ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. xxvi.

An Act for amending an Act relating to the Paving and Sewerage of the Town of *Liverpool* in the County Palatine of *Lancaster*.

[13th *May* 1842.]

WHEREAS an Act was passed in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better Paving and Sewerage of the Town of* 11 G. 4. &
Liverpool *in the County Palatine of* Lancaster, *and for settling the* 1 W. 4. c. 15.
Boundaries between the said Town and the Township of Kirkdale, *and Parts of the Townships of* Everton *and* West Derby: And whereas it is expedient that some of the Powers and Provisions of the said Act should be extended, amended, and enlarged, and that others of them should be repealed, and that further and additional Powers should be granted for carrying into execution the Purposes of the said Act; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and

Powers of recited Act extended to this Act.

by the Authority of the same, That the said recited Act, and all the Provisions, Matters, and Things therein contained, (except so far as the same are hereby altered, varied, or repealed,) shall extend to, operate, and be in force for the Purposes of this Act, as effectually as if the same were repeated and re-enacted in this Act; and the said recited Act and this Act shall, as to all Matters and Things whatsoever, (except as aforesaid,) be construed as One Act.

Repeal of Clause as to Appointment of subsequent Commissioners.

II. And be it enacted, That so much of the said recited Act as enacts that it shall and may be lawful for the Inhabitants of the said Town, assessed and contributing to the Relief of the Poor within the same, to meet and assemble in the Parish Church of *Saint Peter* or Parochial Chapel of *Our Lady and Saint Nicholas*, on the First *Thursday* after the Twenty-fourth Day of *June* in each Year, between the Hours of Ten of the Clock in the Morning and Two in the Afternoon (Seven Days Notice having been given and published of such Meetings respectively in manner by the said Act directed), and then and there to nominate and choose such and so many Commissioners as will be requisite to supply the then subsisting Vacancies in the Number of Commissioners according to the Provisions of the said Act, shall be and the same is hereby declared to be repealed.

Repeal of Clause directing that One Third Part of the Commissioners shall retire in each Year.

III. And be it enacted, That so much of the said recited Act as enacts that One Third Part of the Commissioners nominated and chosen out of the Common Council, and of the other Commissioners nominated and chosen as therein directed, shall retire from Office on the *Wednesday* next after the Twenty-fourth Day of *June* in each Year, shall be and the same is hereby declared to be repealed.

Repeal of Clause directing that Commissioners retiring shall be chosen by Ballot, but may be again elected.

IV. And be it enacted, That so much of the said recited Act as enacts "that the Mode of ascertaining the Commissioners to retire from Office from Time to Time, as therein directed, shall be by Ballot, and that such Ballot shall take place on the Day of Meeting next preceding the Day named and appointed therein for the choosing of Commissioners, or for Want of a sufficient Number of Commissioners to form a Meeting on such Day, then at a Meeting to be summoned by the Chairman for the Time being, or by any Five Commissioners under the Power therein contained, and that it shall be lawful for the said Inhabitants from Time to Time to nominate and choose any Person who may have acted as a Commissioner, and have retired as aforesaid, to be again a Commissioner," shall be and the same is hereby declared to be repealed.

Repeal of Clause as to supplying Vacancies of Commissioners.

V. And be it enacted, That so much of the said recited Act as enacts, "that in case any of the Commissioners chosen out of the Common Council shall cease to be a Member of the same, or shall die, or shall for the Space of Six Calendar Months refuse or neglect to act, or in case any other of the Commissioners shall discontinue to reside in the said Town, or within the Distance of Eight Miles from the same, or shall cease to be assessed to the Rates for the Relief of

the Poor therein to the Extent in the said Act specified, or shall die, or shall for the Space of Six Calendar Months refuse or neglect to act, it shall and may be lawful for the Inhabitants of the said Town assessed and contributing to the Relief of the Poor within the same, at the next Day of Meeting in the said Act specified for the Appointment of Commissioners, to nominate and choose such and so many of the said Common Council, and of the said other Persons qualified as therein mentioned, to be Commissioners to fill up the Vacancies so occasioned, and that every Person so to be chosen shall be vested with the same Powers for putting the said Act into execution as any other Commissioner," shall be and the same is hereby declared to be repealed.

Period of Service and Time of going out of Commissioners.

VI. And be it enacted, That the several Persons who at the Time of the passing of this Act shall be Commissioners for carrying into execution the said recited Act, shall continue in Office until the Third *Thursday* in the Month of *November* next after the passing hereof, or until other Commissioners shall be elected in their Place under the Provisions of this Act, unless they shall become disqualified from acting as Commissioners by any of the Causes in this Act mentioned; and that on the Third *Thursday* in the Month of *November* next after the passing of this Act One Third of the Commissioners who shall have been nominated and chosen out of the Town Council of the said Town of *Liverpool*, and One Third of the other Commissioners who shall have been nominated and chosen according to the Provisions of the said recited Act or of this Act, shall go out of Office; and on the same Day in the following Year One Half of the remaining Commissioners nominated and chosen out of the said Town Council, and One Half of the remaining other Commissioners who shall have been nominated and chosen according to the Provisions of the said recited Act or of this Act, shall go out of Office; and on the same Day in the following Year the remaining Commissioners nominated and chosen out of the Town Council, and also the remaining Commissioners who shall have been nominated and chosen according to the Provisions of the said recited Act or of this Act, shall go out of Office; and on the same Day in every subsequent Year One Third of the Commissioners nominated and chosen out of the Town Council, being those who shall have been longest in Office, and One Third of the other Commissioners, being those who shall have been longest in Office, shall go out of Office; and in each Instance the Places of the retiring Commissioners shall be supplied by the Election of a similar Number of Commissioners as herein-after provided.

Commissioners re-eligible.

VII. And be it enacted, That every Commissioner going out of Office may be re-elected, and after such Re-election he shall, with reference to going out by Rotation, be considered as a new Commissioner.

Rotation of Commissioners.

VIII. And in order to determine the Rotation by which the Commissioners who shall be in Office at the Time of the passing of this Act are required to go out of Office, be it enacted, That within Two Months after the passing of this Act the Commissioners shall meet within the Court Room in the Sessions House in Chapel Street, in *Liverpool*

Liverpool aforesaid, or at some other convenient Place within the said Town, for the Purpose of forming a Rotation List of the Commissioners, and at such Meeting the Clerk to the Commissioners, or some other Person to be previously appointed by the Commissioners for that Purpose, shall write the Names of all the then Commissioners on separate Slips of Paper, all as nearly as may be of equal Size, and having folded them in the same Manner he shall put them in a Box, and shall draw out such Slips indiscriminately in Succession; and the Names upon the Slips so drawn shall be inserted by such Clerk or other Person in Two Lists, the one containing the Names of the Commissioners who shall have been nominated and chosen out of the Town Council, and the other containing the Names of the other Commissioners, in the Order respectively in which they shall be so drawn; and such respective Lists shall be kept by such Clerk for the Purposes of the said recited Act and of this Act, and the Names in such respective Lists shall be numbered consecutively, and the Commissioners shall retire from Office in the Order in which their Names appear on such respective Lists, according to the Proportion herein-before mentioned: Provided always, that if before the Day fixed for the Meeting of the Commissioners for determining the Rotation by which they shall go out of Office any Vacancy shall have occurred amongst the Commissioners, and such Vacancy shall not then have been supplied by the Election of another Commissioner, the Clerk to the Commissioners, or other Person as aforesaid, shall write the Name of the Commissioner who shall have created such Vacancy upon One of such Slips of Paper, and the Name of the Commissioner who shall afterwards be elected to supply such Vacancy shall upon his Election be substituted in One of the said Lists, as the Case may be, for the Name of the Commissioner who shall have created such Vacancy, and the Commissioner so elected to supply such Vacancy shall thereupon go out of Office in the Order in which his Name shall be entered in such List.

Manner of Election for supplying periodical Vacancies.

IX. And be it enacted, That for the Purpose of electing Commissioners in the Place of those going out of Office by Rotation as herein-before provided a Meeting of the Inhabitants of the said Town, qualified to vote in the Election of Commissioners, as in the said recited Act is provided, shall be held in the Parish Church of *Saint Peter* or Parochial Chapel of *Our Lady and Saint Nicholas*, or at some other convenient Place within the said Town, on the Third *Thursday* in the Month of *November* in each Year, and the Persons then and there assembled shall proceed to elect so many Persons to be Commissioners as may be necessary to supply the Place of the Commissioners going out of Office by Rotation as aforesaid; and the Persons, not exceeding the Number of Commissioners, proper to be elected at such Meeting, having the Majority of Votes at such Election, shall, if qualified according to the Provisions of the said recited Act, be Commissioners for the Purpose of carrying the said recited Act and this Act into execution.

Manner of voting for Commissioners.

X. And be it enacted, That the Mode of proceeding at all Meetings for the Election of Commissioners, and the Manner and Right of voting thereat, shall be the same as are prescribed in an Act passed in

in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the Regulation of Parish Vestries*, and in an Act passed in the Fifty-ninth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to amend and correct an Act of the last Session of Parliament for the Regulation of Parish Vestries in* England. 58 G. 3. c. 69. 59 G. 3. c. 85.

Mode of supplying occasional Vacancies.

XI. And be it enacted, That if there shall be a Vacancy amongst the Commissioners at the Time of the passing of this Act, or if any of the Commissioners who shall have been nominated and chosen out of the Town Council, shall die, or resign, or cease to be a Member of the said Council, or shall for the Space of Six Months refuse or neglect to act, or shall otherwise become disqualified by any of the Causes in this Act mentioned, or if any of the other Commissioners shall discontinue to reside within the said Town, or within the Distance of Eight Miles from the same, or shall cease to be assessed to the Rates for the Relief of the Poor therein to the Extent in the said recited Act specified, or shall die, or resign, or shall for the Space of Six Months refuse or neglect to act, or shall otherwise become disqualified by any of the Causes in this Act mentioned, it shall be lawful for the remaining Commissioners, if they shall think fit so to do, at any Time before the Third *Thursday* in the Month of *November* next after the passing of this Act, in case such Vacancy shall have occurred previously to the passing of this Act, or if such Vacancy shall occur after the passing of this Act, then at any Time after such Vacancy shall have occurred, or after the same shall be made known to the Commissioners, to convene a Meeting of the Inhabitants of the said Town, qualified to vote in the Election of Commissioners, as by the said recited Act is directed, in the same Manner, at the same Place, and between the same Hours as is herein-before provided with respect to the Meetings to be held for the Election of Commissioners in the Place of those who shall go out of Office by Rotation as aforesaid; and between the Hours aforesaid the Inhabitants so duly qualified shall elect, in manner herein-before provided for the Election of Commissioners in the Place of the Commissioners so going out of Office by Rotation, another Commissioner in the Place of the Commissioner causing such Vacancy: Provided always, that if the remaining Commissioners shall not think fit to convene a Meeting of the said Inhabitants for the Purpose of electing a Commissioner to supply such Vacancy, such Vacancy shall be supplied by the said Inhabitants, in the Manner herein-before provided, at the then next annual Meeting of the said Inhabitants for electing Commissioners in the Place of the Commissioners so going out of Office by Rotation as aforesaid; and every Commissioner so elected to supply such Vacancy shall continue in Office so long only as the Person in whose Place he shall be elected would have been entitled to continue had he remained in Office.

Commissioners becoming interested to cease to be Commissioners.

XII. And be it enacted, That if at any Time subsequently to the Appointment or Election of any Commissioner he shall accept or continue to hold any Office or Place of Trust or Profit under the said recited Act or this Act, or be concerned in any Contract, or participate in any Manner in any Work to be done under the

Authority of the said recited Act or this Act, such Person shall cease to be a Commissioner, and his Office shall thereupon become vacant.

Notice of Meetings for the Election of Commissioners.

XIII. And be it enacted, That Seven Days Notice shall be given of every Meeting of the said Inhabitants for the Election of Commissioners for carrying the said recited Act and this Act into execution, or for any other Purpose relating to the said recited Act or this Act, and such Notice shall specify the Object of such Meeting, and shall be inserted in one of the *Liverpool* Newspapers, and a Copy thereof in Writing or in Print, or partly in Writing and partly in Print, shall on some *Sunday* previous to the Day fixed for such Meeting be affixed on or near to the principal Doors of the said Parish Church and Parochial Chapel respectively.

Commissioners may convene Special Meetings of the Inhabitants.

XIV. And be it enacted, That it shall be lawful for the Commissioners, whenever they shall think proper so to do, to convene, in manner by this Act directed, a Special Meeting of the said Inhabitants, duly qualified to vote in the Election of Commissioners as herein-before mentioned, for the Purpose of taking the Opinion of the said Inhabitants upon any Matter relating to the Execution of the said recited Act or of this Act, and in case there shall be any Difference of Opinion amongst the said Inhabitants upon any such Matter, the same shall be decided in the same Manner as is prescribed and specified in an Act passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the Regulation of Parish Vestries.*

58 G. 3. c. 69.

No Business to be transacted not stated in Notice.

XV. And be it enacted, That no Business shall be transacted at any Meeting of the said Inhabitants convened under the Authority of this Act except such as is stated in the Notice convening such Meeting.

Acts of the Commissioners not to be invalidated by reason of Vacancies.

XVI. And be it enacted, That no Act or Proceeding of the said Commissioners under the Authority of the said recited Act or this Act shall be invalidated or be illegal in consequence only of there being any Vacancy in the Number of the Commissioners at the Time of doing or executing such Act or Proceeding.

Commissioners may discontinue and fill up old Sewers.

XVII. And be it enacted, That in all Cases in which any of the present or future Sewers or Drains vested in the Commissioners shall from any Cause whatever appear to them to have become useless or unnecessary, it shall be lawful for the Commissioners, if they shall think fit so to do, to stop or fill up and discontinue such old Sewer or Drain, and any private Sewer or Drain which may communicate therewith, making reasonable Compensation to every Person who shall incur any Loss or Damage by reason of any such Act or Proceeding of the Commissioners.

Power to Commissioners to stop up Branch Sewers under

XVIII. And be it enacted, That if the Owner of any private Sewer or Drain branching into or communicating with any Sewer or Drain vested in the Commissioners, or if the Occupier of any House, Building, Land, or Premises to which such private Sewer or Drain

shall belong, shall suffer the Filth or Soil from any Privy or Water-closet, or any other offensive Matter, to flow down such private Sewer or Drain into the Sewer or Drain vested in the Commissioners, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and moreover it shall be lawful for the Commissioners to cause the Communication between such private Sewer or Drain and the Sewer or Drain so vested in them to be stopped up or cut off and discontinued; and if they shall think proper, the Commissioners may recover from the Person so offending all the Costs and Expences which they may have incurred in stopping up, cutting off, and discontinuing such Communication as aforesaid.

certain Circumstances.

XIX. And be it enacted, That no Scavenger or other Person shall sweep, rake, or place any Soil, Rubbish, or Filth, or any other Thing found in any Street or public Place within the Limits of this Act, into or in any Sewer or Drain, or over any Grate communicating with any Sewer or Drain, and every Scavenger or other Person who shall so offend shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Dirt not to be swept into Sewers.

XX. And be it enacted, That any Person who shall be required by the Commissioners under the Provisions of the said recited Act to pave or flag the Footway of any present or future Street within the said Town shall not be considered to have well and sufficiently paved or flagged the same unless he shall have completed the same with Curbstones and Gutters to the Satisfaction of the Commissioners.

Persons liable to pave Footways to complete the same with Curbstones.

XXI. And be it enacted, That if the Commissioners shall consider any Porch, Shed, projecting Window, Step, Cellar Door or Window, or Steps leading into any Cellar, Sign, Sign Post, Sign Iron, Show-board, Window Shutter, Wall, Gate, Fence, or Opening, or any other Projection or Obstruction hereafter to be placed or made against or in front of any House or Building, to be an Annoyance in consequence of the same projecting into or being made in or endangering or rendering less commodious the Passage along any Street within the said Town, it shall be lawful for them to give Notice in Writing to the Owner or Occupier of such House or Building to remove such Projection or Obstruction, or to alter the same in such Manner as the Commissioners shall think fit; and such Owner or Occupier shall, within Fourteen Days after the Service of such Notice upon him, remove such Projection or Obstruction, or alter the same in such Manner as shall have been directed by the Commissioners.

Future Projections to be removed on Notice.

XXII. And be it enacted, That if the Owner or Occupier of any such House or Building shall refuse or neglect within Fourteen Days after the Service of such Notice upon him to remove such Projection or Obstruction, or to alter the same in such Manner as shall have been directed by the Commissioners, he shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, and it shall be lawful for the Commissioners to cause the same to be

In default, Commissioners may remove same.

be removed or altered; and all the Charges for such Removal or Alteration shall be repaid to the Commissioners by such Owner or Occupier, and in default of Payment the same may be levied and recovered in the same Manner as Penalties and Forfeitures are by the said recited Act or this Act directed to be levied and recovered.

Existing Projections to be removed by Commissioners, and Compensation made.

XXIII. And with regard to all Projections or Obstructions of a like Kind as those before mentioned which have been erected, placed, or made against or in front of any House or Building in any Street before the passing of this Act, be it enacted, That it shall be lawful for the Commissioners, if they shall consider any such Projection or Obstruction to be an Annoyance in consequence of the same projecting into or being made in or endangering or rendering less commodious the Passage along any Street within the said Town, to cause the same to be removed or altered as they shall think fit: Provided always, that the Commissioners shall give Notice in Writing of such intended Removal or Alteration to the Owner and Occupier against or in front of whose House or Building such Projection or Obstruction shall be, Seven Days before such Removal or Alteration shall be commenced, and shall make reasonable Compensation (to be ascertained in case of Dispute in manner by this Act directed) to every Person who shall incur any Loss or Damage by such Removal or Alteration.

Penalty on Carters injuring Footways by unloading Carts thereon.

XXIV. And be it enacted, That if any Carter or other Person having the Charge of any Cart shall at any Time break, damage, or injure the Pavement, Flagging, or Curbstone of any of the Footways of the Streets vested in the Commissioners, by discharging the Contents of such Cart thereon, he shall pay a Sum not exceeding Forty Shillings for every such Offence, and such Penalty shall be imposed without Prejudice to any other Provision in this Act contained.

Owners liable for Damage done by Servants.

XXV. And be it enacted, That the Owner of any Carts shall be answerable for any such Damage done by any of his Servants, or other Persons employed by him, to the Pavement, Flagging, or Curbstone of the said Footways as last herein-before mentioned, and every such Servant or other Person may lawfully be convicted of such Offence before any Justice, either by the Confession of the Party offending or upon the Oath of some credible Witness, and upon such Conviction every such Owner shall pay to the Commissioners the Costs and Expences (to be ascertained by such Justice) which they may have incurred in repairing and restoring the Pavement, Flagging, or Curbstone so broken, damaged, or injured.

Owners may recover from Servants.

XXVI. And be it enacted, That it shall be lawful for any such Owner who shall repay to the Commissioners any such Costs and Expences as aforesaid to recover the Amount so paid by him from the Servant or other Person who shall have caused such Damage, by the same Means as Penalties and Forfeitures are by the said recited Act or this Act directed to be recovered.

XXVII. And

Persons disturbing Pavements to reinstate them with the same or similar Materials.

XXVII. And for the Purpose of removing Doubts which may exist as to the Extent to which, under the Provisions of the said recited Act, any Company or Person authorized under any Act of Parliament to supply the said Town with Gas or Water, and for such Purpose to take up any of the Pavement, Flagging, or Curbstone of the Streets vested in the Commissioners, can be required to reinstate such Pavement, Flagging, or Curbstone, be it enacted and declared, That such Pavement, Flagging, or Curbstone shall not be considered to have been reinstated in a proper and sufficient Manner by such Company, or any other Person having Authority to take up the same, unless the same shall have been reinstated with the same or similar Materials of the like Quality and Thickness, and cemented or bound together as those of which it was composed, provided such Materials can be procured in the Town of *Liverpool*; but in case such Materials cannot be procured in the said Town, then such Pavement, Flagging, or Curbstone shall be restored with such other Materials as shall be satisfactory to the said Commissioners.

Power to levy a Sewerage Rate.

XXVIII. And whereas it was by the said Act enacted, that during the Term of Ten Years from the passing thereof the Sum of Four-pence in the Pound, Part of the Sum of One Shilling in the Pound, which the Commissioners were thereby authorized to raise by Rates or Assessments for the Purposes of the said Act, should be applied to the Purpose of Sewerage only, and that after the Expiration of the said Term of Ten Years it should only be lawful for the Commissioners to make a Rate or Assessment of Eight-pence in the Pound, to be applied as therein mentioned: And whereas the said Term of Ten Years has expired, but the Commissioners have not fully carried into effect the Purposes of the said Act, in respect of the Sewerage of the said Town, and it is expedient that Provision should be made for raising more Money for such Purpose; be it therefore enacted, That it shall be lawful for the Commissioners, (in addition to the said Sum of Eight-pence in the Pound,) once or oftener in each Year, during the Term of Ten Years from the passing of this Act, as they shall see Occasion, to cause a Sum of Money to be raised by a Rate or Assessment upon the several Owners, and the several Tenants or Occupiers of Houses, Warehouses, Mills, Shops, Offices, Counting Houses, Cellars, Vaults, Stables, Coach Houses, and other Buildings, which are already erected or built, and which shall hereafter be erected or built in the said Town of *Liverpool*, and of the several Gardens, Yards, or Lands thereto respectively belonging, and of all other Lands, Tenements, and Hereditaments within the said Town (save and except as herein-after mentioned), according to the usual annual Rent or Value of the same respectively, not exceeding in any One Year the Sum of Two-pence in the Pound upon such annual Rent or Value, to be from Time to Time taken and fixed (except as herein-after mentioned) according to the Rents which such Houses, Warehouses, Buildings, Lands, Tenements, and Premises respectively are or shall be rated or assessed at for the Relief of the Poor in the Year preceding; and in case any Houses, Warehouses, or Buildings, which from having been unfinished or unoccupied at the Time such Rate was made, shall not

have been included therein, shall be afterwards finished or occupied, or in case any other Houses, Warehouses, or Buildings shall, from any Cause whatever, have been omitted to be included in such Rate, or in case any Person shall have been omitted to be rated, then and in every such Case such Houses, Warehouses, or Buildings, or the Names of the Persons so omitted, shall be added by the Commissioners to the Rate or Assessment in the Manner herein-after described; and the Commissioners shall have all the same Powers and Authorities for making, levying, and recovering the said Rate as are by the said recited Act or this Act given for making, levying, and recovering the Rates thereby respectively authorized; provided that the said Rate shall not extend to any Houses, Buildings, or Lands used or occupied for the Purpose of any public Charity, or any Churches, or any Chapels of any Persuasion.

Occupiers paying Sewers Rate may deduct One Moiety from their Rents.

XXIX. And be it enacted, That any Occupier of rateable Property within the said Town who shall be rated for the Purpose of Sewerage under the Authority of this Act, shall and may deduct One Moiety or Half Part of the Amount of the Sewerage Rate which may from Time to Time be assessed upon him under or by virtue of this Act out of the Rent due or to become due from him to the Owner of the Property in respect of which such Rate shall have been made, unless there shall be some Agreement between the Parties to the contrary, and the Production of the Receipt for Payment of such Rate shall be a sufficient Evidence of the Payment thereof by the Occupier, so as to entitle him to deduct One Moiety thereof from his Rent; and if at the Time when such Rate shall be paid by any Occupier there shall not be any Rent due from him, and none shall subsequently become due, out of which he shall be able to deduct such Moiety as aforesaid, then the Owner of such rateable Property shall, on Demand, repay to the Occupier thereof One Moiety or Half Part of the Sewerage Rate so previously paid by him, and in default of Payment thereof such Occupier may recover such Moiety from such Owner by Action or Suit in any competent Court.

If Occupier unable to pay or excused from paying, the Owner still to be liable to his own Proportion of the Rate.

XXX. And be it enacted, That in every Case in which the Occupier of any rateable Property shall be unable to pay, or shall be excused from paying, the Whole or any Part of the Sum at which he may have been rated or assessed for the Sewerage Rate, the Owner of the Property in respect of which such Occupier shall have been rated shall be liable to pay to the said Commissioners the Moiety or Half Part of the Rate which such Occupier would have been entitled to deduct out of his Rent in case he had actually paid the same; and in default of Payment of such Moiety by such Owner it shall be lawful for the Commissioners to recover the same by Distress and Sale of his Goods and Chattels, in like Manner as they are entitled to recover any Rate made for the Purposes of this Act or the said recited Act, or otherwise the same may be recovered from such Owner by Action or Suit in any competent Court.

Saving the Rights of the Trustees of the Liverpool Docks.

XXXI. Provided always, and be it enacted, That nothing in this Act or the said recited Act shall extend or be construed to extend to affect or intrude upon any Part of the Lands, Tenements, or Hereditaments,

Hereditaments, Docks, Basins, Piers, Quays, or other Works of the Trustees of the *Liverpool* Docks, save and except so far as the same are or may be affected by an Act passed in the Fourth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for enabling the Trustees of the* Liverpool *Docks to erect Transit Sheds over the West Quay of the* Prince's Dock, *to make a Wet Dock with Warehouses on the Quays, and to construct other Works, and to raise a further Sum of Money; and for enlarging the Powers of the Acts relating to the Docks and Harbour of* Liverpool; *and for other Purposes relating thereto.* 4 & 5 Vict. c. 30.

Commissioners may cause the Streets to be watered on Application of Inhabitants, and levy Rates for defraying the Expences.

XXXII. And be it enacted, That it shall be lawful for the Commissioners, on Application in Writing, signed by the Occupiers of Two Thirds at the least of the Houses, Shops, and Buildings in any Street in the said Town, rated and liable to the Rates by the said recited Act or this Act authorized to be levied, to cause such Street to be watered; and for the Purpose of defraying the Expence thereof, once or oftener in every Year, as they shall see Occasion, to cause a Sum of Money to be raised by a Rate or Assessment, in addition to the Rates or Assessments by the said recited Act and this Act authorized, upon the several Occupiers of all the Houses, Warehouses, Shops, and Buildings in such Street, according to the usual annual Rent or Value of the same respectively, not exceeding in any One Year the Sum of One Penny in the Pound upon such annual Rent or Value, to be from Time to Time taken and fixed, except as herein mentioned, according to the Rents which such Houses, Warehouses, Shops, or Buildings respectively are or shall be rated or assessed at for the Relief of the Poor in the Year preceding; and in case any House, Warehouse, Shop, or Building which, from having been unfinished or unoccupied at the Time when such Rate was made shall not have been included therein, shall be afterwards finished or occupied, or in case any such House, Warehouse, Shop, or Building shall from any Cause whatever have been omitted to be included in such Rate, or in case any Occupier of any House, Warehouse, Shop, or Building in such Street shall have been omitted to be rated, then and in every such Case such Houses, Warehouses, Shops, or Buildings, or the Names of the Persons so omitted, shall be added by the Commissioners to the Rate or Assessment in the Manner herein-after directed; and the Commissioners shall have all the same Powers for making, levying, and recovering such Rate, when made, as are by the said recited Act or this Act given for making, levying, and recovering the Rates thereby respectively authorized: Provided always, that nothing herein contained shall extend to alter, diminish, or in any way interfere with the Powers granted to the Commissioners by the said recited Act for watering the Streets within the said Town.

Waterworks Companies to supply Water for watering the Streets.

XXXIII. And be it enacted, That all Companies who have hitherto established and constructed, or who shall at any Time hereafter establish or construct, any Waterworks for supplying the Inhabitants and others of the said Town, and the Shipping resorting thereto, with Water, and who for that Purpose shall have laid down or shall lay down Mains or Pipes through or along the Streets vested in

in the Commissioners, shall and they are hereby required to furnish a Supply of Water to the said Commissioners, where the Pipes of the said Companies now are or hereafter may be laid, for the Purpose of watering the Streets of the said Town, upon Payment by the Commissioners for the same, at a Rate not exceeding Five-pence Halfpenny *per* Tun of Two hundred and sixteen Imperial Gallons: Provided nevertheless, that if any of such Companies shall at any Time, in consequence of a Deficiency of Water or unavoidable Stoppage or Suspension of their Works, (such Deficiency, Stoppage, or Suspension to be proved, if required, to the Satisfaction of Two of Her Majesty's Justices of the Peace,) be unable to supply the said Commissioners without Prejudice or Hindrance to the regular and sufficient Supply to the Inhabitants and others the Tenants of the said Companies, and to the Shipping resorting to the said Town, then the Obligation to supply the Commissioners with Water as aforesaid shall cease so long as any of the Causes aforesaid shall exist: And provided also, that no One Company shall, within the Space of one and the same Year, be compelled by the said Commissioners to supply a larger Quantity of Water for the Purpose of watering the Streets than any other Company now or hereafter to be established.

Not necessary to name the Owner when Name unknown.

XXXIV. And be it enacted, That whenever the Name of any such Owner shall not be known to the Commissioners, or to the Person making the Rates by the said recited Act or this Act authorized, it shall be sufficient to rate such Owner in the Rate Book of the Commissioners as the Owner of the Property to be rated by the Designation of "the Owner," without stating his Name.

Receiver of Rents to be deemed the Owner.

XXXV. And in order to prevent any Dispute touching the Word "Owner;" be it enacted, That the Person receiving the Rents of any rateable Property within the said Town, from the Tenant or Occupier thereof, on his own Account, or as Agent for any other Person, shall be deemed the "Owner" of the same for the Purposes of this Act.

Corporation to pay an annual Sum in addition to the Sewerage Rate.

XXXVI. And whereas the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* aforesaid have agreed to contribute a certain annual Sum towards the Sewerage of the said Town during the Term of Ten Years, besides as Owners and Occupiers of Property within the Town being liable to the said Rate, in like Manner as heretofore to the Rates under the said recited Act, be it therefore enacted, That from and after the passing of this Act, the Treasurer for the Time being of the said Mayor, Aldermen, and Burgesses, and their Successors, shall and he is hereby authorized and required to pay to the Commissioners, or to such Person as they, or any Five or more of them, shall authorize and appoint to receive the same, the Sum of Three hundred and seventy-five Pounds yearly and every Year for and during the Term of Ten Years, to be computed from the passing of this Act, to be applied for the Purpose of Sewerage only, the said Sum of Three hundred and seventy-five Pounds to be paid and payable by Two equal half-yearly Payments in each Year, the first Payment thereof to be made

at the Expiration of Six Months from the passing of this Act; and in case of Nonpayment of the said Sum, or any half-yearly Payment thereof, upon Demand by the Person so appointed to receive the same, the Commissioners shall have the same Powers for Recovery thereof as are by the said recited Act or this Act given for the Recovery of the Rates made by virtue thereof; provided, that as heretofore rated or charged under the said recited Act, the said Mayor, Aldermen, and Burgesses shall be liable as Owners to contribute to the said Sewerage Rate in like Manner as other Owners of Property, and that as heretofore rated under the said recited Act, the said Mayor, Aldermen, and Burgesses shall be liable to be rated for all Lands, Markets, and Buildings, (not being the Town Hall, Sessions House, or other public Buildings,) occupied by them within the said Town, and productive of Benefit to the Borough Fund, and not further or otherwise.

Power to levy Rates in respect of Property not included in the Poor's Rate.

XXXVII. And whereas it frequently happens that subsequently to the making of the Rate for the Relief of the Poor, Houses, Warehouses, Buildings, and Premises are erected, completed, or occupied, but, by reason of the same not being included in the said Rate made for the Relief of the Poor, the Commissioners are unable to rate or assess the same, and it is expedient that the Commissioners should be authorized to rate or assess the same to the Rates to be made under the Authority of the said recited Act and this Act, be it therefore enacted, That if any Houses, Warehouses, Buildings, or Premises shall be erected, completed, or occupied after the Rate shall have been made for the Relief of the Poor, it shall be lawful for the Commissioners to cause a Valuation to be made of the annual Rent or Value of the same, and to cause the same Rates or Assessments to be made upon the Occupiers thereof, as they could have done if such Houses, Warehouses, Buildings, and Premises had been rated or assessed to the Rate for the Relief of the Poor: Provided always, that such Occupiers shall have the same Right of Appeal against any such Rate or Assessment as is granted by the said recited Act against the Rates to be made by virtue thereof.

Amending Clause of recited Act empowering Commissioners to excuse certain Persons from Payment of Rates.

XXXVIII. And whereas by the said recited Act it is enacted, that in case it shall be made to appear to the Satisfaction of any Three of the Commissioners, that any Person rated or assessed as therein mentioned is unable through Poverty to pay the Amount of the Rate or Assessment made upon him or her, it shall be lawful for such Three Commissioners to order and direct that such Person shall be wholly excused from the Payment of such Rate or Assessment, or from such proportionate Part thereof as to them may seem proper: And whereas it is expedient that the said Provision should be amended, and that Power should be granted to One Commissioner only to excuse the Payment of Rates on the Ground of Poverty; be it therefore enacted, That it shall be lawful for the Commissioners from Time to Time to appoint One or more of their own Body to hear and determine all Appeals which shall be made

against the Payment of Rates on the Ground of Poverty; and if it shall be made to appear to the Satisfaction of the Commissioners, or of any One of the Commissioners so appointed, that any Person rated or assessed to the Rates to be made under the Authority of the said recited Act or this Act is unable through Poverty to pay the Amount of the Rate or Assessment made upon him, it shall be lawful for such Commissioner to order and direct that such Person shall be wholly excused from the Payment of such Rate or Assessment, or from such proportionate Part thereof as to him may seem proper; and the Sum at which such Person may have been so rated or assessed, or such proportionate Part of the same from the Payment of which such Person may be so excused as aforesaid, shall not be collected, nor shall any Person be charged therewith, or in any Manner be called upon or be liable to account for the same, except as herein-before mentioned.

Annual Account of Receipt and Expenditure to be transmitted to the Town Clerk of the Borough of Liverpool.

XXXIX. And be it enacted, That the Commissioners shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of the said recited Act or this Act for the Year ending on the Thirtieth Day of *June* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account duly audited and certified by the Commissioners, and shall cause the same to be printed and laid before the Inhabitants assembled at any Annual Meeting for the Election of Commissioners for the Information of the said Inhabitants, and shall transmit a Copy of the said Account, free of Charge, to the Town Clerk of the Borough of *Liverpool* on or before the Thirty-first Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours on Payment of One Shilling for every such Inspection: Provided always, that if the said Commissioners shall omit to prepare and transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Provision for Damages not otherwise provided for.

XL. And for the Purpose of providing for the Recovery of any Compensation for any Injury, or of any Expences, Charges, or Damages which shall be payable under this Act, and for the Recovery of which no Method is herein provided, be it enacted, That in all such Cases the Amount of the Compensation, Expences, Charges, or Damages by the said recited Act or this Act directed or authorized to be paid shall, in case of Nonpayment thereof, or of Dispute about the same, be ascertained and determined by any One Justice, and the same shall be levied by Distress.

Repeal of Clause, Limitation of Actions.

XLI. And whereas it is by the said recited Act enacted "that no Action or Suit shall be brought against any Person or Persons for any thing done in pursuance of this Act, or in relation to the Matters herein contained, after Six Calendar Months from the Fact committed; and the Venue in every such Action or Suit shall be laid and the Cause tried in the County where the Cause of Action shall

have

have arisen and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may, at his, her, or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial, and that the same was done in pursuance and under the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall have been brought before the Expiration of Twenty-one Days next after such Notice shall have been given as herein-before mentioned, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or upon any Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall and may recover his, her, and their Costs, and have such Remedy for the same as any other Defendant or Defendants have or hath by Law in any other Case:" And whereas it is expedient that the said Provision should be repealed; be it therefore enacted, That the said Provision shall be and the same is hereby declared to be repealed.

Repealing Clause in recited Act as to Appeals.

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

and the Justices of the Peace of the said County at the said Sessions, upon due Proof of such Notice having been given, and of such Recognizance having been entered into as aforesaid, should hear and finally determine every such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as the said Justices should think proper, and the Determination of the said Justices should be final, binding, and conclusive, to all Intents and Purposes whatsoever: And whereas it is expedient that the said Clause should be repealed, and other Provision made in lieu thereof; be it therefore enacted, That the said Clause shall be and the same is hereby repealed.

Persons aggrieved may appeal to the Commissioners.

XLIII. And be it enacted, That if any Person shall think himself aggrieved by any Rate or Assessment which shall be made or be demanded in pursuance of the said recited Act or this Act, or by any Matter included in or omitted from the same, he may appeal to the said Commissioners at their First Meeting, which shall be holden after the Expiration of Seven Days from the Time of demanding such Rate or Assessment; and the said Commissioners at their First Meeting are hereby authorized and empowered, if they shall think such Person aggrieved, to give such Relief in the Premises as to them the said Commissioners shall seem reasonable.

If Persons not satisfied with Decision of Commissioners they may appeal to Quarter Sessions.

XLIV. And be it enacted, That if any Person shall be dissatisfied with the Determination of the Commissioners in the Matter of any such Appeal, or if any Person shall think himself aggrieved by any other Order or Determination of the said Commissioners, or by any Penalty imposed, or by any Conviction made or by any other Thing done in pursuance of the said recited Act or this Act, such Person may appeal to the General Quarter Sessions to be held for the Borough of *Liverpool* within Three Calendar Months next after the Cause of Complaint shall have arisen, the Person appealing first giving to the Clerk to the Commissioners Fourteen Days Notice in Writing of his Intention to bring such Appeal, and of the Grounds or Nature thereof, and within Seven Days after such Notice entering into a Recognizance before some Justice of the Peace of the said Borough of *Liverpool*, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order of such Court, and to pay such Costs as shall be awarded.

Quarter Sessions may proceed in a summary Way.

XLV. And be it enacted, That at the General Quarter Sessions for which any such Notice of Appeal shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or, if such Court think fit, may adjourn the Hearing thereof to the following General Quarter Sessions of the Peace; and the said Court may, if such Court see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may award such Costs to the Party appealing or to the Party appealed against as they shall think proper; and the Order of the

the Court shall be final and conclusive to all Intents and Purposes whatsoever.

Power of General and Quarter Sessions.

XLVI. And be it enacted, That upon all Appeals from any Rate or Assessment in pursuance of this Act the Court of General Quarter Sessions of the Peace shall, in all Cases where such Court shall see just Cause to give Relief, amend such Rate or Assessment in any Manner which the said Court shall think necessary for giving such Relief, and without quashing or wholly setting aside such Rate or Assessment: Provided always, that if the said Court shall be of opinion that it is necessary, for the Purpose of giving Relief to the Person appealing, that the Rate or Assessment should be wholly quashed, then the said Court may quash the same, and order a new one to be made.

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

XLVII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to alter, prejudice, lessen, defeat, or affect the Rights, Powers, Privileges, Exemptions, and Authorities now vested in or enjoyed by the Devisees of the Most Noble *Francis* Duke of *Bridgwater*, deceased.

Interpretation Clause.

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

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

Words importing the Masculine Gender only shall include Females:

The Word "Month" shall mean Calendar Month:

The Word "Person" shall include Corporation, whether Aggregate or Sole:

The Word "Justice" shall mean Justice of the Peace acting within the Limits of the said recited Act and this Act:

The Word "Street" shall include any Square, Street, Court, or Alley, Highway, Lane, Road, Thoroughfare, or public Passage or Place, within the Limits of the said recited Act and this Act, and within the Powers of the Commissioners to flag, pave, or repair:

The Expression "the Commissioners" shall mean the Commissioners for the Time being acting by virtue of the said recited Act or this Act:

The Word "Pavement" shall include Wood, Asphalte, or any other Preparation, or any Materials used in lieu of paving Stones, by or with the Approbation of the Commissioners:

The Word "Cart" shall include any Lorry, Waggon, Timber Carriage, Float, Drag, Day, Shandry, or such like Carriage:

Expences of Act.

XLIX. And be it enacted, That the Costs and Expences of applying for and obtaining this Act shall be borne and paid by the Commissioners,

Commissioners out of the first Monies which shall come to their Hands.

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

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