirkdale in the Parish of Walton-on-the-Hill:

4. The widening of Smith Street from the junction thereof with Kirkdale Road to a point forty-six yards or thereabouts northwards:

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5. A new street in continuation of Smith Street northwards to the junction of Westminster Road and Foley Street:

6. In connexion with the improvement No. 5, the stopping up, discontinuing, and appropriating of Whittle Street from Latham Street to the junction last aforesaid:

In the Township and Parish of Walton-on-the-Hill:

7. In connexion with an improvement authorised by "The Improvement Act, 1865," (being the making and completing of a park or place of recreation for the people, and called "Stanley Park,") the stopping up, discontinuing, and appropriating of Mill Lane, leading from Anfield Lane to Priory Lane:

In the Townships and Parishes of Walton-on-the-Hill and West Derby:

8. The stopping up, discontinuing, and appropriating of so much of the occupation roads and footpaths leading respectively from West Derby Road and Sheil Road, through Sheil Park and Newsham Park, lying within the same two parks, as are delineated on the deposited plans, and coloured red:

In the extra-parochial Place of Toxteth Park:

9. In connexion with the improvement authorised by "The Improvement Act, 1865," (being the making and completing of a park or place of recreation for the people, and called "Sefton Park,") the stopping up, discontinuing, and appropriating of the following roads and footpaths over and across the same park; (that is to say,)

1. A footpath leading from Linnet Lane to Mossly Hill Lane:
2. A footpath from Aigburth Vale to the footpath firstly in this paragraph mentioned:
3. A footpath from Aigburth Road to the footpath firstly in this paragraph mentioned:
4. A footpath leading out of the footpath secondly in this paragraph mentioned at a point seventy-five yards or thereabouts westwards from Aigburth Vale into Aigburth Vale.

Power to make minor works connected with new streets, &c

12. Subject to the provisions of this Act and the Acts incorporated herewith, and in accordance with the deposited plans or within the limits thereon defined, the Corporation, in connexion with the new streets and improvements of streets by this Act

authorised, or any of them, and for the purposes thereof, may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the new streets or improvements of streets, or any of them, and may make diversions, widenings, or alterations of lines or levels of any existing streets, for the purpose of connecting the same with the new or improved streets or any of them, or of crossing under or over the same or any of them, or otherwise, and may remove, destroy, alter, divert, stop up, enclose, use, or appropriate all or any part of any bridge, street, or court, or of any stream, drain, sewer, watercourse, void ground, or other property, within the limits of lateral deviation defined on the deposited plans, the Corporation first providing a proper substitute before interrupting the flow of sewage in any drain or sewer.

Power to deviate vertically or laterally.

13. In making the new streets and improvements of streets, the Corporation may deviate vertically to any extent not exceeding five feet from the levels defined on the deposited sections, and may deviate laterally to any extent within the limits of the lands defined on the deposited plans, and the Corporation may deviate beyond the last-mentioned limits, with the consent of the persons through whose lands any such deviation is proposed to be made.

Extinction of rights of way over streets stopped up, &c.

14. Where under this Act the Corporation stop up any street permanently, all rights of way over and all liability to repair the street shall thereupon be absolutely extinguished, and where under this Act they stop up any street temporarily, all rights of way over the street shall be suspended until they re-open the street.

Power to alter and divert sewers, &c.

15. The Corporation from time to time may alter and divert, either temporarily or permanently, all sewers, mains, and pipes within the borough which they find it necessary or convenient for any of the purposes of this Act so to interfere with, making to all persons who sustain any damage thereby compensation in that behalf, the compensation to be ascertained, apportioned, and recovered under "The Lands Clauses Consolidation Act, 1845," as in cases of disputed compensation for lands.

Alterations consequent on changing levels of streets to be made at expense of Corporation.

16. Where by reason of the execution of any of the works by this Act authorised the level of any street is raised or otherwise changed, or any alteration of any step, door, or entrance into any house or building, or of any pavement, sewer, drain, or culvert adjoining or belonging to any premises in the street, is rendered necessary, the alteration shall be made by and at the expense of the Corporation out of the moneys applicable under this Act to street improvements.

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Damage to buildings to be compensated for by Corporation.

17. Where by reason of the alteration of the level of any street or the execution of any other work by this Act authorised, any house, building, or premises be damaged or otherwise injuriously affected, the Corporation shall, out of the moneys applicable under this Act to street improvements, make good the damage done, and pay to the owner and occupier of the house, building, or premises such compensation as is agreed on between the owner and occupier and the Corporation, or, failing their agreement, such compensation shall be ascertained, apportioned, and recovered under "The Lands Clauses Consolidation Act, 1845," as in cases of disputed compensation for lands.

Alterations of gas and water pipes, &c.

18. In making the new streets and improvements of streets, the Corporation may raise, sink, or otherwise alter the position of any watercourse, water pipe, or gas pipe belonging to or connected with any building adjoining or near to the site of any new or improved street, and also any main or other pipe laid down or used for carrying a supply of water or gas, and also any pipe, tube, wire, or apparatus laid down for telegraphic or other purposes, and may remove any other obstruction, causing as little detriment and inconvenience as circumstances admit, and making full compensation for damage caused by any such alteration.

Expenses of removing water pipes, how to be paid.

19. All expenses incurred under this Act by the Corporation in or about the removing, displacing, and relaying of any water mains, pipes, or apparatus shall be defrayed out of moneys applicable under this Act to street improvements, and shall not be charged to the water account.

Corporation to reinstate pipes of Liverpool United Gas Company.

20. Before removing or displacing any main, pipe, or other work of the Liverpool United Gaslight Company (except such mains, pipes, or plugs as from time to time become unnecessary by reason of the execution of this Act, and which may from time to time be removed by the company, at their expense, as the Corporation may direct) the Corporation shall at their own expense lay a good and sufficient main, pipe, plug, or other work (other than private service pipes the property of the company) proper and sufficient for continuing the supply of gas to all the customers of the company who are entitled thereto, but the mains, pipes, plugs, and works shall be provided at the expense of the company, and all such works shall be done to the satisfaction of the company's engineer, and in accordance with the Acts relating to the company.

Corporation to make good damages to

21. The Corporation shall make good all damage done to any property of the gaslight company by the disturbance thereof, and

shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with the mains, pipes, or works of such gaslight company, except the same arise from the wilful neglect or default of the company, or the party claiming compensation.

property of gaslight company and to compensate parties, &c.

22. Where any street or ground abutting on any street, and dedicated to public use, or open to the passage of the public, becomes, in consequence of any improvement effected by the Corporation under the powers of this Act, and shown on the deposited plans, no longer required for public use or for approach to any property adjoining the same, the same is hereby vested in the Corporation, freed and discharged from the public use thereof: Provided that if any land be injuriously affected by such street or ground being so vested in the Corporation they shall pay to the owner and occupier of such land such compensation as shall be agreed on between such owner and occupier and the Corporation, or failing their agreement, such compensation shall be ascertained, apportioned, and recovered under "The Lands Clauses Consolidation Act, 1845," as in cases of disputed compensation for lands: Provided also, that within three months after the vesting in the Corporation of any portion of Whittle Street so freed and discharged from the public use they shall offer to sell to the respective owners of property abutting on such portion of the said street so much of the said street as abuts on their respective property, and if such owner be desirous of purchasing the said portion of the said street, he shall, within six weeks after such offer, signify his desire in that behalf to the Corporation in writing, and the price to be paid for such portion shall, failing agreement, be ascertained in manner provided by "The Lands Clauses Consolidation Act, 1845," with respect to the sale of superfluous lands; but if such owner decline such offer, or for six weeks neglect so to signify his desire, the right of pre-emption of every such owner so declining or neglecting, in respect of the lands included in such offer, shall cease, and a declaration in writing made before a justice by some person not interested in the matter in question, stating that such offer was made, and was refused or not accepted within six weeks from the time of making the same, or that the person was out of the country, or could not after diligent inquiry be found, or was not capable of entering into a contract for the purchase of such lands, shall in all courts be sufficient evidence of the facts therein stated.

Streets disused vested in Corporation for sale.

23. All buildings from time to time erected or altered to or towards the front of any street made, widened, extended, or improved under the powers in the eleventh section of this Act shall be

Elevation of buildings fronting streets to be

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as Corporation approve.

erected or altered in such line to the street, and in accordance with such elevation fronting to or towards the street, as the Corporation appoint or approve; and if the owner, lessee, or occupier of any building which, on the making of any such new street, or on the widening, extending, or improving of any such street, under the powers of the same section, acquires a frontage to the street, make any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street, every such owner, lessee, or occupier shall make the building, wall, or fence in a line and the elevation thereof fronting to or towards the street in accordance with a plan approved by the Corporation.

As to Costs of cleansing Streets, &c.

Proceeds of sale of dirt, &c. to be paid to credit of general rate. Section 22 of Sanitary Act, 1854, repealed.

24. Section twenty-two of "The Sanitary Act, 1854," shall be repealed as and from the first day of January one thousand eight hundred and seventy-two, and all moneys received by the Corporation from the sale of the dirt, dust, nightsoil, ashes, rubbish, and filth collected within the borough shall, from and after the said first day of January one thousand eight hundred and seventy-two, be paid to the credit of the "general rate" which is levied under section one hundred and fifty-one of "The Sanitary Act, 1846."

Costs of cleansing, &c. streets to be paid out of general rate. Part of s. 151 of Sanitary Act, 1846, repealed.

25. So much of section one hundred and fifty-one of "The Sanitary Act, 1846," as provides that the costs of sweeping, cleansing, and watering the streets shall be paid out of the paving rate shall be repealed as and from the first day of January one thousand eight hundred and seventy-two, and thereafter such costs (including therein the costs of providing the necessary horses, carts, machines, and implements,) shall be paid out of the said "general rate."

Costs of and connected with public conveniences, &c. to be paid out of general rate. Section 116 of Sanitary Act, 1846, altered.

26. The moneys to be defrayed under the provisions of section one hundred and sixteen of "The Sanitary Act, 1846," out of the paving rate, shall, from and after the first day of January one thousand eight hundred and seventy-two, be paid out of the said "general rate," and that section shall be read and construed as though the said "general rate" were inserted therein in place of the paving rate.

As to unfenced Land adjoining public Highways, &c.

Corporation may require land adjoining public highways, &c. to be fenced.

27. If any land adjoining any public street or public place be not fenced, or fenced imperfectly, so that by reason of the same being unfenced or being imperfectly fenced a nuisance is created or likely to be created, or danger arises to the public, or is likely to arise, the following provisions shall have effect; (namely,)

The Corporation may, if they think it desirable, order the owner, within the period prescribed in the order, to fence the same in a manner sufficient to prevent or remove such danger or nuisance:

If the owner feel himself aggrieved by such order, he may within six days after service of such notice, upon giving two days notice in writing of his intention in that behalf to the borough engineer, apply to any police magistrate of the borough to determine whether there be any necessity for the fencing so ordered to be done, and if there be such necessity, then whether the fence required to be constructed by the said order be proper in its nature, and sufficient or more than sufficient for the purpose; and the said police magistrate may hear any evidence adduced, and require the attendance of such witnesses touching the matters before him as he may think fit, and his decision in such matters shall be final and conclusive:

If after service of such order on the owner, or (in case of such application to the police magistrate) after the confirmation of such order, the directions of the order be not complied with within the prescribed period, the owner shall be liable to a penalty not exceeding twenty pounds; and in that case, or if the owner be not known or cannot be found within the borough after due inquiry, the Corporation may execute such works as may be requisite for such fencing, and the expenses thereof shall be payable by and recoverable from the owner:

If such owner cannot be found, or if sufficient distress cannot be made of his goods and chattels within the borough, as is hereinafter provided for with respect to the mode of recovering expenses from owners, the Corporation, after giving three months notice of their intention so to do by a notice set up on the said land (provided such expenses be not paid or tendered at the offices of the Corporation within the said three months), may enter into receipt of and demand and receive the rents and profits of such land from tenants and occupiers and persons liable to pay the same, and in case of nonpayment may use all or any such lawful remedies, by way of distress, ejectment, or otherwise, for recovering and obtaining payment of the same or any part thereof, as may be used by landlords in ordinary cases, and may do all things necessary or expedient for recovering and receiving the rents and profits as if they were the owners of the land, and the tenants and occupiers and persons

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liable as aforesaid shall pay the rents and profits aforesaid to the Corporation; and the receipt of the treasurer, or of any officer of the Corporation appointed in that behalf, shall be and shall alone be an effectual discharge for the same:

Where any such land is unoccupied or unproductive at the time when the Corporation would be entitled under this Act to enter into the receipt of the rents and profits thereof (if any), or at any time afterwards while the claim of the Corporation is unsatisfied, then and in every such case, and as often as the same happens, the Corporation may enter into possession of such land, and may occupy, inclose, fence, and use the same or any part thereof:

The Corporation may from time to time let, for any period not exceeding seven years, or from year to year, or for any shorter period, any such unoccupied or unproductive land, or any part thereof, and receive the rents and profits thereof, as if they were the owners thereof.

Application of rents and profits received.

28. All rents and profits received in respect of any such land as aforesaid shall be applied in the manner and in the order following; (namely,)

There shall be paid thereout any chief rent payable in respect of the land:

There shall be paid thereout all taxes, rates, assessments, expenses of repairs, and other outgoings (including a commission for the collecting of such rents and profits, not exceeding the rate of five pounds for every one hundred pounds collected,) properly payable by the owner in respect of the land (except any chief rent), and all expenses incurred by the Corporation in relation thereto by reason or in consequence of the failure of the owner thereof to pay any such expenses as aforesaid:

There shall be retained on behalf of the Corporation the amount which the owner is at the time of the commencement of such receipt by the Corporation liable to pay on account of such expenses, and interest in respect of the same, or any other land in the same or any other street:

The surplus (if any) shall be paid to the owner, his representatives or assigns, on demand.

Right of Corporation to rents to exclude that of owner, &c.

29. Whenever the Corporation so enter into the receipt of the rents and profits, or into possession of any such land, then for and in respect of the period during which their claim against the owner for such expenses is unsatisfied, as well after the termination of

that period as during its continuance, the owner of the land and the owner of any chief rent issuing thereout shall not have any right to receive any rents or profits of the land, nor shall he have any interest therein, except under the provisions of this Act directing the application of rents and profits received by the Corporation; and for and in respect of the period aforesaid, as well after its termination as during its continuance, every or any such right shall, as against any lessee of the land or other person taking through or under the Corporation, be by virtue of this Act absolutely extinguished.

On claim of Corporation being satisfied owner to be reinstated.

30. As soon as such claim of the Corporation is satisfied, the Corporation shall, at the request of the owner of the land, endorse on any such lease, or a counterpart thereof, made by them as aforesaid, a memorandum under their common seal of the satisfaction of their claim, and thereupon and thenceforth, but no sooner, the owner shall have the like rights and powers under and in respect of the lease as if the same had been made by him instead of by the Corporation.

As to Cellar Dwellings.

Sections 117 and 118 of Sanitary Act, 1846, and sections 18, 19, and 20 of Sanitary Act, 1854, repealed.

31. Sections one hundred and seventeen and one hundred and eighteen of "The Sanitary Act, 1846," and sections eighteen, nineteen, and twenty of "The Sanitary Act, 1854," are hereby repealed, and from and after the passing of this Act no cellar dwelling within the borough shall be let or occupied which does not conform in all respects to the requirements contained in that behalf in the schedule to this Act annexed (except that as regards any cellar built before the passing of this Act the area at the rear thereof in the schedule mentioned shall not be required, and that as regards any back cellar built before the passing of this Act a window of larger dimensions than is now required by law shall not be required); and any person who shall let or suffer to be occupied any cellar dwelling which does not so conform shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding ten pounds for every day during which such offence shall be continued after conviction therefor; and for the purpose of this enactment every room the surface of the floor of which is more than four feet below the level of the nearest street shall, if intended to be used as a separate dwelling, be deemed a cellar dwelling; and every cellar which any person shall at any time apparently inhabit, or in which any person shall be found between the hours of eleven o'clock in the evening and five o'clock in the morning, shall be held and taken to be occupied as a separate dwelling.

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As to Buildings.

Corporation may relax certain provisions of former Acts, &c. in favour of labourers dwellings.

32. In any case of a block of labourers dwellings, with or without openings through the same, and consisting of more than fifty separate dwellings, the Corporation may, notwithstanding anything contained in any Act or byelaw now in force within the borough, by order under their common seal relax or modify, in such manner as they may deem expedient, all or any of the provisions with respect to height of buildings, courts, and open spaces contained in any such Act or byelaw: Provided that the borough engineer and medical officer of health shall jointly certify that in such relaxations or modifications adequate provision is made for the proper circulation of air and ventilation.

Corporation may make byelaws as to buildings, &c.

33. The Corporation may make byelaws with respect to all or any of the following matters; (that is to say,)

With respect to the structure or alteration of new buildings of public resort, for securing efficient means of egress therefrom in case of fire or accident:

For regulating the mode of securing balconies and other projections from buildings, and the construction of temporary or permanent galleries or platforms.

Additional Byelaws as to Street Traffic.

Corporation may make additional byelaws for regulating street traffic.

34. The Corporation may from time to time make byelaws for all or any of the following purposes; namely,

For the prohibiting at certain times, and subject to such exceptions as to the Corporation may seem fit, any cart or carriage from coming into, standing in, or passing along any street, except Regent Road, Waterloo Road, Bath Street, New Quay, the Goree, Strand Street, Wapping, and Sefton Street, and all streets westward of any of the said streets;

For prescribing the line to be kept by persons riding or driving, and the distances to be preserved between vehicles whilst traversing any crossing;

and such power to make byelaws shall be in addition to any existing power of the Corporation to make byelaws for the regulation of traffic.

As to Waterworks.

Power to make new works.

35. Subject to the provisions in this Act contained, and to the powers of deviation hereby given, the Corporation may make and maintain in the line and situation and upon the lands delineated in that behalf on the deposited plans and described in the book of reference, and according to the levels shown in that behalf in the

deposited sections, the aqueducts, pipes, and works following; (that is to say,)

(1.) An open cutting over the existing tunnel, aqueduct, or main pipe, called the Hilton House Tunnel, (forming part of the works executed by the Corporation under the powers of "The Liverpool Corporation Waterworks Act, 1847,") commencing at a point over the said existing tunnel, aqueduct, or main pipe where the same crosses under the Adlington and West Houghton turnpike road, and immediately adjoining the south side of the said turnpike road in the township of Blackrod and parish of Bolton-le-Moors, and terminating at a point eight and a half chains or thereabouts southward from the most southwardly shaft in the said tunnel in the township of West Houghton and parish of Dean, all in the county of Lancaster:

(2.) One or more pipe or pipes, with all necessary junctions, valves, works, and conveniences, in the said tunnel or aqueduct:

(3.) A line of conduit or main pipe wholly in the county of Lancaster, commencing in the township of Hindley in the parish of Wigan by a junction with the existing conduit or main pipe of the Corporation at a point thereon eight chains or thereabouts southward of the public house called "The Bird-i'-th'-Hand," thence passing in a southwardly direction through the said township of Hindley, the township of Abram, and the township of Ince, all in the said parish of Wigan, and terminating by a junction with the said existing conduit or main pipe of the Corporation in a field called "Great Waterspool," in the said township of Ince, in the occupation of John Robinson, and at a point three and a half chains or thereabouts from the northwardly side of the towing-path of the Wigan and Leigh Canal:

(4.) All such pipes, conduits, bridges, culverts, adits, cuts, drains, sluices, engines, and other works as may be necessary for carrying into execution the objects and purposes of this Act with respect to water.

Limits of deviation.

36. In constructing the said waterworks the Corporation may deviate to any extent, not exceeding the limits of deviation shown on the deposited plans, and may also deviate from the levels shown on the deposited sections to any extent not exceeding five feet: Provided nevertheless, that no such deviation either in the line or levels of the said pipes, except for the purposes in the two next

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following enactments mentioned, shall be made within lands and hereditaments belonging to the trustees of the Most Noble Francis late Duke of Bridgewater, situate in the parish of Wigan, without their consent in writing.

As to construction of works on lands of the Bridgewater trustees.

37. In constructing the said waterworks across any brook or watercourse within the said lands and hereditaments of the said Duke of Bridgewater's trustees, the pipes shall be so laid and the works so constructed and maintained to the reasonable satisfaction of the said trustees, or other the owner or owners for the time being of such lands and hereditaments, or their engineer, that the flow and passage of the water down the said brook or watercourse, and through the said lands and hereditaments, shall be as free and unintercepted as at the time of the passing of this Act.

Provision for alteration of pipes if required by Bridgewater trustees.

38. If at any time or times hereafter the owners for the time being of the said lands and hereditaments belonging to the said trustees of the late Duke of Bridgewater, or other the owners or owner for the time being of such lands and hereditaments, shall deem it expedient, by reason of the working of the mines or seams of coal and other minerals within or under such lands or hereditaments, or any sinking or subsidence of the surface thereof, or from any other cause, to construct or execute any excavations or other works for maintaining, securing, or improving the outfall of water therefrom, or the drainage of the said lands and hereditaments, or any part thereof, and it shall be found necessary or expedient for that purpose that the line or level of the pipes or other works of the Corporation should be varied or altered, the Corporation shall, at their own expense, from time to time, as need or occasion in that behalf shall require, on receiving three calendar months notice in writing so to do, cause, and procure the line or level of the said pipes or other works to be altered and varied to such extent and in such a manner as the engineer of the owners for the time being of the said lands and hereditaments shall from time to time reasonably require, and if any difference shall arise the same shall be referred to an engineer to be appointed by the president of the Institution of Civil Engineers.

For the protection of the Hindley local board.

39. The Corporation shall execute all works under the authority of this Act which may interfere in any way with the mains, pipes, sewers, and other property of the Hindley local board, to the reasonable satisfaction of the surveyor for the time being of that board, and nothing in this Act contained shall prejudice, diminish, alter, or take away any of the rights, privileges, or authorities of the Hindley local board, or any power they possess of constructing sewers or laying mains and pipes within their district.

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As to conduit crossing railway of London and North-western Railway Company.

40. The line of conduit or main pipe No. 3, where the same crosses the Manchester, Eccles, and Tyldesley and Wigan Branch Railway of the London and North-western Railway Company, shall, if required by that company, be laid and carried under that railway by means of a walled passage or culvert to be constructed by the Corporation, of such height and width as shall admit of such conduit or pipe being examined and repaired without interfering with or disturbing that branch railway or any of its works, and in all respects to the reasonable satisfaction and under the superintendence of the principal engineer of that company, and according to plans to be previously approved in writing by him; and such conduit or pipe for its entire length across such branch railway, and the lands and works thereto belonging, shall be of such material, dimensions, quality, and thickness as such engineer shall in writing require; and such conduit or pipe, walled passage or culvert, and all the works so to be constructed by the Corporation, shall be maintained by the Corporation, and such repairs effected to the reasonable satisfaction and under the superintendence of such engineer; and if and whenever the Corporation fail so to do, that company may make and do in and upon as well their own lands as the lands of the Corporation all such works and things as that company may reasonably think requisite in that behalf; and the sum from time to time certified by such engineer to be the reasonable amount of their expenditure in that behalf shall be repaid to that company by the Corporation, and in case of nonpayment may be recovered from the Corporation, with full costs, in any court of competent jurisdiction; and the Corporation shall not in any manner obstruct, hinder, or interfere with the free, uninterrupted, and safe user of the said branch railway or the traffic thereon.

Limiting compulsory purchase power affecting London and North-western Railway Company.

41. The Corporation shall not, without the consent of the London and North-western Railway Company in writing, under their common seal, purchase, take, enter upon, or use, temporarily or permanently, any lands or works belonging to that company, or any estate, right, easement, privilege, or authority in, over, or upon any such lands or works, or alter, vary, or interfere with the said branch railway of that company, or any of its works, except that the Corporation may purchase and take, and that company may and shall sell and grant to the Corporation, such easement as may be necessary for carrying the said line of conduit or main pipe in manner aforesaid under that branch railway, and for renewing and keeping the same in good repair.

Compensation in case of injury to

42. If by reason of any of the works or proceedings of the Corporation, or the failure of such works, the said branch railway of

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raiiway of London and North-western Railway way Company.

the London and North-western Railway Company, or of any of its works, shall be injured or damaged, such injury or damage shall be forthwith made good by the Corporation at their own expense, or in the event of their failing so to do then that company may make good the same, and recover the expense thereof, with full costs, against the Corporation in any court of competent jurisdiction; and if any interruption shall be occasioned to the traffic of that company or on such branch railway by reason of any of the operations or the failure of any of the works of the Corporation, the Corporation shall, on demand, pay to that company all costs and expenses to which they may be put, as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption, such costs and expenses and compensation to be recovered with full costs as aforesaid.

Provisions of Waterworks Act, 1847, sections 81, 84, 85, 86, 89, and 90, applied to this Act.

43. The provisions contained in sections eighty-one, eighty-four, eighty-five, eighty-six, eighty-nine, and ninety respectively of "The Waterworks Act, 1847," shall extend and apply, mutatis mutandis, to the waterworks authorised by this Act.

Period for completion of waterworks.

44. The waterworks hereby authorised, and numbered 1 and 3 respectively, shall be completed within five years from the passing of this Act; and on the expiration of such period the powers by this Act granted to the Corporation for making the same waterworks, or otherwise in relation thereto, shall cease, except as to so much thereof as shall then be completed.

Removal of restrictions as to fouling waters contained in "Liverpool Corporation Waterworks Act, 1847."

45. Sections one hundred and nine and one hundred and ten of "The Waterworks Act, 1847," are hereby repealed, and section sixty-one of "The Waterworks Clauses Act, 1847," shall apply to every stream, reservoir, aqueduct, or other waterworks belonging to the Corporation.

Repeal of provisions as to composition for water rates.

46. Section eighteen of "The Waterworks Act, 1850," section forty-six, and so much of section fifty-seven as relates to compounding of "The Waterworks Act, 1862," are hereby repealed, and (within the limits for the supply of water by the Corporation of "The Waterworks Act, 1847," and "The Waterworks Act, 1852,") section seventy-two of "The Waterworks Clauses Act, 1847," shall cease to apply, but this section shall not have any retro-active operation, or prejudice or affect any composition in force at the passing of this Act.

Assimilating provisions as to composition for water rates to provisions as to composition for other rates.

47. And with respect to the composition for water rates payable under the recited Waterworks Acts, the following provisions shall apply; (that is to say,)

1. Where the net yearly rateable value of any premises within the limits of the supply of water by the Corporation does

not exceed thirteen pounds, the owner shall from time to time, by way of composition for payment of the several rates under the recited Waterworks Acts, be rated upon a reduced estimate of three fourths of the net yearly rateable value of the premises, whether the same be occupied or not:

2. The amount of composition so payable by any owner, if in default, may be recovered by action or distress in the manner provided by the Sanitary Acts, 1846 and 1854, and all the provisions of those Acts with respect to the recovery by action or distress of composition or rates under those Acts shall apply to the recovery by action or distress of composition under this Act:

3. The occupier of any premises in respect whereof the owner is liable to pay composition for rates shall be liable to pay the composition due in respect of the premises, either at the date of his entry thereon or during his occupation thereof, but shall never be liable to pay any greater sum than the amount of the rent actually due from him for the premises; and he may deduct any amount paid by or recovered from him in respect of the composition from the rent due or from time to time becoming due from him, unless there be an agreement to the contrary, and the receipt for the amount so paid by or recovered from him shall, to that extent, be as against the owner in default a sufficient discharge of rent.

Corporation may supply water in bulk to any other corporation, &c., situate within limits of water supply.

48. The Corporation may contract with the municipal corporation of any borough situate within the limits of the supply of water by the Liverpool Corporation Waterworks, or with any local board constituted under "The Public Health Act, 1848," or "The Local Government Act, 1858," or any Act amending or extending those Acts respectively, and situate within the same limits, for a supply to such corporation or local board of water in bulk for domestic or other purposes for the whole or any part or parts of such borough, or of the district of such local board, upon such terms and conditions in all respects and for such periods as the Corporation and such other corporation or local board, as the case may be, may from time to time agree upon, and such supply may be respectively afforded and taken accordingly.

Exemptions from liability to supply water.

49. Nothing in this Act contained shall render the Corporation liable to supply water at any time when or under circumstances in which they are exempted from such liability under the provisions of the thirty-second section of "The Waterworks Act, 1866."

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As to Parks.

Power to acquire lands for additional or improved approaches, &c. to parks.

50. The Corporation from time to time, as they think fit, may appropriate any lands vested in them, and purchase by agreement the fee simple, whether in possession or reversion, of and in any lands, either within or without the limits of the borough, which they may think suitable for the making of additional or improved approaches and boundary roads to any park which the Corporation have already provided, or are authorised to provide under the powers in that behalf contained in "The Improvement Act, 1865," and any such purchase, and the making of any such additional or improved approach, and of any such boundary road, shall be respectively considered to be within the purposes of the said Act.

Corporation and local board may agree touching the purposes mentioned in the last section.

51. If for any of the purposes mentioned in the last section the Corporation shall deem it expedient to purchase any lands beyond the limits of the borough, or to enter into any contract or agreement with any local board touching the same purposes, or any or either of them, it shall be lawful for the Corporation and such local board from time to time mutually to enter into any agreements for all, any, or either of the said purposes, and to do such acts and things, and execute such conveyances and assurances, and to use such funds belonging to them respectively, and not otherwise specially appropriated, as may be requisite for the carrying into effect such agreements or the effecting such purposes.

Corporation may make byelaws as to parks, &c.

52. The Corporation may make byelaws for all or any of the following purposes relating to any park or place of public resort or recreation under their control, whether within or beyond the limits of the borough; (namely,)

For appointing and regulating keepers or servants employed therein:

For regulating the days and hours on or during which any footpath into or through the park or place may be closed, and during which the park or place is to be open or shut, and the terms of and prices for admission to the park or place on any special occasion: Provided that the days on which the park shall be shut shall not exceed seven days in the whole in any one year, and that on all other days no footpath shown upon the deposited plans as substituted footpaths for the public footpaths respectively authorised to be stopped up shall be closed between five o'clock in the morning and seven o'clock in the evening from the thirtieth of September to the first of April, or between five o'clock in the morning and ten o'clock in the evening on any other days, except as aforesaid:

For regulating the conduct of persons frequenting the park or place, and for prohibiting therein any preaching, religious service, lecture, or public discussion, and the holding of any meeting for religious or political purposes:

For prohibiting the beating, shaking, or cleaning of carpets:

For regulating the days on and hours during which and parts in which games and gymnastics are to be permitted therein:

For regulating the days on and hours during which and parts in which bands of music or other music are or is to be permitted therein:

For regulating refreshment rooms therein, and the days on and hours during which they are to be opened or shut, and the nature and price of the articles and things to be sold therein:

For regulating or preventing the admission of dogs therein:

For preventing males from intruding on or using playgrounds or other places therein set apart for the use of females, and vice versâ:

For regulating or preventing the admission of horses and vehicles therein:

For regulating the traffic, and, if thought necessary, prohibiting any particular kind of traffic, in any road within or forming an approach to or boundary roads of the park or place, and not being a public highway:

For protecting from injury buildings, terraces, fountains, bridges, walks, seats, fences, and other parts of or things belonging to the park or place, and for preventing the destruction or injury of aquatic or other birds, animals, trees, plants, shrubs, or flowers, and plucking of flowers and leaves therein:

For enabling the servants of the Corporation to exclude therefrom persons intoxicated or attired otherwise than in a decent manner, and to remove therefrom persons guilty of a breach of any byelaw relative thereto, or of any public law.

As to Coroner.

Power to Corporation to pay coroner by a fixed salary.

53. The Corporation may, if they think fit, pay to the coroner, for the performance of the several duties from time to time attaching to the office of the coroner, and in lieu of all fees and allowances from time to time payable to him by law for the performance of such duties, any clear annual sum by way of salary, not being less in any one year than the sums following; (that is to say,)

Eight hundred pounds, so long as the duties of the coroner are those now imposed on him by law;

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One thousand pounds, if and so long as the duties of the coroner are increased or extended beyond those now imposed on him by law;

One thousand pounds, if the Corporation require him to devote his whole time to the duties for the time being attached to the office of the coroner as herein-after provided;

and such salary shall be paid by equal monthly payments out of the borough fund; and whenever, from death, removal, or any other cause, the coroner shall not be entitled to salary for the whole of a month, a proportionate part of the salary shall be paid to him, or, in case of his death, to his personal representatives.

Costs of coroner's inquisition, &c. to be paid by Corporation, if coroner paid by salary.

54. From and after the commencement of such salary, the Corporation may from time to time, out of the borough fund, pay the salary of any clerks, the costs and expenses of any office, and all other disbursements which are requisite for or legally or reasonably incident to the performance of the duties of the coroner.

The Corporation may require the coroner to devote his whole time.

55. The Corporation may, if they think fit, require the present or any future coroner of the borough to devote the whole of his time to the duties for the time being attached to his office, and in that event shall pay to such coroner the annual salary of not less than one thousand pounds, in lieu of fees and allowances, as herein-before provided; but nothing in this enactment contained shall prevent such coroner from discharging the duty of a justice of the peace, provided such discharge shall not interfere with the discharge of the duties of or for the time being attached to his office as such coroner.

As to the keeping of Cattle.

License to keep cattle to specify the number to be kept.

56. Every license to use any premises for the keeping therein of any cattle granted to any person under the provisions of "The Improvement Act, 1867," after the thirty-first day of December one thousand eight hundred and seventy-one, shall specify the number of each description of animal included by this Act in the word cattle, which may be kept on such premises.

Penalty for keeping a greater number of cattle than is specified in license.

57. Every person who shall keep on any premises so as aforesaid licensed for the keeping therein of cattle a greater number of any description of animals by this Act included in the word cattle than is specified in such license, shall for every such offence forfeit any sum not exceeding twenty shillings in respect of every head of cattle so kept in excess of the number specified in such license, and a further penalty of ten shillings in respect of every such head of cattle for every day the offence continues after conviction therefor.

As to Marine Store Dealers, &c.

Retail dealers in metal to be deemed marine store dealers.

58. For the purposes of such of the provisions of the recited Acts and this Act, and any public general Act respectively, as from time to time are in force in the borough with respect to dealers in marine stores, all persons who from time to time after the thirty-first day of December one thousand eight hundred and seventy-one in any way deal by retail, by way of purchase, in any metal in a less quantity upon any one transaction than one hundred and twelve pounds in weight, except by way of exchange for manufactured goods, or for the purpose of themselves manufacturing or using such metal, shall be deemed marine store dealers, and those provisions shall be read and have effect accordingly.

Corporation may make byelaws as to marine store dealers, &c.

59. The Corporation may make byelaws for all or any of the following purposes with respect to any person who shall carry on the business of a dealer in marine stores; (namely,)

For requiring every person carrying on such business to enter in a book the description and the price of all articles purchased or acquired by him, whether the same be second-hand goods or articles, or marine stores or not, and the date and time when, and the name, address, and occupation of the person from whom the same is purchased or otherwise acquired, and any other particulars they think fit:

For securing free access to every such book to the Corporation, their officers and servants, and persons authorised by the Corporation to inspect the same:

For securing to the Corporation, their officers and servants, free access to all places in which any person shall carry on such business as aforesaid:

For preventing any person carrying on such business as aforesaid from purchasing any new or second-hand goods or articles, or marine stores, from any person apparently under the age of sixteen years:

For fixing the times during which such places of business shall remain open or closed.

As to Offences.

Penalty for certain offences.

60. Every person who shall, within the borough, commit any of the following offences; (namely,)

Every person who shall negligently steer or direct any timber carriage or any vehicle whereon is conveyed any tree, timber, or iron beam;

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Every person who shall wilfully throw or place in any street or on any uninclosed public or private place any poisonous substance, or any substance deleterious to health or dangerous to life or limb;

Every person who shall erect any crane, hoist, or lift, or other appliance for lifting or lowering any goods or thing in such a position on his own land as shall be dangerous to the public, without providing, to the satisfaction of the Corporation, a screen or fence for the protection of the public,

shall be liable to a penalty not exceeding forty shillings, and a penalty not exceeding twenty shillings for every day during which the offence shall continue.

Extending provisions of section 154 of Improvement Act, 1842, to persons who wilfully extinguish any public lamp.

61. The provisions as to the inflicting of a penalty, and making satisfaction for damage, and the application of such penalty, contained in section one hundred and fifty-four of the Improvement Act, 1842, shall extend and be applicable to every person convicted under the provisions of that section of wilfully extinguishing the light of any public lamp.

Regulations as to Dogs.

Regulations as to dogs.

62. The following regulations as to dogs shall have effect within the borough; (namely,)

The police may take possession of any dog found in any street, and not under the control of any person, and may detain such dog until the owner has claimed the same, and paid all reasonable expenses incurred by reason of such detention:

The mayor of the borough, if he see fit, may from time to time issue a notice or order requiring (during a period to be specified in such notice or order) any dog while in the streets, and not led by some person, to be muzzled in such a manner as will admit of the animal breathing and drinking without obstruction; and the police may take possession of any dog found loose in any streets without such muzzle during the currency of such notice or order, and may detain such dog until the owner has claimed it, has provided a proper muzzle, and has paid all reasonable expenses connected with such detention:

Where any dog taken possession of by the police wears a collar with the address of any person inscribed thereon, a letter stating the fact of such dog having been taken possession of shall be sent by post to the address inscribed on the collar:

The head constable of the borough may cause any dog which has remained in the possession of the police for at least three clear days, without the owners claiming the same and paying all

expenses incurred by its detention, to be sold, destroyed, or disposed of:

Any moneys arising from the sale of any dogs in pursuance of this section shall be applied in the manner in which penalties under this Act are applicable:

When, upon complaint to any justice that any dog has bitten or attempted to bite any person within the borough it appears to the said justice having cognizance of such complaint that such dog ought to be destroyed, the said justice may direct the dog to be destroyed, and any police constable may destroy the same accordingly:

All dogs detained by the police under this section shall be properly fed.

As to Rates.

Power for Corporation to levy 1871 Improvement Rate.

63. The Corporation once in every year, or oftener if they think necessary, may make a rate, to be called "The 1871 Improvement Rate," and such rate shall be made and levied on every person who holds, uses, or occupies any house, shop, warehouse, counting-house, coach-house, stable, cellar, vault, building, workshop, manufactory, garden, land, or tenement whatsoever, or any yard or other place where any goods or other property are deposited or any business carried on, situate within the borough, which for the time being shall be actually and lawfully included in any rate or assessment made for the relief of the poor in the said borough or any part thereof, and such rate shall be made according to the full net annual value thereof respectively, and shall from time to time be collected and paid by yearly payments or at shorter periods, as the Corporation from time to time think proper and appoint, and shall commence from such time as the Corporation appoint: Provided that the said improvement rate shall not in the aggregate exceed in any one year one halfpenny in the pound on the full net annual value of the premises rated.

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

64. No person shall be rated to "The 1871 Improvement Rate" in respect of any church, chapel, or other building exclusively used for public worship, or in respect of any rentcharge in lieu of any rectorial or vicarial tithes, or in respect of any building used for the education of the poor exclusively.

Certain persons to be rated at one fourth of actual value for purposes

65. No person occupying land used as arable, meadow, or pasture ground only, or as woodland, market garden, or nursery ground, or any land covered with water and used only as a dock or a canal, or the towing-path thereof, or as a railway made under

of 1871 Improvement Rate.

the powers of any Act of Parliament for public conveyance, shall be rated in respect of the same to the 1871 Improvement Rate in any greater proportion than one fourth part of the net annual value thereof.

Certain rating provisions of Improvement Acts of 1858 and 1867 respectively extended to 1871 Improvement Rate.

66. Except only as it is by this Act otherwise expressly provided, sections seventeen to twenty-two and twenty-four to thirty-two, all inclusive, of the Improvement Act, 1858, and sections sixty-eight, sixty-nine, and seventy of the Improvement Act, 1867, shall extend and apply, mutatis mutandis, to the 1871 Improvement Rate, and are accordingly incorporated with this Act.

Cesser of 1871 Improvement Rate.

67. When and so soon as the several purposes of this Act to which by this Act moneys raised by the 1871 Improvement Rate are made applicable are effected, and the principal moneys secured under this Act by mortgages of that rate, and all interest thereon, and all expenses incurred by the Corporation in carrying those purposes into effect, are repaid, moneys raised by the 1871 Improvement Rate shall no longer be applicable for any purposes of this Act, and the 1871 Improvement Rate shall no longer be levied.

Limit of public parks, &c. rate increased.

68. So much of section twenty-three of "The Improvement Act, 1865," as enacts that the public parks, &c. rate shall not exceed in any one year fivepence in the pound on the value of the premises rated is hereby repealed, and in lieu thereof it is hereby enacted that the said rate shall not exceed in any one year sixpence in the pound on the net annual value of the premises rated.

Rent of portion of municipal offices used for sanitary purposes to be paid out of general rate levied under section 151 of Sanitary Act, 1846.

69. The Council may charge the Health Committee of the borough such annual rent as they think equitable for the use of that portion of the municipal offices situate in Dale Street in the borough which is occupied for sanitary purposes, and such annual rent shall be paid out of the "General Rate" levied under section one hundred and fifty-one of "The Sanitary Act, 1846."

As to the Borrowing of Money, &c.

Borrowing power of Corporation under Improvement Act, 1864, further increased by 98,000*l.*

70. The amount which, under the authority of the Improvement Act, 1864, the Corporation may from time to time borrow and re-borrow, and apply for the purposes of that Act, which amount was by the Improvement Act, 1867, increased from three hundred thousand pounds to four hundred and fifty thousand pounds, is hereby further increased to five hundred and forty-eight thousand pounds; and all the provisions of the Improvement Act, 1864, with respect to the three hundred thousand pounds thereby authorised to be borrowed, and the interest thereon, and the securities for the same, and all incidental matters, shall, from and after the passing

of this Act, and except only as is by this Act otherwise expressly provided, be read and have effect as if the sum by the Improvement Act, 1864, authorised to be borrowed were five hundred and forty-eight thousand pounds instead of three hundred thousand pounds.

Borrowing power of Corporation under Improvement Act, 1865, increased.

71. The amounts which the Corporation from time to time, under the authority of the Improvement Act, 1865, may borrow and re-borrow on the credit of the Improvement Rate, 1865, and the Public Parks, &c. Rate respectively, are hereby increased as follows; (namely,)

On the credit of the Improvement Rate, 1865, from the sum of two hundred thousand pounds to two hundred and fifteen thousand pounds;

On the credit of the Public Parks, &c. Rate, from the sum of five hundred thousand pounds to five hundred and seventy-five thousand pounds;

and all the provisions of that Act with respect to the several sums of two hundred thousand pounds and five hundred thousand pounds thereby authorised to be borrowed, and the interest thereon respectively, and the securities for the same respectively, and all matters respectively incidental thereto, shall, from and after the passing of this Act, and except only as is by this Act otherwise expressly provided, be read and have effect as if the sums by that Act authorised to be borrowed were two hundred and fifteen thousand pounds, instead of two hundred thousand pounds, and five hundred and seventy-five thousand pounds, instead of five hundred thousand pounds.

Section 78 of Improvement Act, 1867, as to application of money explained.

72. The purchase of lands adjoining to and on the eastern side of the public library and museum, being the improvement No. 55 authorised by the Improvement Act, 1867 (section 8), shall be deemed to be a street improvement within the meaning of section seventy-eight of that Act, and a purpose for which the moneys mentioned in that section are under the powers thereof thirdly applicable.

Power to borrow on mortgage of Improvement Rate, 1871.

73. The Corporation may from time to time borrow, and, except so far as the same may be paid off by the sinking fund herein-after mentioned, re-borrow at interest, on mortgage of the 1871 Improvement Rate, any sums not exceeding in the whole the sum of thirty-two thousand pounds.

Provisions of Improvement Act, 1858, as to mortgages,

74. All the provisions of sections thirty-five to forty-seven (both inclusive) of the Improvement Act, 1858, shall extend and apply, mutatis mutandis, to the moneys borrowed under this Act on mort-

to apply to mortgages under this Act.

gage of the 1871 Improvement Rate, and all incidental matters, and are accordingly incorporated with this Act.

Borough fund may be collateral security for moneys borrowed under Act.

75. By way of additional security for any of the moneys from time to time borrowed by the Corporation under the authority of this Act on mortgage of the 1871 Improvement Rate, the Corporation, if and when they so think fit, may comprise in all or any of the mortgages the borough fund and any of the corporate estates and property of the Corporation, provided that the rate comprised in any such mortgages shall be the primary fund for satisfying those mortgages.

Application of moneys borrowed under Act on mortgage of 1871 Improvement Rate, &c.

76. All moneys from time to time borrowed under this Act on mortgage of the 1871 Improvement Rate, and all moneys from time to time received by the Corporation under this Act from the yearly and other rents and profits of any lands acquired by them at the expense of that rate, or of money borrowed on mortgages of that rate, shall from time to time be applied as follows; (that is to say,)

First, in payment of the costs, charges, and expenses of and incident to the preparing, applying for, and the obtaining and passing of this Act; and, subject thereto,

Secondly, in payment, but not out of money borrowed, of the interest from time to time due and owing upon all moneys secured under this Act by mortgages of the 1871 Improvement Rate; and, subject thereto,

Thirdly, in carrying into execution the purposes of this Act with respect to street improvements; and, subject thereto,

Fourthly, in providing (but not out of money borrowed) the sinking fund, by this Act required, with respect to moneys secured under this Act by mortgages of the 1871 Improvement Rate, and in repayment of the principal moneys secured by those mortgages; and, subject thereto,

Fifthly, the eventual surplus shall be carried to the borough fund, and be applicable accordingly.

Repeal of section 34 of Improvement Act, 1858, as to sinking fund.

77. And whereas by the Improvement Act, 1858, (section 34,) provision is made for the formation of a sinking fund for the paying off moneys borrowed under the authority of that Act, which provision is, together with certain other provisions contained in sections 35 to 37 (both inclusive) of that Act, extended by the Improvement Act, 1861, (section 16,) the Improvement Act, 1864, (section 18,) the Improvement Act, 1865, (section 27,) and the Improvement Act 1867, (section 72,) to the moneys borrowed under the authority of those Acts respectively on the security of the Improvement Rate

levied under the same Acts, and by the Improvement Act, 1865, (section 27,) to moneys borrowed under the authority of that Act on the security of the Public Parks, &c. Rate respectively; and the same provision is inconvenient of application, and requires amendment: Therefore, section 34 of the Improvement Act, 1858, is hereby repealed, and section 16 of the Improvement Act, 1861, section 18 of the Improvement Act, 1864, section 27 of the Improvement Act, 1865, and section 72 of the Improvement Act, 1867, shall be read as though in those sections respectively sections 35 to 47 of the Improvement Act, 1858, were mentioned, instead of sections 34 to 47, as the sections of that Act, the provisions of which are so extended.

Sinking fund for discharge of moneys borrowed by Corporation on Improvement Rates of 1858, 1861, 1864, 1865, 1867, and 1871.

78. In order to discharge the principal moneys respectively borrrowed on the security of the Improvement Rates authorised to be levied by the Improvement Act, 1858, the Improvement Act, 1861, the Improvement Act, 1864, the Improvement Act, 1865, and the Improvement Act, 1867, and this Act respectively, the Corporation shall every year appropriate out of each of those rates a sum equal to one fiftieth part of the sums borrowed on the security of the rate, after giving credit for moneys received in respect of the sales of surplus land acquired at the expense of that rate, or by money borrowed on the security of that rate, to constitute a sinking fund, to be from time to time invested on such security as the Corporation think fit, and to be increased by accumulation in the way of compound interest, or otherwise, until the same is of sufficient amount to pay off the principal debts or some part thereof then owing on the security of the rate from which such sinking fund is created, and which the Corporation shall think ought then to be paid off, at which time the same sinking fund shall be so applied in paying off the debts to which it is so applicable.

Sinking fund for discharge of moneys borrowed by Corporation on security of Public Parks, &c. Rate.

79. In order to discharge the principal money borrowed on the security of the Public Parks, &c. Rate, the Corporation shall every year appropriate out of the said rate a sum equal to one hundredth part of the sums so borrowed, after giving credit for moneys received in respect of the sales of surplus land acquired at the expense of that rate, or by money borrowed on the security of that rate, for a sinking fund, to be from time to time invested on such security as the Corporation think fit, and to be increased by accumulation in the way of compound interest or otherwise until the same is of sufficient amount to pay off the principal debts, or some part thereof, then owing on the security of that rate, and which the Corporation think ought then to be paid off, at which

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time the same sinking fund shall be so applied in paying off such debts.

Power to borrow money on Waterworks Account.

80. The Corporation may from time to time borrow and reborrow at interest on the credit of the Liverpool Water Account such sums of money in addition to any sums already borrowed or authorised to be raised by the said herein-before mentioned Waterworks Acts as the Corporation think fit, not exceeding in the whole the sum of forty thousand pounds.

Mortgages clause.

81. All the provisions of the Sanitary Act, 1846, with regard to any money borrowed upon and secured by mortgage of the rates by that Act authorised, and which are respectively contained in sections one hundred and eighty-five to one hundred and ninety-six (both inclusive) of the same Act, section thirty-five of the Sanitary Act, 1854, and (subject to the provisions of this Act), section fifteen of "The Waterworks Act, 1850," shall extend and apply, mutatis mutandis, to all mortgages, bonds, and assignments on the security of the Liverpool Water Account under the powers and provisions of this Act, as fully as if the same were herein repeated and re-enacted.

Application of moneys borrowed under this Act on mortgage of "The Liverpool Water Account."

82. All moneys from time to time borrowed on mortgage of the Liverpool Water Account under this Act, and all moneys from time to time received by the Corporation under this Act from the yearly and other rents and profits of any lands acquired by them at the expense of that account, or of money borrowed on the security of that account, shall from time to time be applied as follows; (that is to say,)

First, in payment (but not out of money borrowed) of the interest from time to time due and owing upon all moneys secured under this Act by mortgages of the Liverpool Water Account; and, subject thereto,

Secondly, in carrying into execution the purposes of this Act with respect to waterworks; and, subject thereto,

Thirdly, the eventual surplus (if any) shall be carried to the credit of the Liverpool Water Account, and be applicable accordingly.

Priority of existing mortgages of rates.

83. All mortgages of any rates or account granted by the Corporation before the passing of this Act, and in force at the passing thereof, shall, while in force, have priority over all mortgages of the same several rates and account respectively granted by the Corporation in accordance with this Act.

Mortgagees not bound to see to

84. Any person lending money to the Corporation shall not be bound or entitled to inquire as to the observance by them of any

provision of this Act, or be bound to see to the application or be accountable for any loss, misapplication, or non-application of such money or any part thereof. A.D. 1871. application of money, &c.

As to Acquisition and Sale of Lands.

85. Subject and according to the provisions of this Act, the Corporation may from time to time enter upon, take, and use all or any of the lands delineated on the deposited plans and described in the book of reference. Power to take lands.

86. If any omission, mis-statement, or wrong description of any lands, or of any owner, lessee, or occupier of any lands, described in or intended or purporting to be described in the deposited plans and book of reference, be discovered, the following provisions shall have effect; videlicet, Correction of errors as to lands.

The Corporation may apply to two justices for the correction thereof, giving ten days notice in writing to the owners, lessees, and occupiers of the lands affected by the proposed correction:

If it appear to such justices that the omission, mis-statement, or wrong description arose from mistake, they shall certify the same, stating in the certificate the particulars of the omission, mis-statement, or wrong description:

The certificate shall be deposited with the clerk of the peace for the county of Lancaster, who shall safely keep the same in like manner and subject to the like regulations as the deposited plans and book of reference:

Thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate, and the Corporation may enter on, take, and use the lands for the several purposes to which they are appropriated by this Act, in accordance with the certificate, as if there had not been any omission, mis-statement, or wrong description:

A copy of or an extract from such certificate, purporting to be under the hand of the clerk of the peace aforesaid, (which copy or extract he shall give when required under his hand to any person interested,) shall be conclusive evidence of such correction.

87. And whereas in the case of the premises required for the improvement No. 7 portions only thereof will be sufficient for the purpose of effecting that improvement, and those portions can be severed from the remainder of such premises without any material detriment thereto: Therefore, notwithstanding section ninety-two Owners, &c. may be required to sell part of premises.

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of "The Lands Clauses Consolidation Act, 1845," the owner, lessee, and occupier of any premises comprised in the improvement No. 7 may be required to sell and convey to the Corporation the part only of the premises required for the said improvement, where for any such purpose the Corporation require to take any garden, forecourt, yard, area, or land belonging or appurtenant to such building, without taking or interfering with any part of the walls of the building, the Corporation paying for the part so required, and compensation for any damage sustained by the owners, lessees, and occupiers by reason of the execution of the works or of the severance.

Corporation to give notice before taking dwellings of labouring classes.

88. The Corporation shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either in whole or in part by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice, placed in public view upon or within a reasonable distance from the houses, and the Corporation shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Corporation have, in manner required by this section, made known their intention to take the same.

Limitation of time for compulsory purchase of land.

89. The powers of the Corporation for the compulsory purchase of lands for any of the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

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

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

Power to acquire additional lands by agreement.

91. The Corporation may from time to time, for all or any of the purposes of this Act, by agreement, acquire, either by purchase or by way of lease, hire, exchange, or otherwise, any land, or any estate, term, or interest therein, or any easement, power, or privilege therein, thereunder, thereover, or thereupon, not being an easement or privilege of water, which shall be deemed necessary by the Corporation, and may appropriate all or any part thereof for all or any of the purposes of this Act.

Consideration for such acquisition.

92. The consideration for any such acquisition may be either money or land, or any yearly sum or rentcharge or other rent, or a

mixed consideration of money and land, and on any exchange the Corporation may give or take any money for equality of exchange.

Persons under disability may exchange and lease.

93. The person by "The Lands Clauses Consolidation Act, 1845," empowered to sell and convey or release lands may agree to make and may make such exchanges and leases respectively, and may grant in fee or demise any such easement, power, or privilege as aforesaid, and for the purposes of this Act the several provisions of the same Act, and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," so far as the same are respectively applicable in that behalf, shall extend and apply to any such easement, power, or privilege, and to any rentcharge created on any sale of lands.

Corporation may use their own lands for purposes of Act.

94. The Corporation from time to time may appropriate and use for any of the purposes of this Act any lands from time to time vested in them, and being part of their corporate estates.

Site of the municipal offices in Dale Street to be paid for out of capital personal estate of Corporation.

95. The cost of and incidental to the purchase of the site for the municipal offices erected by the Corporation in Dale Street in the said borough shall be paid out of the capital personal estate of the Corporation, and the purchase of such site shall not be deemed to be a purpose of the Improvement Act, 1858, to be carried into execution under that Act, or for which moneys are to be applied under section forty-eight of the said Act.

Lands acquired by Corporation under Act to form part of corporate estates.

96. All lands from time to time acquired by the Corporation under this Act shall, while vested in them, form part of their corporate estates.

Corporation may sell or lease land not required for purposes of Act.

97. Subject to the provisions of this Act, the Corporation from time to time, if and when they think fit, may sell or exchange and absolutely dispose of, or otherwise, at their option, demise or grant upon building or other leases, for any yearly rent, with or without fine, for such estate, term, or interest, and to such persons, and with, subject to, on, and under such reservations, covenants, terms, and conditions as the Corporation think fit, all or any part of the lands acquired by them under or by virtue of this Act, and not required for the purposes for which they were acquired or of this Act, and the lands adjoining to and on the eastern side of the Public Museum and Library, which shall not be appropriated for the purposes of street improvements, or as a site for additional buildings for the purposes of the Museum Act, 1852; and the Corporation may make any such sale or lease by public auction, public tender, or private contract, and with or without special conditions and stipulations as to evidence or commencement of title or otherwise, and may fix reserved biddings and prices, buy in at

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auctions, and alter or rescind, on terms or gratuitously, any contract for sale or lease, and, either before or after such conveyance or lease is granted, may in like manner sell and dispose of any rent reserved or agreed to be reserved for any such lands, and the reversion and inheritance in fee simple in possession (subject to any such lease or agreement of or concerning such lands) of any such lands.

Proceeds of sale of municipal offices in Cornwallis and Duke Streets to be applied in payment of moneys borrowed under Sanitary Act, 1846.

Repeal of parts of sections 13 and 48 of Improvement Act, 1858.

98. The following portions of the Improvement Act, 1858, are hereby repealed, (namely,) so much of section thirteen as enacts that the Corporation shall apply to the purposes of that Act, or towards the repayment of any money they may borrow under the authority of that Act, the proceeds of the sale of all or any part of the public offices of the Corporation in Cornwallis Street and Duke Street in the said borough, and the yards and buildings in connexion therewith, and so much of section forty-eight as enacts that all moneys received by the Corporation from the proceeds of the sale of the said public offices shall be applied in paying off money borrowed under the authority of that Act, or so far as the same will extend in lieu of borrowing money authorised to be borrowed under that Act; and the Corporation shall apply the proceeds of such sale towards the repayment of moneys borrowed under the authority of the Sanitary Act, 1846.

Application of moneys received on sale, &c. of lands.

99. All principal moneys from time to time received by the Corporation as net proceeds of any sale or other disposition, lease, or grant, or by way of fine on the lease of any lands acquired under the powers of this Act, or with moneys by this Act authorised to be raised, shall from time to time be applied in paying off moneys borrowed for the purposes for which the said lands from which such principal moneys arise were acquired, and the borrowing powers of the Corporation shall be reduced to the extent of the moneys so paid off.

As to the licensing of Easements by Corporation, &c.

Power to Corporation to grant licenses of easements.

100. The Corporation may grant to the owner, or, with consent of the owner, to the lessee or occupier of any premises abutting on any street, a license to use a way (exclusive or otherwise) for himself, his servants and agents, at all times, with or without cattle, horses, carts, and carriages, by means of a bridge over or a tramway across such street, for such term as shall be co-extensive with or less than the interest of such owner, lessee, or occupier in the premises in respect of which such license shall be given, but not exceeding twenty-one years, on such terms or at such rent, and

with, under, and subject to such covenants, conditions, and agreements as to the Corporation may seem fit: Provided that no such tramway shall be constructed at such an angle across any such street as that the length of such tramway within such street shall exceed twice the width of the street at the point where the tramway so crosses: Provided also, that any license given under this power shall not in any way interfere with the convenience of persons using such street, or affect the rights of the owners of the property adjoining and up to the line of the street.

Moneys in respect of rights of way may be recovered by action or distress.

101. If any person fails to pay to the collector, after seven days notice, the moneys due by him to the Corporation in respect of any such right of way, the Corporation may recover such moneys, with the costs and expenses, by proceeding in any court of competent jurisdiction, or any justice may, on the application of the Corporation, summon such person to appear before him or any other justice at the time mentioned in the summons, to show cause why the moneys so due from him should not be paid, and in case sufficient cause for the nonpayment thereof be not shown, the same, with such costs as to the justice seem reasonable, may be levied by distress, and such justice may issue his warrant accordingly.

As to Execution of certain Provisions of the Act with respect to Works.

Power to enter and inspect.

102. The Corporation, by their officers and servants, may (but, unless by this Act otherwise permitted, only at reasonable times in the daytime, and after twenty-four hours notice to the occupier of the premises, or, if there is no occupier, to the owner,) from time to time enter any lands for the purpose of inspecting any works or buildings in progress of construction or alteration, or of making such examination as may be necessary to ascertain whether the provisions of this Act, or of any byelaw thereunder, have been complied with, or of carrying into execution any of the powers contained in this Act or in any such byelaw, without being deemed trespassers, or liable to any action, indictment, or other proceeding on account thereof.

Penalty on occupiers opposing execution of Act.

103. In case the occupier of any building or lands prevents the owner thereof from carrying into effect in respect thereof any of the provisions of this Act, or of any byelaws thereunder, or any order of the Corporation, then, after notice of this provision given by the owner to the occupier, any justice, upon proof thereof, may make

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an order in writing requiring the occupier to permit the owner to execute all such works with respect to such building or lands as may be necessary for carrying into effect the provisions of this Act, or of any such byelaw or order; and if, after the expiration of ten days from the service of such order of such justice, the occupier continues to refuse to permit the owner to execute any such work, he shall, for every day during which he so continues to refuse, be liable to a penalty not exceeding five pounds, and during the continuance of such refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work.

As to the Recovery of Expenses for Works, &c.

Recovery of expenses of works from owners and others.

104. All expenses by this Act, or any byelaw thereunder, made payable by or recoverable from the owner of any building or lands, or from the occupier of any building or lands, or from any other person, shall, if not paid on demand, be recoverable by the Corporation, and if not paid within one calendar month after demand, then with interest thereon from the expiration of such month, at the rate of five pounds per centum per annum, either as a debt from such owner, or from such occupier, or from such other person (as the case may be), in any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or of such occupier, or of such other person (as the case may be), and any justice may issue his warrant accordingly.

Provisions of Sanitary Acts, 1846 and 1854, as to recovery of expenses for works extended to this Act.

105. Sections 99 to 104, both inclusive, of the Sanitary Act, 1846, and sections 30 and 32 of the Sanitary Act, 1854, shall extend and apply, mutatis mutandis, to the costs, charges, and expenses recoverable from owners and occupiers (as the case may be) in respect of works executed by the Corporation under the provisions of this Act, or any byelaw thereunder, and those sections are accordingly incorporated with this Act.

Unpaid frontage charges for sewerage, &c. to be paid by subsequent owners of property in respect of which they arise.

106. Any moneys payable by the owner of any house, building, or land, in respect of sewerage or drainage, under the provisions of this Act, or of sections 8, 9, and 10 of the Sanitary Act, 1854, and not so paid, shall be payable by such owner or any subsequent owner of such house, building, or land, and shall be recoverable in the manner provided in the Sanitary Act, 1854, for the recovery of rates, or in the manner provided by the several sections of the Sanitary Act, 1846, numbered from 99 to 104, both inclusive.

General Provisions as to Byelaws.

Regulations as to byelaws.

107. With respect to byelaws to be made by the Corporation under the express provisions of this Act, the following provisions shall take effect; (namely,)

1. The Corporation may from time to time repeal, alter, or amend any such byelaw:
2. Nothing in this Act shall authorise the Corporation to make any byelaw repugnant to law or to this Act:
3. All byelaws shall be reduced into writing, and be under the common seal of the Corporation:
4. The Corporation may, by any byelaw, impose penalties for offences against the same, not exceeding, in respect of any offence, five pounds, so that all byelaws be so framed as to allow of part only of the maximum penalty being inflicted:
5. The Corporation may, by any byelaw, impose, in addition to such last-mentioned penalties, a daily penalty not exceeding ten shillings for every day during which any offence shall continue after notice shall have been given by the Corporation to the person offending against such byelaws:
6. Penalties under byelaws shall be recoverable as penalties for offences under this Act are recoverable:
7. Any byelaw shall not take effect until it is allowed by one of Her Majesty's Principal Secretaries of State (who may allow or disallow the same, as he thinks proper, and from time to time repeal or vary the same); and any such byelaw shall not be allowed unless notice of intention to apply for allowance of the same is given by placards posted outside the town hall, and by advertisement in the London Gazette, and in two at least of the newspapers published in Liverpool, weekly for three successive weeks, not less than one month before the making of such application; and for one month at least before such application a copy of the proposed byelaw shall be kept at the office of the town clerk, and be open during office hours thereat to the inspection of the ratepayers of the borough and persons affected by the same, without payment, and the town clerk shall furnish a copy thereof or of any part thereof to every ratepayer or person affected by and applying for the same, on payment of sixpence for every hundred words in such copy, or if the proposed byelaw has been printed by the Corporation, then at such reasonable price, not exceeding twopence for each copy, as the Corporation direct:

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8. All byelaws, when allowed, shall be printed, with the date at which they are made, and the town clerk shall keep a printed copy thereof at his office, and all persons may at all reasonable times inspect such copy without payment; and the Corporation shall cause a printed copy, signed or purporting to be signed by the town clerk, of all byelaws for the time being in force, to be supplied to every person applying for the same, on payment by him of any sum not exceeding sixpence for every such copy, and a printed copy, signed or purporting to be signed by the town clerk, of the byelaws for the time being in force relative to any particular subject, to every person applying for the same, on payment by him of any sum not exceeding threepence for every such copy:

9. Proper extracts from the byelaws, painted, printed, or placed on boards, may be set up and kept exhibited in places to which such extracts relate, or in such conspicuous or suitable places as the Corporation think fit:

10. A printed copy of byelaws, dated and purporting to be allowed as aforesaid, and to be signed by the town clerk, shall be primâ facie evidence of the existence and of the due making and allowance of such byelaws, without proof of the signature of the town clerk, or of such making and allowance.

As to Notices, Summonses, &c.

Form, authentication, and service of notices, &c. by Corporation.

108. Any notice, order, resolution, declaration, requisition, demand, license, summons, or other instrument, made, given, delivered, or served under this Act, or any of the former Acts, or any byelaw, by the Corporation, may be either in print or in writing, or partly in print and partly in writing, and shall be sufficiently authenticated by the name of the town clerk, or of the borough engineer, or other proper officer, according to the subject of the particular document, being affixed thereto, in print or in writing, on behalf of the Corporation; and it shall be sufficient, in all cases where any such notice, order, resolution, declaration, requisition, demand, license, summons, or other instrument is required to be given to or served upon the owner or occupier of any property, to address such notice, order, resolution, declaration, requisition, demand, license, summons, or other instrument to such owner or occupier, by his description as owner or occupier (as the case may be) of the property (naming it) in respect of which the notice, order, resolution, declaration, requisition, demand, license, summons, or other instrument is given or served, without further

name or description; and any such notice, order, resolution, declaration, requisition, demand, license, summons, or other instrument may be served upon any owner, occupier, or other person, either personally or by sending the same through the post in a registered letter addressed to him by name at his last place of abode or business, or by delivering the same to some inmate at his last known or usual place of abode or business, or, in case of an occupier, to any inmate of the building in respect of which such notice, order, resolution, declaration, requisition, demand, license, summons, or instrument is given or served, or if the property is unoccupied, and the place of abode or business of the person to be served is, after due inquiry, unknown, it shall be sufficient to affix such notice, order, resolution, declaration, requisition, demand, license, summons, or instrument, or a copy thereof, upon some conspicuous part of such property.

As to Compensation, &c.

Compensation for buildings demolished under the Sanitary Act, 1864, to be applied as though it were purchase money for such buildings.

109. The compensation to be ascertained under section twenty-one of the Sanitary Act, 1864, for buildings required to be demolished under the provisions of that section, shall, for all purposes whatsoever with respect to the payment, receipt, and application thereof, be deemed to be purchase money for such buildings, whether the site thereof be or be not retained by the owner, and shall be applied accordingly.

Compensation, &c. not otherwise provided for, to be ascertained and recovered in mode prescribed in Improvement Act, 1842.

110. When any compensation, damages, costs, charges, or expenses is or are by this Act directed to be paid, and no method is herein provided for the ascertaining, determining, and recovering the same respectively, they shall respectively be ascertained, determined, and recovered as compensation, damages, costs, charges, and expenses are, by the Improvement Act, 1842, to be ascertained, determined, and recovered, and sections three hundred and twenty-six and three hundred and twenty-seven of that Act are accordingly, mutatis mutandis, extended to and incorporated with this Act.

Damages and charges in cases of dispute to be settled by justice.

111. When any damages or charges are by this Act directed or authorised to be paid or recovered, in addition to any penalty for any offence in this Act mentioned, the amount of such damages or charges may be settled and determined by the justice before whom the offender is convicted, and may be levied by distress.

As to Penalties and Legal Proceedings.

Recovery and application of penalties, &c.

112. All penalties and forfeitures imposed by this Act or any byelaw thereunder shall be recoverable and applied in like manner

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as penalties and forfeitures are by the Improvement Act, 1842, made recoverable and applicable, and sections three hundred and thirty to three hundred and forty-nine, both inclusive, of that Act, are accordingly, mutatis mutandis, extended to and incorporated with this Act.

Power to order prosecutions, &c.

113. The Corporation may direct any prosecution or proceeding against any person for any offence against this Act, or any matter arising under this Act.

Punishment of abettors, &c.

114. Where the doing of any act or thing is made punishable by this Act, or by any byelaw thereunder, the causing or procuring such act or thing to be done, or the aiding or abetting the doing thereof, shall be punishable in like manner, if the nature of the case permits, and if an intention to the contrary does not appear in this Act.

Penalties on repetition of offences.

115. Where by this Act any pecuniary penalty or other punishment is imposed in respect of any offence described in this Act, then and in every such case, if the nature of the case permits, and if an intention to the contrary does not appear in this Act, such penalty or punishment may be inflicted for every repetition of such offence.

Evidence of previous conviction.

116. The justice before whom any person is convicted of any offence may transmit the conviction to the next court of quarter sessions, there to be kept by the proper officer among the records of the court; and on the prosecution of any person for any subsequent offence a copy of such conviction, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove conviction for the former offence, and such conviction shall be presumed not to have been quashed on appeal, until the contrary is shown.

Warrant of commitment not to be void from defect, &c.

117. A warrant of commitment on any conviction shall not be held void by reason of any defect therein, if it be therein alleged that the person therein named has been convicted, and there be a good conviction to sustain the same.

Justices not disqualified from acting.

118. Except as expressly otherwise provided, any person shall not be disqualified or disabled to act as a justice of the peace, coroner, juror, or otherwise, in any matter arising under or in relation to this Act, by reason of his being a ratepayer in the borough, or liable to any payments under this Act, or a member of the Council or of any committee thereof.

As to proceedings under this Act and in-

119. In any proceeding under this Act, or the several Acts in this Act incorporated, recited, or mentioned, in which it is requisite to name the owner of any lands, and such lands belong to any joint

tenants, tenants in common, copartners or persons carrying on trade or business in partnership, it shall be sufficient to mention or name any one of such joint tenants, tenants in common, copartners, or partners, or to describe such persons by the ordinary name or firm under which they carry on trade or business.

Incorporated Acts, where lands belong to private tenants, partnership firms, &c.

120. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings, or shall relieve any person in respect of any such matter from any action or suit or penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act.

Saving for indictments, &c.

Regulations as to Distress.

121. With respect to distress the following provisions shall take effect; namely,

Regulations as to distress.

1. Any number of names and sums may be included in any warrant of distress obtained by the Corporation for any of the purposes of this Act, or of any byelaw thereunder, and may be stated either in the body of the warrant or in a schedule thereto:
2. Any justice who issues a warrant of distress may order that the costs of the proceedings for the recovery of the sum or sums for which the distress is ordered shall be paid by the person or persons liable to pay such sum or sums, and such costs shall be ascertained, and, where there are more persons than one, shall be apportioned by the justice, and shall be included in the warrant of distress for the recovery of such sum or sums:
3. Every constable shall, upon being required by a collector or other officer of the Corporation, aid in making a distress or sale pursuant to any such warrant, and in default of so doing shall be liable to a penalty not exceeding five pounds:
4. Any distress under this Act shall not be deemed unlawful, nor shall the party making the same be deemed a trespasser, on the ground of any defect or want of form in the summons, conviction, warrant of distress, or other proceedings relating thereto, nor shall such party be deemed a trespasser, ab initio, on account of any subsequent irregularity in the prosecuting of such distress.

Miscellaneous.

122. The Corporation from time to time may appoint and employ such officers and servants as they think requisite for the

Power for Corporation to appoint

A.D. 1871.

officers or employ existing officers for the purposes of Act.

purposes of this Act, and may direct any of their officers and servants otherwise employed to perform any duties of officers or servants under this Act, and in any such case may pay out of moneys received under this Act such salaries and allowances as the Corporation think fit.

Books and papers, &c. of the Corporation, on death or bankruptcy of officers, not to pass to representatives, &c.

123. In case of the death of any officer or servant of the Corporation, or of his becoming bankrupt before he has delivered up all books, papers, writings, accounts, plans, and other documents and things concerning his office or employment, or relating to the execution of this Act or the property of the Corporation, no interest whatever in such books, papers, writings, accounts, plans, or other documents and things, or any of them, shall pass to or vest in his representatives or assigns, as the case may be.

Demand of payment by Corporation or their officers.

124. Every demand by the Corporation of any money to be paid to them under this Act may be made by their collector or any other person from time to time authorised in that behalf by the Corporation.

Schedule authorised.

125. The schedule to this Act shall be deemed and construed to be a part of this Act.

Moneys received for Corporation under Act to be paid to treasurer, &c.

126. All moneys from time to time received under this Act, or for any of the purposes thereof, by or for the use of the Corporation, or in carrying this Act into execution, shall forthwith after receipt thereof be paid to the treasurer, and be carried by him to the proper accounts.

Accounts to be kept and audited.

127. The Corporation shall enter into proper and sufficient books kept for the purpose true accounts of all the receipts, payments, credits, and liabilities under this Act, and the several matters for which, under or by virtue of this Act, they receive or pay, or are entitled to receive, or are liable to pay, any moneys; and the books shall at all reasonable times be open to the inspection of any of the aldermen and councillors of the borough, and all the accounts so kept, with all vouchers and papers relating thereto, shall be submitted to the auditors of the Corporation accounts, and the accounts shall be audited with the other accounts of the Corporation.

Apportionment between accounts of expenditure.

128. Where any expenditure under this Act is incurred for purposes common to two or more accounts, the Corporation, as they think fit, may apportion the same between such accounts.

Yearly abstract of accounts to be published.

129. Before or in the month of May in every year, a full abstract of the accounts kept under this Act for the year ended with the then last thirty-first day of August shall be made in writing by some officer appointed for the purpose by the Corporation, and a

copy thereof shall be deposited with the town clerk, and shall be open at his office gratis to all persons interested.

Greenwich time to be legal time within the borough.

130. The time, as ascertained from day to day at the Royal Observatory at Greenwich, and commonly known as Greenwich time, shall for all purposes whatsoever be deemed to be the legal and actual time within the borough.

Saving rights of Her Majesty.

131. Nothing in this Act shall prejudice, diminish, alter, or take away any of the rights, privileges, powers, or authorities vested in or enjoyed by the Queen's most Excellent Majesty, her heirs and successors, in right of the Crown, or in right of the Duchy of Lancaster.

Saving rights of Corporation.

132. Except only as is by this Act expressly provided, nothing in this Act shall take away, lessen, prejudice, or alter any of the jurisdictions, franchises, estates, rights, interests, powers, privileges, or authorities of the Corporation.

Expenses of Act.

133. All the expenses of and incident to the preparing for, obtaining, and passing of this Act shall be paid by the Corporation out of the first moneys borrowed by them on the security of the 1871 Improvement Rate.

SCHEDULE referred to in the foregoing Act.

Cellar Dwellings.

No cellar dwelling shall be allowed in any court.

Every cellar dwelling shall have a height from the floor to the ceiling in every part of such dwelling of not less than seven feet.

No cellar dwelling shall have any part of its floor more than four feet below the surface of the footway of the adjoining street.

Every cellar dwelling shall have, both at the front and rear thereof, and for the full extent thereof respectively, an area not less than two feet six inches wide in every part thereof, from six inches below the floor of the cellar to the surface of the ground adjoining the front and rear thereof respectively.

If the cellar dwelling consist of two cellars back to back, it shall suffice if there be one area in front and one behind such two cellars.

Every area shall be protected by railings or gratings to the satisfaction of the Corporation.

The steps for access to the cellar dwelling may be in the area, but shall not be opposite to the window of the cellar.

The steps for access to the house above the cellar door may be across or over, but not in such area, and shall not be over or opposite the window of the cellar.

Save as aforesaid, the areas in front and rear respectively shall be open and free from obstruction.

Every cellar or room in any cellar dwelling shall have an open fireplace with a proper flue therefrom.

Every cellar dwelling shall have a privy, earth-closet, water-closet, or other like convenience, and (if required by the Corporation) an ash-pit or dust-bin, to be built or placed in such situation as the Corporation think fit, and to their satisfaction.

Every cellar dwelling shall have at least one window in an outer wall, and not less than three feet square, or nine square feet clear of the sash frame, and if such cellar dwelling consists of two or more cellars, each of such cellars shall have one such window.

Every such window shall either be a casement window opening on hinges or pivots, or a sash window with double sashes opening at top and bottom.

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