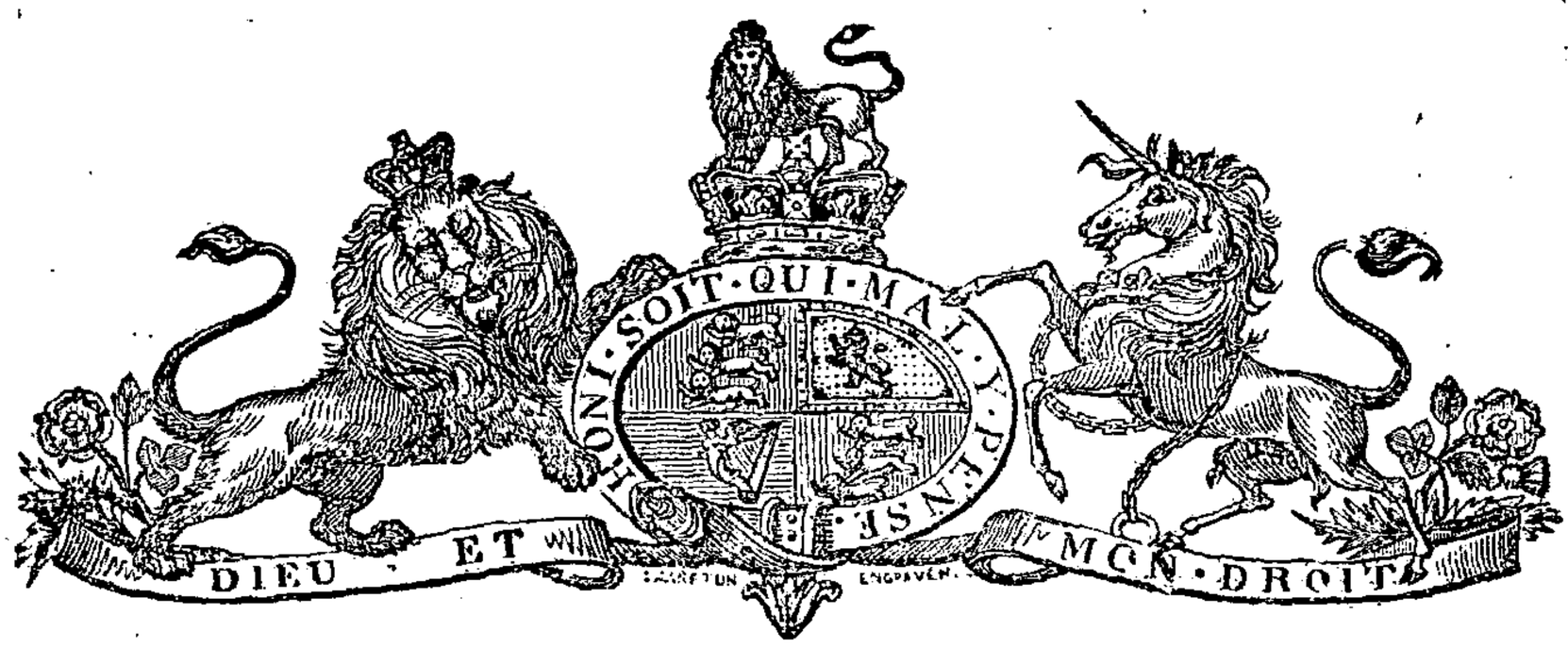



ANNO QUINTO

# VICTORIÆ REGINÆ.

Sess. 2.

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Act of the Third Year of the Reign of Her said Majesty shall be and the same is hereby repealed, save only and except so far as such Act repeals any Part of any other Act or Acts, and also save and except so far as relates to any Matters or Things done at any Time before the Commencement of this Act, all which Matters and Things shall be and remain good, valid, and effectual to all Intents and Purposes whatsoever as if this Act had not passed, and also save and except as to the Recovery and Application of any Penalty for any Offence which shall have been committed before the Commencement of this Act.

Council to appoint a Committee (to be called The Health Committee) out of their own Body.

II. And be it enacted, That the Council shall, within One Month after the Commencement of this Act, and so from Time to Time thereafter as they shall deem expedient, appoint, for such Time as they may think proper, a sufficient Number of their own Body, who, together with the Mayor for the Time being, shall be a Committee of the Council for the Purposes herein-after mentioned, and shall be called "The Health Committee;" and all the Powers herein-after given to such Committee may be executed by the Majority of the Members of the Committee who shall be present at any Meeting, the whole Number present at such Meeting being not less than Five.

Surveyors to assist the Health Committee.

III. And for better enabling the Health Committee to execute the Powers vested in them by this Act, be it enacted, That the Surveyors to be appointed by the Council under the Authority for that Purpose herein contained shall assist the said Committee in the Execution of the Powers of this Act, and shall execute all Orders and Directions of the said Committee in relation thereto, and shall observe and perform the several Matters herein mentioned or directed to be done and executed by them.

Regulating Width of Streets.

IV. And be it enacted, That it shall not be lawful to build any Two opposite Rows of Houses which shall be separated from each other by a Space of less than Twenty-four Feet wide where there shall be a Carriageway between such Houses, or by a Space of less than Fifteen Feet wide where there shall be no such Carriageway.

Houses not to be built in close Courts.

V. And be it enacted, That it shall not be lawful to build any House in any Court which shall not be open for the Space of Fifteen Feet at the least from the Ground upwards at One End of such Court, and so continuing the whole Length thereof, the Thickness of any Separation Wall at the other End thereof excepted; provided that for the Erection of any Privies and Ash Pits for the said Court, and for the House or Houses to the Front thereof, the Entrance to the Court may, if the Health Committee shall think proper, be narrowed to Six Feet in Width, such Erections not exceeding Ten Feet in Height, and being constructed to the Satisfaction of the said Committee.

Level of the Ground Floors.

VI. And be it enacted, That the Level of the Ground Floor of every House which shall hereafter be built shall be at least Six Inches above

above the Level of the Footway or Road adjoining such House, whether there shall be a Cellar to such House or not.

Regulating Size of Rooms.

VII. And be it enacted, That no House shall hereafter be built unless the same shall have at least One Room on the Ground Floor containing One hundred and eight superficial Feet clear of any Stairs or Staircase or any other Reduction, save One Chimney-breast and Fire-place therein, or which shall have any Room therein which shall be less than Eight Feet in Height from the Floor to the Ceiling, save Attic Rooms, which may average Seven Feet in Height from the Floor to the Ceiling, and Cellars not used for Habitation, which shall be considered as of sufficient Height if not less than Six Feet in Height.

Only One Story in the Roof.

VIII. And be it enacted, That there shall not be more than One Story in any Part of the Roof of any House which shall hereafter be built.

Regulating Windows.

IX. And be it enacted, That in every Room in any House which shall hereafter be built there shall be at least One Window, the Dimensions of which shall not be less than Five Feet in Height and not less than Three Feet wide, clear of the Sash Frame, or otherwise shall be of an Area of not less than Fifteen Feet clear of the Sash Frame; provided that Attic and Cellar Windows may be of Dimensions not less than Three Feet square, or otherwise of an Area of not less than Nine Feet clear of the Sash Frame; and every such Window, whether in the Attic, Cellar, or other Rooms, shall be a Casement Window opening on Hinges or Pivots, unless the Sashes thereof shall be Double, and made so as to open both at the Top and Bottom.

Cellars in Courts not be occupied as Dwellings.

X. And be it enacted, That it shall not be lawful to let separately, except as a Warehouse or Storehouse, or to suffer to be occupied as a Dwelling Place, any Cellar under any House in any Court.

Cellars not to be let for Dwellings, unless of a certain Height.

XI. And be it enacted, That from and after the First Day of *July* One thousand eight hundred and forty-four it shall not be lawful to let separately, except as a Warehouse or Storehouse, or to suffer to be occupied as a Dwelling Place, any Cellar or Room under any other House whatsoever, which Cellar or Room shall be less in Height from the Floor to the Ceiling than Seven Feet, or which shall be less than One Third of its Height above the Level of the Street adjoining the same, or otherwise shall not have Two Feet at least of its Height from the Floor to the Ceiling above the said Level, with an open Area of Two Feet wide from the Level of the Floor of such Cellar or Room up to the Level of the said Street, or which shall not have attached thereto the Use of a Privy and an Ash Pit, according to the Enactment herein contained, or which shall not also have a Window of not less than Three Feet square, or otherwise of an Area of not less than Nine Feet clear of the Sash Frame, and a Fire-place with a Chimney or Flue, or being an inner or back Cellar let or occupied along with a front Cellar as Part of the same Letting

or

or Occupation, shall not have a ventilating Chimney, unless such inner or back Cellar shall be Part of a House built before the Commencement of this Act.

Penalty.

XII. And be it enacted, That every Person who shall let separately (except as aforesaid), or knowingly suffer to be occupied for Hire as a Dwelling Place, any Cellar or Room, contrary to the Provisions of this Act, shall forfeit any Sum not exceeding Five Shillings for every Day during which such Cellar or Room shall be so occupied.

Owner of House to provide Privy and Ash Pit for the same.

XIII. And be it enacted, That the Owner of every House to which no sufficient Privy or Ash Pit is attached shall provide such fit and proper Privy to the same, in such Situation, not disturbing any Building already erected, and with such proper Door and Covering to such Privy, and also such fit and sufficient Ash Pit, and in such Situation, not disturbing any Building already erected, as the Health Committee shall consider requisite for the Use of the Inmates or Occupiers thereof; provided that a Privy and Ash Pit, or Two or more Privies and Ash Pits, may, with the Approbation of the said Committee, be used in common by the Inmates and Occupiers of Two or more such Houses.

Privies to be provided.

XIV. And be it enacted, That no House shall hereafter be built without there being constructed, to the Satisfaction of the Health Committee, either in such House or in a Yard attached to such House, a Privy, with proper Doors and Coverings to the same, and also an Ash Pit, together, if required by the said Committee, with a proper Funnel or Flue, or other Means for carrying off upwards any offensive Stench from such Privy and Ash Pit; provided that in the Case of Houses in Courts a Privy and Ash Pit, or Two or more Privies and Ash Pits, may, with the Approbation of the said Committee, be used in common by the Inmates and Occupiers of such Houses.

Owners of Houses to keep Privies and Ash Pits in repair.

XV. And be it enacted, That the Owner of every House now built or hereafter to be built shall keep the Privy and Ash Pit belonging to such House, or used by the Inmates or Occupiers thereof, in good Repair, to the Satisfaction of the Health Committee; and if the Owner of any House shall not provide the same with a Privy, with such Door and Covering to the same, or with such Ash Pit as aforesaid, or shall not repair the said Privy and Ash Pit, to the Satisfaction of the said Committee, within One Month next after Notice in Writing for that Purpose from One of the Surveyors shall have been given to such Owner, or left for him at his usual or last known Place of Abode in *England*, or upon or affixed to the Premises in respect of which the same shall be given, every such Owner so making default shall for every such Default forfeit any Sum not exceeding Five Pounds, and any further Sum not exceeding Ten Shillings for every Week during which such Default shall in anywise continue unamended.

XVI. And

Owners of Courts and Passages to flag them and keep the Flagging in repair.

XVI. And be it enacted, That the Owner of any Court or Passage, or of any Part of any Court or Passage, shall, to the Satisfaction of the Health Committee, sufficiently flag or lay such Court or Passage, or such Part thereof of which he shall be the Owner, and lay with Stone an over-ground Drain or Channel through, over, or along the same, or through, over, or along such Part thereof as the said Committee may require, and keep the Flagging of such Court or Passage, or of such Part thereof as aforesaid, and also such Drain or Channel over the same, in good Repair, to the Satisfaction of the said Committee; and the Owner of any Court, or of any Part of any Court, shall cause the Houses therein belonging to him to be sufficiently drained, and so to be kept and continued to the Satisfaction of the said Committee; and if any such Owner of any Court or Passage, or of any Part of any Court or Passage, shall not sufficiently flag the same as aforesaid, or shall not lay with Stone such Drain or Channel as aforesaid, or shall not repair and keep the same Flagging and Drain or Channel, or such Part thereof respectively as shall belong to him, in good Repair, to the Satisfaction of the said Committee, or shall not cause his Houses in any such Court to be sufficiently drained, and so kept and continued to the Satisfaction of the said Committee, within One Month next after Notice in Writing for that Purpose from One of the Surveyors shall have been given to such Owner, or left for him at his usual or last known Place of Abode in *England*, or in case such Owner shall be unknown, or be out of *England*, upon or affixed to the Premises in respect of which the same shall given, then and in every such Case such Owner so making default shall for every such Default forfeit any Sum not exceeding Five Pounds, and any further Sum not exceeding Ten Shillings for every Week during which such Default shall in anywise continue unamended; provided that in lieu of Flags any Material or Preparation approved by the Committee may be used, and in such Case this Provision shall apply to such Material or Preparation so approved in like Manner as to Flags or Flagging.

Private Drains, Privies, and Cesspools, &c. to be cleansed by Occupiers.

XVII. And be it enacted, That all private Drains and Watercourses used for Drains, and all Privies, Ash Pits, and Cesspools, shall be cleansed by the Occupiers of the Houses, Lands, or Tenements to which the same or the Use thereof shall belong; and if the Occupier of any House, Land, or Tenement to which any private Drain, Watercourse, Cesspool, Privy, or Ash Pit, or the Use thereof, shall belong, shall neglect well and sufficiently to cleanse the same, during Fourteen Days after Notice in Writing for that Purpose, signed by any One of the Surveyors, shall have been given to such Occupier, or left upon the Premises, every such Occupier shall forfeit any Sum not exceeding Five Pounds, and any further Sum not exceeding Ten Shillings for every Week during which such Default shall continue unamended; and it shall be lawful for the Council, if they shall think proper, to apply any Penalty recovered under this Provision, or any Part of any such Penalty, in or towards any such cleansing.

Proviso for excepting Branch

XVIII. Provided always, and be it enacted, That nothing herein contained shall extend to any private Sewer or Drain permitted by the

Drains made into the Sewers of the Liverpool Commissioners of Sewers.

the Commissioners for the better Paving and Sewerage of the Town of *Liverpool* to be Branches into any of the Sewers or Drains vested in or authorized to be made by the said Commissioners, and which private Sewer or Drain is required to be repaired and cleansed under the Inspection and Direction of the Surveyor for the Time being of the said Commissioners.

Nothing to authorize the Council to cut into any public or private Sewers, without Consent of proper Authorities or Parties.

XIX. Provided always, and be it enacted, That nothing in this Act contained shall authorize or empower the Council, or any Committee thereof, or any Person whomsoever, for any of the Purposes aforesaid, or otherwise, to cut into or communicate with any public Sewer, Ditch, Sough, or Watercourse, or to break up the Pavement of any Street or Highway, without the Consent in Writing of the proper Surveyor, District Surveyor, or Assistant Surveyor, or proper Commissioners for the Repair of Highways, for that Purpose first had and obtained, or to cut into or communicate with any private Sewer, Ditch, Sough, or Watercourse, wheresoever the same be, without the Consent in Writing of the Owner thereof for that Purpose first obtained: Provided always, that nothing herein contained shall be construed to abridge, prejudice, or affect any Right now existing in any Person whomsoever to cut into or communicate with any such public or private Sewer, Ditch, or Watercourse.

In case any House be in a filthy and unwholesome Condition, the Magistrate may order the same to be cleansed.

XX. And be it enacted, That if the Guardians of the Poor of any Union or Parish, or the Churchwardens or Overseers of the Poor of any Parish or Township, which Union, Parish, or Township, or any Part thereof, is within the Borough, together with the Medical Officer for such Union, Parish, or Township, shall be of opinion, and shall certify under the Hands of Two or more of such Guardians, Churchwardens, or Overseers, and also of such Medical Officer, that any House or Part of any House within the Borough is in such filthy and unwholesome Condition that the Health of the Inmates or of the Public is thereby affected or endangered, it shall be lawful for any Justice to cause Notice to be affixed on the Door or on some other conspicuous Part of such House, requiring the Occupier of such House or Part thereof to cause the same to be cleansed within Seven Days from the Date of affixing such Notice, or to appear before such Justice to answer such Complaint; and if within the said Seven Days such House or Part thereof shall not be cleansed to the Satisfaction of such Medical Officer, and if such Occupier, being duly summoned, shall not appear before such Justice, and show sufficient Cause to the contrary, such Justice is hereby empowered, on Proof thereof, to issue an Order under his Hand and Seal to the Guardians of the Poor, or the Churchwardens and Overseers aforesaid, to cause such House or Part thereof to be cleansed at at the Expence of the Occupier thereof, and to cause the Charges of cleansing the same to be levied, in case of Nonpayment, by Distress and Sale of the Goods and Chattels of such Occupier, by Warrant under the Hand and Seal of such Justice.

In case of Tenants opposing the Execution of this Act.

XXI. And be it enacted, That in case the Occupier of any House shall prevent the Owner thereof from carrying into effect in respect of such Premises any of the Provisions of this Act, or from doing any of the Matters and Things which by this Act are required to

to be done by such Owner, and after Notice of this Provision shall have been given by the Owner of such House to the Occupier thereof, it shall be lawful for any Two Justices, upon Proof thereof, to make their Order in Writing, requiring such Occupier to quit Possession of the Premises at the Expiration of Twenty-one Days from the Date of such Order, and upon the Expiration of such Twenty-one Days the Right of such Occupier to the Possession of the Premises shall cease and determine, and any Demise which may have been made to him thereof shall be at an end; and if such Occupier shall remain in the Premises after the Expiration of such Twenty-one Days, it shall be lawful for any Justice to issue his Warrant to any Constable, requiring him to remove such Occupier from the said Premises, and to put the Owner into the Possession thereof; and any Constable to whom such Warrant may be directed shall duly execute the same; and every Owner who shall with reasonable Diligence pursue the Means hereby provided for obtaining Possession of such House shall be discharged from all Penalties hereby imposed up to the Time of his obtaining such Possession.

Power to make Bye Laws for preventing Nuisances in Courts and Passages, &c.

XXII. And be it enacted, That it shall be lawful for the Council from Time to Time to make such Bye Laws as they shall think fit, for all or any of the Purposes following; (that is to say,)

For preventing Nuisances and Annoyances in Courts and Passages, and effecting Cleanliness therein:

For regulating the Removal of the Contents of Middensteads and Privies, when necessary, and for preventing foul Water soaking therefrom to the Annoyance of the Occupiers of adjoining Property; and also for preventing any such Middensteads or Privies, or any Hogsty, unclosed or uncovered, Dunghill or Manure Heap, from being a Nuisance or Annoyance to any Inhabitant:

And to ascertain and fix what pecuniary Penalties shall be incurred by Persons breaking such Bye Laws: Provided always, that no such last-mentioned Penalty shall exceed for any One Offence the Sum of Five Pounds, and in the Case of a continuing Nuisance the Sum of Ten Shillings for every Day during which such Nuisance shall be continued or unremedied.

Regulating the making such Bye Laws, &c.

XXIII. And be it enacted, That no Bye Law made under the Power for that Purpose herein contained shall be of any Force until the Expiration of Forty Days after the same, or a Copy thereof, shall have been sent, sealed with the Seal of the Mayor, Aldermen, and Burgesses, to One of Her Majesty's Principal Secretaries of State, and shall have been published Once in Two of the *Liverpool* Newspapers; and if at any Time within the said Period of Forty Days Her Majesty, with the Advice of Her Privy Council, shall disallow the same Bye Law or any Part thereof, such Bye Law, or the Part thereof disallowed, shall not come into operation; provided also, that it shall be lawful for Her Majesty, if She shall think fit, at any Time within the said Period of Forty Days, to enlarge the Time within which such Bye Law (if disallowed) shall not come into force, and no such Bye Law shall in that Case come into force until after the Expiration of such enlarged Time; provided that a Copy of

of any such Bye Laws, under the Seal of the Mayor, Aldermen, and Burgesses, with a Declaration thereon, signed by the Mayor of the Borough, that the same have been sent sealed as aforesaid to One of Her Majesty's Principal Secretaries of State, and published in Two of the *Liverpool* Newspapers aforesaid, shall be received as Evidence of such Bye Laws, and of the sending and publishing thereof as aforesaid, in all Courts of Law and Equity, and before all Justices.

**Bye Laws to be printed.**

XXIV. And be it enacted, That all Bye Laws made in pursuance of this Act shall be printed, and a Copy thereof shall be affixed and continued in the Police Office of the Borough of *Liverpool*, and Copies thereof shall be delivered to any Person who may apply for the same, on the Payment of such Sum as the Council shall think fit.

**As to Breaches of Bye Laws.**

XXV. And be it enacted, That all the Provisions herein-after contained relative to Offences against this Act punishable upon summary Conviction shall be taken to apply to all Offences committed in breach of any Bye Law made by the Council by virtue of this Act.

**After Commencement of Act, no Interment in any Grave which shall not be Two Feet Six Inches below the Surface.**

XXVI. And be it enacted, That from and after the Commencement of this Act no Coffin shall be interred in any Grave in any Burial Ground within the Borough in which after the Interment thereof there shall not be left at least Two Feet Six Inches of Soil remaining below the ordinary Surface of such Burial Ground, clear of every Part of the Coffin so to be interred in such Grave; and if the Sexton or other Person having the Preparation or the immediate Charge of the Preparation of the Grave to receive such Coffin shall permit the Coffin to be interred in such Grave, or if the Minister, Churchwarden, Trustee, or other Person having the Control of the Burial Ground shall knowingly permit any Coffin to be interred in any Grave in which there shall not be left, after the Interment thereof, Two Feet Six Inches at the least of Soil measuring below the ordinary Surface of such Burial Ground clear of any Part of the Coffin so to be interred, every such Sexton or other Person having the immediate Charge of the Preparation of the Grave, and every such Minister, Churchwarden, Trustee, or other Person having the Control of the Churchyard, Burial Ground, or Cemetery in which such Interment shall be made, shall forfeit for every such Offence a Sum not exceeding Ten Pounds.

Penalty 10*l.*

**Justices may suspend any Sexton for a Second Offence.**

XXVII. Provided always, and be it enacted, That if any Sexton or other Person having the Preparation or the immediate Charge of the Preparation of Graves in any Burial Ground within the Borough shall be guilty of a second or other subsequent Offence against this Act, it shall be lawful for the Justices before whom he shall be convicted of such second or other subsequent Offence, if such Justices shall think proper so to do, but not otherwise, instead of awarding any pecuniary Penalty in respect of such Offence, to adjudge that the Offender be incompetent to execute the Office of Sexton, or any other Office giving him the Charge of the Preparation of Graves in any Burial Ground within the Borough, either permanently, or

for such Time as shall be declared by such Justices; and if any such Sexton or other Person, after having been so declared incompetent as aforesaid, shall, during the Time of such his declared Incompetency, act as Sexton, or act in any Manner in the Preparation of any Grave within the Borough, he shall for every Offence forfeit a Sum not exceeding Five Pounds.

Vaults or Catacombs.

XXVIII. Provided always, and be it enacted, That the Provisions herein contained for the Discontinuance or Restriction of Interments shall not apply to Vaults or Catacombs.

Power for Council to appoint Surveyors.

XXIX. And be it enacted, That it shall be lawful for the Council, within Six Months after the Commencement of this Act, and from Time to Time as Vacancies shall happen, to appoint a fit Person or so many fit Persons (not being Surveyors of the Estates of the Mayor, Aldermen, and Burgesses of *Liverpool*,) as the Council shall think fit, to be Surveyors of Buildings within the Borough, and for other the Purposes of this Act, and to see that the several Provisions of this Act, and also the several Provisions of an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to provide for the Regulation of Chimney Sweepers and Chimneys*, and the Rules and Regulations for the Time being of the Health Committee, are well and truly observed therein; and each of the said Surveyors shall have in his special Charge such District of the Borough as the Council shall in that Behalf appoint; and each of the said Surveyors shall hold his Office during the Pleasure of the Council, and may, if the Council shall so think fit, but not otherwise, have an Assistant or Assistants under him (such Assistants being in all Cases appointed by and holding their Situations during the Pleasure of the Council); and the Council shall have Authority to fix the Districts in which the said Surveyors are to act within the Borough, and to do all Things relating in anywise to the Appointment and Direction of such Surveyors and Assistant Surveyors.

3 & 4 Vict. c. 85.

Surveyor to make a Declaration.

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

'I *A.B.*, the Surveyor [*or* Assistant Surveyor] [*or* One of the 'Surveyors] [*or* One of the Assistant Surveyors] of Buildings, 'appointed in pursuance of an Act of Parliament passed in the 'Year of the Reign of Queen *Victoria*, intituled [*here 'set forth the Title of this Act*], do declare, That I will diligently, 'faithfully, and impartially perform the Duties of my Office, and to 'the utmost of my Power, Skill, and Ability endeavour to cause the 'several Provisions of the said Act, and also the several Provisions 'of an Act passed in the Third and Fourth Years of the Reign of 'Her present Majesty, intituled *An Act to provide for the Regulation 'of Chimney Sweepers and Chimneys*, and the Rules and Directions 'for the Time being of the Health Committee, to be strictly 'observed, and that without Favour or Affection, Prejudice or 'Malice, to any Person whomsoever.'

Salary of Surveyor.

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

Council to provide Office for Surveyors.

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

Notice of building or repairing to be given to Surveyor.

XXXIII. And be it enacted, That One clear Day at least before any Building shall be begun to be erected, or any Addition thereto or Alteration therein shall be made, or before any Party or outside Wall or Chimney Back of any Building shall be begun to be built, pulled down, rebuilt, or altered, or any Opening shall be made therein, Notice thereof in Writing shall be left at the Office of the Surveyor of the District, signed by the Master Builder or Workman or other Person who shall be employed or be about to build, pull down, rebuild, or alter such Building, Party or outside Wall or Chimney Back, or by the Owner of the Property or other Person for whom or by whose Order such Works shall be ordered to be done, stating in general Terms the Nature of the intended Work, and the Place where the same is to be done or carried on, and the Name and Place of Abode of the Owner of the Property or other Person for whom or by whose Order such Work shall be ordered to be done, and the Name and Place of Abode of the Master Builder or Workman or other Person who shall be employed or shall be intended to be employed therein, and the Surveyor within whose District the same shall be shall inspect the said Building and Alterations from Time to Time, and shall cause all the Rules of this Act relative to the proper Construction of Buildings to be well and truly observed; provided, that in case the intended Alteration shall only relate to the opening of any Doorway or Window in any Dwelling House, no Notice shall be requisite, unless such Window or Doorway shall be opened or made through any Party Wall.

No Notice required for opening a Doorway or Window.

Surveyors to act, although Notice has not been given.

XXXIV. And be it enacted, That the Surveyor of the District wherein such Building may be situated shall, immediately on the same becoming known to him, cause all the Rules of this Act to be observed, whether or not any such Notice shall have been given to him; and if such Building or any Part thereof is irregularly built, he shall give immediate Information to the Mayor or some Justice, who shall cause the Irregularities to be amended, or the Building demolished, in the Manner herein-after directed.

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

XXXV. And be it enacted, That in case the Surveyor for the District within which any Building is situated which ought to be inspected under this Act shall be prevented by Illness or other unavoidable Hindrance from inspecting the same, or in case such Surveyor

Surveyor shall be interested directly or indirectly therein, then such Surveyor shall cause Notice thereof to be given to some other Surveyor appointed under this Act, or in case of the other Surveyor or Surveyors being prevented by the like Hindrance, then to some Assistant Surveyor not subject to such Objection; and such last-mentioned Surveyor or Assistant Surveyor, upon the Receipt of such Notice as aforesaid from the Surveyor of the District in which such Building is situated, or from any Person on his Behalf, shall inspect the Building in regard to which such Notice shall have been given, and see that the Regulations of this Act are well and truly observed.

Surveyor to give Information of Buildings or Alterations made contrary to this Act.

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

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

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

Declaration as aforesaid shall be made until a Certificate under the Hand of the Surveyor for the Time being of the Commissioners for the better Paving and Sewerage of the Town of *Liverpool*, in case the Buildings shall be situate within the District of such Commissioners, has been obtained, stating that such Building is upon the Level and drained in the Manner required by Law.

Penalty on Builder neglecting to give Notice.

XXXVIII. And be it enacted, That every Master Builder, Workman, or other Person by whom any Building or Alteration shall be erected or made, or by whom the same shall be completed, who shall neglect to give any Notice required by this Act respecting the same, shall for every such Neglect forfeit a Sum not exceeding Five Pounds.

Penalty on Workmen offending.

XXXIX. And be it enacted, That every Workman, Labourer, Servant, or other Person employed in any Building, or in the Alteration of any Building, who shall wilfully or negligently, and against the Order of any Person causing such Building to be erected or altered, or superintending the erecting or altering thereof, do any thing in or about any Building or Alteration of any Building contrary to the Regulations of this Act, shall for every such Offence forfeit and pay a Sum not exceeding Fifty Shillings.

Penalty on Persons refusing Inspection.

XL. And be it enacted, That every Owner or Occupier of any Building, and every other Person interested therein, who shall begin to build or rebuild or make any Alteration in any Building, and who shall refuse to any Surveyor under this Act Admittance from Time Time at reasonable Hours in the Daytime for the Purpose of inspecting the said Building or Alteration, or who shall in anywise interrupt or hinder any such Surveyor from surveying the same, shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds; and every Building built or begun to be built, or altered or begun to be altered, as aforesaid, without such Admittance as aforesaid being allowed, in case the same be not built or altered in every respect agreeably to the Regulations of this Act, shall be taken down or amended as directed by Order of any Justices in the Manner herein-after directed.

All Buildings erected contrary to this Act to be abated.

XLI. And be it enacted, That if any Person shall build or begin to build or alter any Building contrary to the Provisions of this Act, and be thereof convicted on Oath before any Justices, then the Owner of the said Building so irregularly built or altered, or other Person for whom or by whose Order the said Building shall be made, and the Builder employed, or One of them, as the said Justices shall require, shall enter into a Recognizance, in such Sum as the said Justices shall appoint, to take down the same within such convenient Time as the said Justices shall appoint, or otherwise to amend the same according to the Regulations in this Act contained, and also to pay the Expences of laying the Information and obtaining the Conviction; and in default of entering into such Recognizance it shall be lawful for the said Justices, by Warrant under their Hands and Seals, to order any such Building to be taken down or altered, and to order the Person by them authorized to take down the same to

sell the Materials thereof, and out of the Monies arising from the Sale thereof to pay himself, and all Persons by him employed for the Purposes aforesaid, the reasonable Charges of taking down such Building, and also the Expences of laying the Information and obtaining a Conviction, and to pay the Surplus of such Monies arising by such Sale to the Owner of such Materials, or to such Person as the said Justices shall order for such Owner; and if the Monies arising by such Sale be not sufficient to defray such Charges, the Deficiency shall be levied upon and recovered from the Owner or other Person for whom or by whose Order such Building shall be made or altered, in like Manner as Penalties are by this Act directed to be levied and recovered; or in case such Justices shall think it more expedient, the Person so making default shall be committed to the Common Gaol, there to remain for such Time as the said Justices shall determine, not more than Three Months, such Imprisonment to cease whenever the said Building shall be abated, taken down, or otherwise amended, according to the Order of the said Justices, and the Provisions of this Act: Provided always, that no Proceeding for any such Conviction shall be had after the End of Three Months after the Building shall have been finished or Alterations completed.

For preventing Neglect or Evasion of this Act.

XLII. And whereas it is expedient to make further Provision for the Detection of any Neglect or the wilful Evasion of the Provisions in this Act; be it enacted, That it shall be lawful for any Surveyor appointed by virtue of this Act and all other Persons to commence and prosecute Proceedings for the Recovery of any Penalty or Forfeiture, or for the pulling down or Alteration of any Building, against any Owner, Occupier, Builder, Workman, or other Person, for any Default made in complying with the Provisions of this Act, at any Time within Three Months after such Default shall have been made, provided that the Person intending to commence such Proceedings, if not one of the said Surveyors, shall give Notice of his Intention at the Office of the Surveyor of the District; and that in case any Person, having duly begun any Building requiring Compliance with the Provisions of this Act, shall suspend the Progress and Completion of such Building for any Period exceeding Two Months, and shall again go on with the same, or in case the Builder or other Person employed by such Owner or other Person in such Building shall be changed during the Progress thereof, Notice in Writing thereof, and of the Name of the Person to be employed to go on with such Building, shall be given to the Surveyor of the District, or left at the Surveyor's Office, in like Manner as is required upon beginning any new Building; and every Person making default, or neglecting to give or leave such Notice, shall for every Offence forfeit and pay a Sum not exceeding Twenty Pounds, to be recovered as herein-after mentioned.

As to Persons inadvertently making default in conforming to Regulations.

XLIII. And whereas Persons may inadvertently make default in not conforming to some of the Provisions of this Act, and by the Inattention of the Surveyor of the District within which the Building may be situated such further Progress may be made in the Work that in order to rectify such Error considerable Expence may be incurred,

incurred, which would not have been the case had due Attention been paid by the Surveyor; be it therefore enacted, That no Proceeding shall be had against any Owner, Occupier, Builder, Workman, or Person, for any Default made in not complying with the Provisions of this Act, where no Notice shall have been given thereof by such Surveyor as aforesaid, within Ten Days after such Default shall have been made, provided that such Default shall not affect the Safety of the Building, and that the same shall have been open to the Inspection of the Surveyor at the usual working Hours during the said Number of Days.

Future Buildings to be according to this Act;

XLIV. And be it enacted, That all Buildings hereafter to be built or rebuilt shall be built and rebuilt according to the Regulations in this Act contained, and the outer Walls, Party Walls, separate Side or End Walls, and Chimney Backs of Chimney Flues, shall be built according to the Schedule (A.) to this Act annexed, and in compliance therewith, and the Timbers in the Floors and Roofs shall be of the Strength and Dimensions specified in the Schedule (B.) to this Act annexed, and in compliance therewith; and the Mortar and other Materials to be used in the Building shall be of the Quality and Description in this Act mentioned: Provided always, that where there is more than One Story below the Level of the Street the Walls of the lowest Story shall be Half a Brick or Four Inches and a Half thicker than is otherwise required.

and shall be distinguished as in Schedule (A.)

XLV. And be it enacted, That all Buildings, whether upon old or new Foundations, or on Foundations partly new and partly old, shall be classed under the several Rates of Buildings described in the said Schedule (A.) to this Act annexed, and shall be built according to the Rules therein contained concerning the same respectively.

Rules as to the Rates of Buildings to be affixed to any existing Buildings.

XLVI. And in order to prevent any Doubt as to the proper Rate according to the said Schedule (A.) to which any Building added to any Building of the several Rates contained in such Schedule may belong, be it enacted, That whenever there are distinct and complete outer Walls to the original Building to which the Addition is to be made the said additional Building shall have such outer and other Walls as are required by the said Schedule (A.) according to the Rate to which such additional Building may belong, but if there shall be no distinct and complete outer Walls to the original Building, then such additional Building shall have such outer and other Walls as are required by the said Schedule (A.) for the Rate of the original Building, unless the additional Building shall be larger or of a higher Rate than the original Building, when the additional Building shall have such outer and other Walls as are required by the said Schedule for the Rate to which such additional Building may belong.

Regulations as to the Rates of

XLVII. And be it enacted, That in estimating the Rate of any Building according to the Number of Stories no Account shall be taken of any Story on the Roof; and the Height of all Walls shall be

be estimated from the Street Level, unless where any Building is more than Fifteen Feet from the Street, in which Case the Height of Front shall be measured from the Level of the Ground at the principal Entrance. Buildings, Heights of Walls, &c.

XLVIII. And be it enacted, That every Wall now or hereafter to be built, and which shall not be used, or shall not at the Time of the building thereof have been intended to be used, as a Separation of one Building from another, shall be held to be an outer Wall within the Meaning of this Act, and no such outer Wall shall be built of less Thickness or Dimensions than are specified in the said Schedule (A.) What shall be held to be an outer Wall.

XLIX. And be it enacted, That every outer Wall of every Building shall be built of good sound well-burnt Bricks, or good sound Stone, properly bonded, and set in good Mortar or Cement, except only such Wood Work as may be necessary for internal Plates, Girders, Joist Ends, Partition Heads, or for Bond or Chain Timbers, or Lintels, Door or Window Frames, and except only such Bressummers, and such Story Posts under Bressummers, as may be necessary in Openings, and which shall be set up or fixed not higher than the Level of the Ceiling of the Ground Floor of the Building to which the same belongs, and the Mortar or Cement shall be well compounded in the Proportion of One Part of good fresh burnt Lime or Cement and Three Parts of clean sharp Sand; and all the internal Plates, Girders, Joist Ends, Partition Heads, Bond or Chain Timbers, Lintels and Door or Window Frames, shall be at the Distance of at least Four Inches and a Half from the Face of the Wall, and all Bressummers shall be of sufficient Strength, and shall be of equal Breadth with the Walls which rest upon them, and the Story Posts of Shop Fronts shall be of Cast-iron, with Iron Caps and Bases; provided that nothing herein contained shall extend to prevent the Use of such Materials as may be necessary for Projections in Doorways and Shop Fronts, or for Pilasters or Cornices, under the Provision respecting the same herein contained. Regulations as to outer Walls.

L. And be it enacted, That in the Case of Doorways, Windows, or other Openings in the outer Walls of any Building intended to be used as a Shop, and of any Alterations in the same, the Walls over such Openings shall be supported with Brick or Stone Arches, Iron Cradling, or Wooden Lintels or Bressummers of sufficient Strength, to the Satisfaction of the Surveyor who shall inspect the same, and where the Doorways, Windows, or other Openings shall exceed Ten Feet in Width, with Story Posts in such Manner as shall be satisfactory to the Surveyor who shall inspect the same; and in the Case of Entrances to Warehouses for the Deposit of Goods, and not used as a Shop, the same, if they shall exceed Ten Feet in Width, shall be supported with Arches of Brick or Stone, or with Iron Girders, to the Satisfaction of the said Surveyor; and in every Case in which any such Building shall not be so supported to the Satisfaction of the said Surveyor, the same shall be considered as erected or altered (as the Case may be) contrary to the Regulations Openings in outer Walls of Shops or Warehouses to be supported according to Directions of Surveyor.

tions of this Act, and shall be taken down or amended by Order of any Justices in manner herein authorized.

As to Mode of building Party and separate Side Walls.

LI. And be it enacted, That every Party Wall and separate Side or End Wall shall be built of good sound well-burnt Bricks, or good sound Stone, properly bonded, and set in good Mortar or Cement, except such Wood Work as may be necessary for the Ends of Girders, Beams, Trimming Joists, or Bressummers, but the Ends of any Girder, Beam, Trimming Joist, or other Timber shall not be nearer than Four Inches and a Half to the Ends of any other such Timber inserted on the other Side of any such Wall, and all separate Side or End Walls shall be well and closely lined up to the under Sides of the Slates upon the Roof of the Building.

As to the Thickness of Party Walls.

LII. And be it enacted, That every Party Wall shall be of the Thickness specified in the said Schedule (A.), according to the Rate of the Building to be erected on either Side thereof, or the larger of them; but where, by Want of Agreement between the Parties interested, or otherwise, a Party Wall cannot be the Division Wall between the Side or End of any Building and any other Building, then each Building to be erected shall have a separate Side or End Wall of the Thickness in the said Schedule (A.) specified: Provided always, that after the building of any such separate Side or End Wall the same shall in no Case be considered as or made to form a Part of any Party Wall, upon the Erection of any adjoining Building at any Time afterwards, unless the same shall be of sufficient Thickness for such Party Wall according to the Provisions herein contained, and shall not have any Timbers inserted in it, other than are herein allowed to be inserted in Party Walls, and the Party interested therein shall consent to the same being used as such Party Wall; but otherwise every subsequent Building shall have a separate Side or End Wall of the Thickness required by this Act.

Parapets may be formed.

LIII. Provided always, and be it enacted, That nothing in this Act contained shall prevent any Person from carrying up any Wall above the Slates of the Roof in order to form a Parapet, so that the same do not exceed in Elevation Two Feet above the Slates of the Roof of such Building.

Party Walls in Third Class Buildings erected prior to 1839 exempted from this Act.

LIV. Provided always, and be it enacted, That as to all Buildings of the Third Class in the said Schedule (A.), not only any separate Side Wall which shall be One Brick Length in Thickness, but any Party Wall of the like Thickness (such Walls respectively having been actually erected prior to the First Day of *May* One thousand eight hundred and thirty-nine) shall be exempted from the Provisions of this Act, and either such separate Side Wall or such Party Wall shall and may be used as a Party Wall between Buildings of the said Third Class at all Times hereafter, with the Consent of the proper Parties interested therein, provided that such Walls respectively, in the Judgment of the Surveyor who shall inspect the same, shall have been well and sufficiently built, and be sufficient, and in good Order and Repair, and that all Chimneys belonging thereto

shall be or be made to be conformable to the Provisions of this Act, to the Satisfaction of the Surveyor who shall inspect the same.

Regulations as to Flues and Fire-places.

LV. And be it enacted, That no Flue or Fire-place shall be nearer than Four Inches and a Half to the Centre or Middle of the Thickness of any Party Wall, nor shall the Substance of Brick-work at the Back of any Fire-place or Chimney be less in Thickness than is required by the said Schedule (A.), nor shall any Girder, Beam, Trimmer, Joist, Bearer, or other Timber be laid in a Wall nearer than Nine Inches to any Chimney Opening, Back, or Flue, nor shall any Timber be laid underneath the Jaumbs or Opening in any Chimney Breast to support the same, but the same, if requiring to to be supported, shall be supported by Iron on Stone, according to the Directions of the Surveyor of the District, but in no Case shall the same be supported by or rest upon Timber.

Construction of Chimney Openings.

LVI. And be it enacted, That every such Chimney or Chimney Opening shall have a Slab before the same of Tile, Stone, or other incombustible Materials, which shall be at least Fifteen Inches broad, and One Foot longer than the Chimney Opening when finished, and shall be laid, when required by the Surveyor of the District, on Brick or Stone Trimmers at least Fifteen Inches broad before the Opening.

Ovens and Furnaces to have protecting Walls.

LVII. And be it enacted, That every Baker's Oven, and every Smith's or other Tradesman's or Artificer's Furnace whatsoever, hereafter to be erected, shall have, as Part of such Oven or Furnace or otherwise, a protecting Wall of not less than Nine Inches in Thickness between the Fire of the Oven or Furnace and the separate Side or End Wall, Party Wall or outer Wall, of the Building in which such Oven or Furnace shall be; and such protecting Wall shall be so constructed, and be of such Height, Depth, and Breadth above, below, and beyond the Oven or Surface, as shall be satisfactory to the Surveyor who shall inspect the same.

Heights of Chimney Shafts.

LVIII. And be it enacted, That no Chimney Shaft of any Building already built or hereafter to be built shall exceed the Height of Four Feet above the Outside of the Roof of such Building, measuring upwards from the Centre of such Chimney immediately above the Roof, unless the same be secured by sufficient Iron Stays, of such Strength and Dimensions, and to be fixed in such Manner, as shall be approved of by the Surveyor who shall inspect the Buildings, or unless the same be built with another Chimney Shaft, Back to Back, of such Height and of such Strength and Dimensions as shall be approved by the said Surveyor, nor shall any such Chimney Shaft above such Roof be of less Dimensions than Two Feet in any One Side thereof, unless Back to Back with another Shaft in manner aforesaid; provided that these Provisions shall not extend to the Chimney Shaft of any Chimney built for any detached Building standing at a Distance of not less than Eighteen Feet from any public Street, or to the Chimney Shaft of any Chimney built for any Steam Engine or Manufactory, the Chimney Shaft of which detached Buildings, Steam Engines, or Manufactories may be erected of such

Strength and Dimensions and in such Manner as shall be satisfactory to the said Surveyor.

**Chimneys and Flues to be pargetted.**

LIX. And be it enacted, That the Inside of every Chimney Opening and the Inside of any Flue hereafter to be built shall be rendered or pargetted throughout with Mortar properly prepared for such Purpose, and every Person building any Chimney or Flue without causing the same to be so rendered or pargetted throughout shall for every such Offence forfeit a Sum not exceeding Five Pounds.

**Flues to be painted on Buildings adjoining to vacant Land.**

LX. And be it enacted, That in all Cases where Party Walls are built adjoining to vacant Land, with Chimney Openings and Flues on the Inner Side thereof, the Outside Limits or Courses and Situations of all such Chimney Openings and Flues shall be distinctly marked with Paint on Lines of not less than Three Inches wide upon the outer Side of such Party Walls.

**Sizes of Joists, Purlins, and Rafters.**

LXI. And be it enacted, That no Joist or Beam in any Floor of any Building of the several Rates contained in the said Schedule (A.) shall be of less Dimensions than are expressed in the Schedule (B.) to this Act annexed, according to the Lengths of Bearing thereof, nor shall the Spars or Rafters in any Roof be of less Strength or greater Bearing than is specified in the said Schedule (B.), nor shall any Pans or Purlins in any Roof be of less Dimensions according to the Bearing thereof, or more apart, than are specified in the said Schedule (B.)

**Of what Materials Houses shall be roofed.**

LXII. And be it enacted, That every Flat, Gutter, and Roof of every Building, and also every Turret, Dormer, and Lantern Light, or other similar Building, which shall be placed in or on the Flat or Roof of any such Building, and every outer Part of every Flat, Gutter, Roof, Turret, Dormer, and Lantern Light, or other similar Erection, in or on any Building now built, which shall at any Time hereafter be uncovered, shall be covered or renewed with Slate, Tile, Glass, Copper, Lead, Tin, Zinc, or artificial Stone or Stucco, or other incombustible Material, except such Wood Work as may be necessary for the Doors, Door Frames, Windows, and Window Frames of such Dormers, Turrets, Lantern Lights, or other similar Building.

**Water from Buildings to be conveyed in Drains.**

LXIII. And be it enacted, That no Water shall be permitted to flow from any Building upon the Footway of any Street, but all such Buildings shall be drained by Pipes or Tunnels, where practicable, below the Surface of the Pavement or Flagging of the Footway, and where impracticable, on account of the Level of the Street, by Channels formed in the Pavement or Flagging of the Footway, nor shall any Water be pumped up or discharged from any Building upon the Footway of any Street, but the same, when necessary to be so pumped up and discharged, in consequence of any Tempest or Flood, may be conveyed over or under the Footway by Spouts or Trunks to the Drain or Channel of the Street.

How Pipes, &c. for conveying Water shall be laid.

LXIV. And be it enacted, That for the Purpose of laying or forming such Pipes, Tunnels, Drains, or Channels as aforesaid, it shall and may be lawful for the Owner or Occupier of any Building, at his Expence, upon Two Days Notice in Writing given to the Commissioners for the better Paving and Sewerage of the Town of *Liverpool*, in regard to Pipes, Tunnels, and Channels in Streets or public Highways within that Part of the Borough which is under their Jurisdiction and to the Surveyor of the Highways of the Township wherein such Streets or public Highways are situated in regard to Pipes, Tunnels, Drains, and Channels in Streets or public Highways in other Parts of the Borough, not being within the Jurisdiction of the said Commissioners, to take up so much of the Paving or Flagging of any Footpath or Carriageway as may be requisite; and that the said Pipes, Tunnels, Drains, or Channels shall be laid and formed under the Directions of the Surveyor of the said Commissioners, or the Surveyor of the District, as the Case may require; and that all Damages which may be thereby occasioned to the Flagging or Pavement of the Footpath or Carriageway shall be made good, and shall be paid by the said Owner or Occupier to the Treasurer of the said Commissioners, or to the Surveyor of the District, as the Case may be, and in the event of any Neglect or Refusal to make good or pay the Amount of such Damages such Amount shall and may be recovered as Penalties are by this Act authorized to be recovered.

No Smoke or Steam to be discharged from Front of Buildings.

LXV. And be it enacted, That if any Person shall permit any Smoke or Steam to be discharged from the Front, Side, or End of any Building into any Street, every Person so offending shall forfeit a Sum not exceeding Five Pounds.

Cellar Openings to be secured according to the Directions of the Commissioners of Paving or Surveyors of Highways.

LXVI. And be it enacted, That the Cellar Entrances, Windows, or Openings of all Buildings to the Front of any Street, and the Coal and other Vaults under the Footway of any such Street, and the Entrances or Openings thereto from the Footway, shall be covered over, fastened down, or guarded in such Manner and according to such Directions as shall be given in Writing to the Owner or Occupier thereof by or on the Behalf of the Commissioners for Paving and Sewerage, or by the Surveyor of the District as to that Part of the Borough not under the Jurisdiction of the said Commissioners; and in case the Owner or Occupier of any such Building shall not cover over, fasten down, or guard, or cause the Cellar Entrances and Windows or Openings of the same, and the said Coal or other Vaults, and the Entrances or Openings thereto, to be covered over, fastened down, and guarded, in such Manner and according to such Directions as shall be given respecting the same, by or on behalf of the said Commissioners or Surveyors (as the Case may be), he shall forfeit for each Offence any Sum not exceeding the Sum of Forty Shillings.

Projections in front of Buildings.

LXVII. And be it enacted, That no Projection of any Kind shall be made in front of any Building over or upon the Pavement of any Street, except for Shop Fronts or for Doorways, and no Part of such Shop Front or Doorway in Streets under Ten Yards wide (measuring

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ing from House to House at Right Angles with the Front Brick or Stone Work of the said Buildings,) shall project more than Six Inches, except the Cornice, which may project Fifteen Inches, and in Streets more than Ten Yards wide, measuring as aforesaid, no Shop Front or Doorway shall project more than Twelve Inches, except the Cornice, which may project Eighteen Inches, the Tops of such projecting Cornices in no Case to exceed in Height more than Three Feet above the Ceiling of such Shop, and being in all Cases covered with Lead, Copper, Zinc, Iron, Slate, Stone, or other incombustible Material: Provided always, that it shall be lawful for any Person, with the Consent in Writing of the Council, testified by a Copy of some Resolution in Writing of the Council, certified under the Hand of the Town Clerk, and also with the Consent of the said Commissioners for the better Paving and Sewerage of the Town of *Liverpool*, testified by a Copy of some Resolution in Writing of the said Commissioners, certified under the Hand of their Clerk, to build with or add to, or cause or allow to be built with or added to, any Building fronting any Street, any projecting Pilaster which shall not project more than Six Inches, or in Streets more than Ten Yards wide, measuring as aforesaid, more than Twelve Inches from the perpendicular Line of the Front Brick or Stone Work of the Building where it fronts such Street; provided also, that the Erection of such Pilaster shall not entitle the Owner of such Building at any future Period to bring forward or advance the Front Wall of such Buildings in a Line with the Front of such Pilaster; and in the Absence of any Evidence to the contrary on the Part of the Owner, the Presumption shall be, that, save as hereby expressly allowed, the Right of such Owner was limited to the Line of such Front Wall without such Pilaster or Cornice.

**Regulations as to raising Buildings.**

LXVIII. And be it enacted, That Buildings may be raised, whenever the outer Walls and the Party Walls, or separate Side or End Walls thereof, are of sufficient Strength, and so far sound and in good Repair as to be fit to bear additional Walls thereon of the Materials and Thickness which are by this Act prescribed for outer Walls and Party Walls respectively of the Rate of Building intended to be raised, and where the Height of the said outer Walls and Party Walls, and Roof of the Building when raised, shall not exceed any of the Heights by this Act directed for the Rate of which the Building will be when raised, and not otherwise.

**Adjoining Chimneys and Flues to be raised.**

LXIX. And be it enacted, That in case any Building so raised shall be of a greater Height than the adjoining Building, and the Flues or Chimneys of such adjoining Building, over the Party Walls, or separate Side or End Walls, adjoining such Building so raised, the Party raising such Building shall at his own Expence build up such Flues and Chimneys belonging to the adjoining Building, so that the Top thereof may be carried up to the same Height as regards the Building so raised as before the same had been raised; but if the Wall between the said Building so raised and any adjoining Building shall be a Party Wall common to both Buildings, then, in the event of the Owner of such adjoining Building making use of any Portion of such Party Wall as shall have been raised, the Party raising such

Party

Party Wall shall be paid by and shall receive from the Owner who shall be entitled to the improved Rent of such adjoining Building a fair Proportion of the Expence of so much of the said Party Wall as shall be made use of at any Time after the building thereof; but in no Case shall any Demand be made for raising such Wall, or such Chimneys or Flues, if no other Use is made of them than before the same were raised; which said Proportion of the Expence shall be paid within One Month after Demand thereof in Writing delivered to such Owner, or left for him at his usual or last known Place of Abode in *England*, and in default thereof may be recovered by Action of Debt or on the Case, as herein provided in relation to the Expences of Party Walls.

Regulations for and Mode of cutting into Party Walls.

LXX. And be it enacted, That no Person shall cut into any Party Wall now built or hereafter to be built, except as herein-after specified; that is to say, it shall be lawful to cut into such Party Wall not deeper than the Centre thereof, for the Purpose of inserting or laying in the Front or Back Wall of any Building newly erected or altered adjoining to such Party Wall, or not deeper than Four Inches and a Half for any Bressummer, Beam End, or Story Post, or not deeper than the Centre thereof for the Purpose of building in any Stone or Iron Steps or Landings, or for the Purpose of inserting Wood Trimmers, Joists, or Bearers for each Flight of Wood Stairs, or for the Purpose of building in Stone Corbels for the Support of any Chimney required to be built against any such Wall, or for the Purpose of laying therein Stone or Brick Trusses or Bearers to support the Ends of any Joist, Beam, or Trimming Joists, the same being done to the Satisfaction of the Surveyor who shall inspect the same; and every Person who shall cut into any Party Wall for any of the Purposes aforesaid shall immediately make good and repair the same to the Satisfaction of the said Surveyor, but no Party Wall shall be cut for any of the aforesaid Purposes if such cutting will endanger the said Wall, or displace any of the Timbers, Chimneys, or Flues, or internal Finishings of the adjoining Building; and all the Spaces on every Side of any Timber so inserted in any Party Wall shall be well filled up with good Brick or Stone and Mortar or Cement: Provided always, that no Corbels shall be allowed in support of any Timber: Provided also, that in case of Buildings belonging to the same Party, or by Agreement between the respective proper Parties interested, One Bressummer or Beam may be allowed to extend over Two Shop Fronts, each such Shop Front belonging to a Building immediately adjoining the other, and in continuation of the same lineable Street Front.

Openings through Party Walls how to be made.

LXXI. And be it enacted, That no Opening shall be cut or made through any Party Wall for any Purpose whatever other than and except for Communication from one Building to another, with the Consent of all Parties interested, and shall in no Case exceed Six Feet in Width, or such Height as shall be approved of by the Surveyor of the District; and if the Buildings shall be Warehouses, or either of them a Warehouse, for the Deposit of Merchandize, and not kept as a Shop in which the Sale of Goods by Retail is carried

on, such Openings shall be properly secured with Iron Doors and Frames.

Notice of cutting into or through Party Walls to be given.

LXXII. And be it enacted, That before beginning to cut into or through any Party Wall One clear Day's Notice in Writing shall be given to or left at the Surveyor's Office of the Opening so intended to be made, signed by the Owner of the Building in which or other Person by whose Direction the same is to be made, or by the Builder or other Person employed to make the same, stating in general Terms the Nature of the intended Work, and the Place at which the same is to be done, and the Name and Place of Abode of the Owner of the Property or other Person for whom or by whose Direction such Work is to be done, and the Name of the Master Builder or Workman or other Person who shall be employed or be intended to be employed therein.

Penalty for improperly cutting into Party Wall.

LXXIII. And be it enacted, That every Person who shall cut into or maim any Party Wall, or cause the same to be so cut into or maimed, contrary to the Provisions of this Act, shall for every such Offence forfeit a Sum not exceeding Twenty Pounds.

Penalty for Fraud in erecting Party Walls.

LXXIV. And be it enacted, That if between Two Dwelling Houses or other Buildings Two Walls shall have been erected which together may be of the Thickness or Substance of the Party Wall required by this Act, according to the Rate of Building in the said Schedule (A.), or be deemed by the Surveyor who shall inspect the same to be such Party Wall, and if the Owner or Occupier, or any Builder or other Person, shall, in evasion of this Act, afterwards take down or cause to be taken down one of the said Walls or any Part thereof, so that the Division Wall between the said Houses or Buildings shall not be conformable to the Provisions of this Act, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding One hundred Pounds, and shall also rebuild such Wall according to the Provisions of this Act.

As to re-building old Party Walls and Party Arches.

One Calendar Month's Notice to be given.

LXXV. And whereas it is expedient that sufficient Party Walls, Arches, and Partitions should exist, as well between Buildings already built as between Buildings hereafter to be built; be it enacted, That it shall be lawful for any Person who shall think it necessary and intend to repair, pull down, or rebuild any Party Wall, Arch, or Partition, or any Part thereof, to give One Month's Notice in Writing, addressed to the Owner or Occupier of such adjoining Building or Ground, of his Intention to repair or pull down such Party Wall, Arch, or Partition, or any Part thereof, by delivering a Copy of such Notice to the Occupier of such adjoining Building or Ground, if the same shall be occupied, either personally or by leaving the same for him at his last or usual Place of Abode, or if such adjoining Building or Ground be unoccupied, by fixing a Copy of such Notice on the Door of such last-mentioned Building, or on a conspicuous Part of the Party Wall, Arch, or Partition, where the same shall abut on any such Ground.

LXXVI. And

Form of Notice.

LXXVI. And be it enacted, That such Notice may be in the Form or to the Effect following, with such Alteration therein as the Circumstances of the Case may require:

'TAKE notice, That the Party Wall [*or* Party Arch *or* Party Partition, *or some Part thereof*,] between the Building or Ground situate or inhabited or occupied by and my House [*or* Building *or* Ground] adjoining thereto, is so far out of repair or insufficient as to make it necessary to repair or pull down and rebuild the same, or some Part thereof, and that I intend to have the said Party Wall [*or* Party Arch *or* Party Partition] surveyed, in pursuance of an Act passed in the Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here set out the Title of this Act*], and that I have appointed of my Surveyor to attend at in on my Behalf on the Day of and at of the Clock in the noon of the same Day; and I do hereby call upon you to appoint a Surveyor or other able Workman on your Part to meet him at the Time and Place aforesaid, to view the said Party Wall [*or* Party Arch *or* Party Partition], and to certify the Condition thereof, and whether the same or any Part thereof ought to be repaired or pulled down and rebuilt. Dated this Day of One thousand eight hundred and

'To the Owner and Occupier of [*here describe shortly the adjoining Building or Ground*].'

Surveyor to be appointed to view Party Walls and Party Arches.

LXXVII. And be it enacted, That every such Owner or Occupier to or for whom such Notice shall be so given or left as aforesaid, or in case of any such Notice being so affixed as aforesaid the Owner or other Person interested in such adjoining Building or Ground, shall appoint a Surveyor or able Workman to meet at the Time and Place in such Notice mentioned, and he, together with the Surveyor or Workman named by the Party giving such Notice, shall view such Party Wall, Arch, or Partition, and shall certify in Writing under their Hands to the Surveyor of the District the Condition thereof, and whether the same or any Part thereof ought to be repaired or pulled down and rebuilt; and in case the Owner or Occupier of any adjoining Building, or such other Person as aforesaid, having Notice as aforesaid, shall refuse or neglect to name such Surveyor or able Workman, according to such Notice, then the Surveyor or Workman named in such Notice, together with one other Surveyor or able Workman, also to be named by the Party giving such Notice as aforesaid, shall, within Six Days after the Time appointed in such Notice, view the Party Wall, Arch, or Partition required or intended to be repaired or pulled down, and shall certify in Writing under their Hands to the Council the Condition of such Party Wall, Arch, or Partition, and whether the same or any Part thereof ought to be repaired or pulled down and rebuilt; and in case the Surveyors or Workmen appointed in manner aforesaid to view such Party Wall, Arch, or Partition, shall not within the Space of Three Weeks next after such Appointment sign such Certificate in

If major Part of Surveyors do not certify within Three Weeks, another Sur-

veyor to be named by the Surveyor of the District.

in Writing, then the Surveyor of the Mayor, Aldermen, and Burgesses, upon Application to him for that Purpose by the Party giving such Notice as aforesaid, shall appoint One other able Surveyor or Workman to be added to the Surveyors or Workmen appointed as aforesaid, and all the said Surveyors or Workmen so appointed, or the greater Number of them, shall meet for that Purpose (Six Days Notice having been given to or left at the Dwelling House of each of them, of such intended Meeting), and shall view the Party Wall, Arch, or Partition so proposed to be repaired or pulled down.

Walls being certified by the Surveyors to be ruinous, a Copy of the Certificate to be delivered to the Owners, &c. in Three Days.

LXXVIII. And be it enacted, That in case the greater Number of such Surveyors or Workmen appointed in manner aforesaid shall certify in Writing under their Hands to the Council that the Party Wall, Arch, or Partition described in such Notice, or any Part thereof, is decayed and ruinous, or is not sufficiently secure against Fire, and that the same ought to be pulled down and rebuilt, then, within Three Days next after such Certificate, a Copy thereof shall be delivered to the Owner or Occupier of or left at such adjoining Building, or, if the same be unoccupied, fixed on the Door or other conspicuous Part thereof; and such Certificate shall be immediately filed at the Office of the Town Clerk, paying such Clerk One Shilling for the filing thereof, and no more.

Owners or Occupiers thinking themselves aggrieved, may appeal to the General or Quarter Sessions;

LXXIX. And be it enacted, That the Owner or Occupier of the adjoining Building may, if he think fit, appeal from such Certificate to the next General or Quarter Sessions to be holden for the said Borough, and the Court to which such Appeal shall be made shall summon before the said Court One or more of such Surveyors or Workmen, and such other Persons as the Court shall think fit, and shall examine into the Matter by the Oaths of the Witnesses, and upon such Examination the Court shall make such Order or Orders in the Premises as it in its Discretion shall think to be just and reasonable, which Order or Orders shall be entered and filed of Record by the Clerk of the Peace of the said Borough, for entering and filing whereof, and for any Order of Court and Copy thereof, the said Clerk shall be paid after the Rate of One Shilling for every One hundred Words; and the Determination of the said Court shall be final and conclusive against all Parties.

whose Determination shall be final.

Powers of Parties intending to repair or rebuild, &c., in default of Appeal.

LXXX. And be it enacted, That in default of appealing as aforesaid, or if upon any such Appeal no Order shall be made to the contrary, it shall be lawful for the Party intending to repair or pull down and rebuild such Party Wall, Arch, or Partition as aforesaid, after the Expiration of Four Weeks after the delivering or leaving the Copy of such Certificate as aforesaid, to cause such Party Wall, Arch, or Partition, or any Parts thereof, to be repaired or pulled down, and for that Purpose, in the Presence of a Constable or other Officer of the Peace, to enter into and upon the adjoining Building, at any Time between the Hour of Six in the Morning and Seven in the Afternoon (*Sundays*, *Christmas Day*, *Good Friday*, and any Day of public Fast or Thanksgiving excepted), and if the outer Door of such Building be shut, and the Person therein refuse to open

the same, being thereunto required, or if the same be unoccupied, may break open such outer Door, and may also remove to some other Part of the Premises, or in case there be no Room in the Premises sufficient for that Purpose, to any other Place fit for the safe Custody thereof, any Wainscot, Closets, Presses, Dressers, Shelves, Furniture, and other Things hindering the building of such Party Wall, Arch, or Partition, and shall shore up the adjoining Building, and may pull down any Wall, Arch, Partition, or other Thing necessary to be pulled down or removed, and build a new Party Wall, Arch, or Partition, or any Part thereof, of such Materials, and of such Thickness and Height, and in such Manner, and subject to such Regulations, as are by this Act prescribed: Provided always, that no Party Wall which has been built since the Twentieth Day of *May* One thousand eight hundred and twenty-five, or which may hereafter be legally built, and which is sound and in sufficient Repair, shall be liable to be condemned to be taken down by any thing herein contained, for the Purpose of building a Party Wall for a larger Rate of Building.

Sound Party Walls legally built not to be taken down in order to construct a higher Rate of Building.

LXXXI. And be it enacted, That if the Surveyors or Contractor, or the greater Number of them, shall not certify that the Party Wall, Arch, or Partition surveyed by them as required by such Notice is damaged or ruinous, or not sufficient secure against Fire (if any should happen), and that the same ought to be repaired or pulled down, then the Person who has given the Notice shall pay such reasonable Expence of surveying the same as any Justice shall appoint, the said Expences to be recovered in like Manner as any Penalties directed by this Act are to be recovered.

Payment of Surveyors of Party Walls if not condemned.

LXXXII. And be it enacted, That the Person at whose Expence any Party Wall, Arch, or Partition shall be built, agreeably to the Directions of this Act, shall be reimbursed by the Owner who shall be entitled to the improved Rent of the adjoining Building or Ground, and who shall at any Time make use of such Party Wall, Arch, or Partition, a Part of the Expence of building the same, and of all Expences connected therewith, in the Proportions after mentioned; (that is to say,) if the adjoining Building be of the same or higher Rate or Class of Building than the Building belonging to the Person at whose Expence the said Party Wall, Arch, or Petition was built, then such Owner of such adjoining Building or Ground shall pay One Moiety of the Expence of building so much of the said Party Wall, Arch, or Partition as such Owner shall make use of; and if the adjoining Building be of a lower Rate or Class of Building then such Owner of such adjoining Building or Ground shall pay a Sum of Money equal to One Moiety of the Expence of a Building or Party Wall, Arch or Partition, of the Thickness by this Act required for the Rate or Class of Building to which such adjoining Building shall belong, and of the Height and Breadth of so much of the said Party Wall, Arch, or Partition as such Owner shall make use of; and in the meantime and until such Moiety or other proportional Part of the Expence of building such Party Wall, Arch, or Partition be so paid, the sole Property of the whole of such Party Wall, Arch, or Partition, and of the whole Ground whereon the same stands, shall be vested wholly

How Owners are to be reimbursed Part of their Expence, and in what Proportion, who have built said Party Walls.

Until Payment of Expence, the Property of the Party Wall, &c. vested in the Builder.

When a proportional Part is to be paid.

wholly in the Person at whose Expence the same was built; and such Moiety or other proportional Part of the Expence of building such Party Wall, Arch, or Partition shall be so paid to the Person at whose Expence the same shall be built, or in whom the Property thereof shall be vested, at the Times herein-after mentioned; (that is to say,) in respect of every such Party Wall, Arch, or Partition to any House or Building whereunto at the Time of building the same no other House or Building was adjoining, so soon as such Party Wall shall be cut into or made use of; and in respect of every such Party Wall, Arch, or Partition as shall be built against or adjoining to any other Building, so soon as such Party Wall, Arch, or Partition shall be completely built and finished; and in respect of such last-mentioned Party Wall, Arch, or Partition, such Owner of such adjoining Building shall, together with such proportional Part of the Expence of rebuilding such Party Wall, Arch, or Partition, also pay a like proportional Part of all other Expences which shall be necessary to the pulling down the old Party Wall, Arch, or Partition, and the whole of the reasonable Expences of shoring up such adjoining Building, and of removing any Goods, Furniture, or other Things, and of pulling down any Wainscot, Closet, Press, Dresser, Shelf, or Partition, and also all such Costs (if any) as may have been awarded by any Justice in respect thereof, together with the Expence of pulling down and clearing away any such old Party Wall, Arch, or Partition, but with the Benefit of reasonable Deduction on account of the old Materials of any such Party Wall, Arch, or Partition; and in default of Payment within Twenty-one Days next after Demand thereof, the same may be recovered, together with full Costs of Suit, of and from such respective Owner, by Action of Debt or on the Case in any of the Superior Courts, provided that such respective Owners shall be entitled to Contribution in the Manner herein-after provided.

Persons requiring a Wall for a higher Rate of Building shall build a separate Side or End Wall.

LXXXIII. And be it enacted, That where any Party Wall shall be sound and conformable to this Act every Person requiring any Party Wall of a higher Rate than the one existing shall, unless he can agree with the Owner of the adjoining Building to rebuild such Party Wall, build a separate Side or End Wall against the same, according to the Rate of such Building, as herein directed for separate Side or End Walls.

Regulations as to building over Passages, &c.

LXXXIV. And whereas it frequently happens that many Buildings are erected in some Parts thereof over public or private Ways, Roads, or Passages, and the Walls dividing the separate Properties or Buildings over such Ways, Roads, or Passages, with the Chimney Breasts or Flues, are not arched under or supported by Brick or Stone, but rest upon Wood; for Remedy thereof be it enacted, That when any such Buildings erected in any Part thereof over any such Ways, Roads, or Passages shall be taken down and rebuilt, the said dividing Walls, and Chimney Breasts and Flues (if any) in such dividing Walls, shall be arched under with Arches not less than the Length of One Brick Length or Eight and a Half Inches in Thickness over such Ways, Roads, or Passages, with good sound Brick or Stone Arches, or supported with Stone or Iron Supports of sufficient Strength, and according

according to the Directions to be given from Time to Time by the Surveyor of the District who shall inspect the same; but in no Case shall any such dividing Walls, or Chimney Breasts and Flues (if any) in such dividing Walls, rest upon or be supported by Timber; and all such Brick or Stone Arches, or Stone or Iron Supports, shall be supported from the Foundations by Walls not of less Thickness than required by the said Schedule (A.) for outer Walls, according to the Rate of Building on either Side of such public Way, Road, or Passage.

The Corporation empowered to fence in or to take down such Buildings as shall be presented as Nuisances.

LXXXV. And whereas it hath happened and may happen that some of the Buildings and Walls in several Parts of the said Borough are sometimes in so ruinous a Condition that Passengers passing by, or Persons dwelling near the same, are in danger of their Lives or some bodily Harm from the falling thereof, or of Bricks, Stone, Timber, or other Materials therefrom; be it therefore enacted, That if any Presentment shall be made by any Inquest or Grand Jury at any Court or General or Quarter Sessions, or if any Four or more Householders living near any such Building or Wall shall by Writing under their Hands present to the Council that any Building or Wall is in a ruinous or dangerous Condition, the Council, on Notice of any such Presentment being given to them, and on the same or a Copy thereof being laid before them, shall cause a Survey of the said Building or Wall to be made with all convenient Speed by the Surveyor of the District; and if upon such Survey it shall be certified to them that the said Building or Wall is dangerous or ruinous, the Council shall immediately cause a proper Hoard or Fence to be put up, and shall cause Notice in Writing (or partly written and partly printed) to be given to the Owner or other Person interested therein, if he can be found in the said Borough, and if not, shall cause such Notice to be affixed upon the Door or other conspicuous Part of the Premises so presented to be ruinous or dangerous, or upon the said Hoard or Fence, requiring such Owner or Person so interested to take down, secure, or repair such Building or Wall, as the Case shall require, within the Space of Fourteen Days then next ensuing; and if such Owner or other Person so interested as aforesaid shall not begin to repair, take down, or secure the Building or Wall so presented to be ruinous or dangerous within the said Space of Fourteen Days after such Notice shall be so given or affixed as aforesaid, and complete such Repairs or taking down as speedily as the Nature of the Case will admit, then the Council shall, with all convenient Speed, cause such Building or Wall, or so much thereof as shall be in such ruinous Condition, or likely to be dangerous to Passengers passing by the same, to be taken down and secured in such Manner as shall from Time to Time be thought requisite, and shall sell such of the old Materials as may be expedient, and out of the Monies arising therefrom shall reimburse themselves, and every Person by them employed, all the Charges of putting up any such Hoard or Fence, and of taking down or securing such Building or Wall, and of selling the Materials, or so much thereof as the Monies arising from any such Sale will extend to pay, and shall account for and pay over the Surplus to the Owner or other Person interested in such Building or Wall, upon Demand thereof made; and if no Demand shall be made

made within Six Months, then such Surplus shall go to the Borough Fund.

Expences of such fencing or taking down to be borne by the Owner.

LXXXVI. And be it enacted, That all the Charges of putting up every such Fence, and of taking down and securing all or so much of such ruinous or dangerous Building or Wall as shall be necessary to be taken down or made secure for the Safety of Passengers, shall from Time to Time be paid by the Owner of such Building or Wall, if known, and he can be found within the Borough; and if such Owner shall, on Demand thereof, neglect or refuse to pay the same, then such Charges may, by Warrant under the Hand and Seal of any Justice, be levied by Distress and Sale of the Goods and Chattels of such Owner, if any such can be found in the Borough, and if no such Owner can be found in the Borough, or no sufficient Distress of his Goods or Chattels can be made, then and in every such Case the Person who shall at any Time hereafter occupy any such Building, or the Ground whereon such Building or Wall stood, shall pay the same, and may deduct the Amount so paid out of the Rent thereof, provided that no Occupier shall be liable to pay more than what he can lawfully deduct from such Rent; and if he shall neglect or refuse to pay such Charges, then the same shall, by Warrant under the Hand and Seal of any Justice, be levied by Distress of the Goods and Chattels of any such Occupier, in the same Manner as Penalties are by this Act directed to be levied, together with the Costs of every such Distress and Sale, and the Owner shall allow every such Occupier all such Charges which he shall so pay, or which shall be levied by Distress from him as aforesaid; and every Occupier paying any Charges shall be acquitted and discharged for so much Money as he shall so pay, in the same Manner as if the same had been actually paid to the Person to whom his Rent may be payable; and such Money as shall from Time to Time be received and levied shall be paid to the Treasurer of the Borough, and be by him from Time to Time placed to the Credit of the Borough Fund, to reimburse the Costs and Charges in the Premises.

Persons taking down or repairing Buildings, to set up a sufficient Fence, with Platform for Foot Passengers, and a Light during the Night.

LXXXVII. And be it enacted, That every Person who shall take down or begin to take down any Building, or cause the same to be taken down, or who shall alter or repair, or begin to alter or repair, the outward Part of any Building, or cause the same to be done, shall cause to be put up a proper and sufficient Hoard or Fence in all Cases in which the Footway shall be thereby obstructed or rendered inconvenient, with a convenient Platform and Handrail, if there shall be Room enough for the same, to serve as a Footway for Passengers outside of such Hoard or Fence, and shall continue such Hoard or Fence in such Cases as aforesaid, with such Platform and Handrail as aforesaid, standing and in good Condition during such Time as may be necessary for the public Safety or Convenience, and shall, in all Cases in which the same shall be necessary to prevent Accident, cause the same to be well lighted during the Night; and any such Person who shall refuse or neglect to set up any such Fence or Hoard, or Platform with such Handrail as aforesaid, or to continue the same respectively standing and in good Condition during the Time aforesaid, or who shall not, whilst the said Hoard

or Fence is standing, keep the same well lighted in the Night, shall for every such Offence forfeit a Sum not exceeding Five Pounds.

When Building Materials are laid in any Street, or any Opening is made therein, a Fence to be erected, and a Light exhibited at Night.

LXXXVIII. And be it enacted, That when any Building Materials, Rubbish, or other Things shall be laid, or any Hole or Excavation shall be made, in any Street, the Person causing such Materials, Rubbish, or other Things to be so laid, or such Hole or Excavation to be made, shall, at his own Expence, cause a sufficient Light to be fixed in a proper Place upon or near the same, and continue such Light every Night from Sun-setting to Sun-rising during the Time such Materials, Hole, or Excavation shall remain; and such Person shall, at his own Expence, cause such Materials, Rubbish, or other Things, and such Hole or Excavation, to be sufficiently fenced and inclosed until such Materials, Rubbish, or other Things shall be removed, or the Hole or Excavation filled up, or otherwise made secure; and in case such Person shall refuse or neglect so to light, fence, or inclose such Materials, Rubbish, or other Things, or such Hole or Excavation, every Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty for continuing Deposit of Building Materials, or Excavations, an unreasonable Time.

LXXXIX. Provided always, and be it enacted, That in no Case shall any such Building Materials, Rubbish, or other Things, or such Hole or Excavation, be permitted to remain for a Length of Time which any Justice shall consider unnecessary, under a Penalty not exceeding Five Pounds to be paid for every such Offence by the Person causing such Materials, Rubbish, or other Things to be laid, or such Hole or Excavation to be made; and in every such Case Proof of the Necessity of a Continuance thereof respectively shall be upon the Person so causing such Materials, Rubbish, or Things to be laid, or causing such Hole or Excavation to be made.

If Chimneys, &c., are ruinous, and the Occupier neglect to secure them after Notice, summary Proceedings may be had before a Justice.

XC. And be it enacted, That if the Chimney or Roof, or Parapet or other Wall, or any other Part of any Building, or any Chimney Pot, or any Thing thereon, shall be deemed by any Surveyor acting under the Authority of this Act to be in a ruinous or dangerous State, such Surveyor shall immediately give Notice thereof under his Hand to the Occupier of such Building, either personally or by leaving the same at or affixed to some conspicuous Part of the said Building, requiring such Occupier or other Person interested therein forthwith to take down, repair, rebuild, or otherwise secure the same to the Satisfaction of such Surveyor; and if such Occupier or other Person interested in such Building shall not begin to take down, repair, rebuild, or secure the same within the Space of Two clear Days after such Notice as aforesaid shall have been given, left, or affixed, and complete such taking down, repairing, rebuilding, or otherwise securing the same to the Satisfaction of such Surveyor, as soon as the Nature of the Case will admit, it shall be lawful for the said Surveyor to give Information thereof to any Justice, who shall proceed thereupon to hear the Matter, and if any immediate Danger is apprehended, shall cause such Chimney or Roof, or Parapet or other Wall, or other Part of such Building, or such Chimney Pot or other Thing thereon, as shall be considered in a dangerous State, to be forthwith taken down, shored up, or otherwise secured; and in

case no immediate Danger is apprehended shall direct the Occupier or other Person interested in the said Building to take down, repair, rebuild, or otherwise secure the same to the Satisfaction of such Surveyor, within a Time to be fixed by such Justice; and in case the same shall not be taken down, repaired, rebuilt, or otherwise secured within the Time to be limited as aforesaid, the Occupier of such Building shall forfeit the Sum of Five Pounds for every Day during which the same shall so remain unrepaired or not sufficiently secured, such Penalty to be levied, recovered, and applied in the same Manner as any other Penalty is by this Act directed to be levied, recovered, and applied: Provided always, that it shall be lawful for any Justice at any Time to cause such Chimney or Roof, or Parapet or other Wall, or other Part of such Building, or such Chimney Pot or other Thing, to be taken down, repaired, rebuilt, or otherwise secured to the Satisfaction of such Surveyor; and the Occupier of such Building shall, over and above the aforesaid Penalty, pay all the Costs, Charges, and Expences attendant on the taking down, repairing, rebuilding, or otherwise securing such Chimney or Roof, or Parapet or other Wall, or other Part of such Building, or such Chimney Pot or other Thing; and such Costs, Charges, and Expences may be recovered and levied in the same Manner as such Penalty.

Occupier may deduct the Expences from his Rent unless there be Agreement to the contrary.

XCI. And be it enacted, That any Occupier of any Building who shall pay any Costs, Charges, and Expences for the taking down, repairing, rebuilding, and effectually securing any Chimney or Roof, or Parapet or other Wall, or any Part of any Building, or any Chimney Pot or other Thing thereon, or upon whose Goods and Chattels such Costs, Charges, or Expences may be levied, in pursuance of this Act, may deduct the Amount of such Costs, Charges, and Expences out of the Rent due to his Landlord or Lessor, unless there shall be some Agreement to the contrary between the Parties; and the Receipt for such Payment shall be a sufficient Discharge to any Occupier for so much Money as he shall have so paid, or which shall have been levied on his Goods and Chattels, in pursuance of this Act, and shall be allowed by such Lessor or Landlord in part or full Payment (as the Case may be) of the Rent due to him or such Occupier as aforesaid, or otherwise the same shall be repaid to such Occupier by such Lessor or Landlord, and in default thereof may be recovered by such Occupier from such Lessor or Landlord by Action or Suit in any of the Superior Courts, unless in any such Case there shall be an express Agreement between the Parties to the contrary.

Penalty on Fires in Sheds.

XCII. And be it enacted, That every Owner or Occupier or other Person in the Charge or Management of any Shed or other Building not roofed or covered with incombustible Material, who shall make or suffer any Fire to burn in any such Shed or Building, shall forfeit and pay a Sum not exceeding Ten Pounds for every such Offence.

Penalty for throwing Materials from Roofs, &c.

XCIII. And be it enacted, That every Person who shall throw or cast from the Roof or any other Part of any House or other Building, into any Street, any Slate, Brick, or Part of any Brick, Wood,

Rubbish, or other Material or Thing, shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

Respecting existing Contracts for building.

XCIV. And be it enacted, That nothing herein contained shall extend to avoid any Agreement in Writing entered into before the Commencement of this Act for erecting or altering any Building, but that the same shall be performed with all the Alterations of the Buildings comprised therein which may be rendered necessary by this Act, and as if such Alterations and Variations had been stipulated for in such Agreement: Provided always, that the Difference between the Cost and Expences of the Work when performed according to the Provisions of this Act shall be ascertained by the Parties to the respective Agreements, and paid for or deducted accordingly, if such Difference shall amount to or exceed the Sum of Twenty Pounds, but not otherwise; and if the said Parties shall not agree upon the Amount of such Difference, the same shall, on the Request of either Party (Notice being given to the other), be decided upon by the Surveyor to the Mayor, Aldermen, and Burgess for the Time being, who shall adjudge the Amount of such Difference (not being less than Twenty Pounds) to the Increase or Diminution of the Money to be paid under the respective Agreements, and as Parts thereof, for which Adjudication the Party requiring the same shall pay to the said Surveyor so making the Adjudication a Fee not less than One Pound nor more than Five Pounds, according to the Amount of the Difference awarded and the Trouble occasioned upon the Award, the Amount of such Fee, in case of Dispute, to be settled by any Justice.

Respecting Contracts for Leases.

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

XCVI. And whereas by an Act 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* Liverpool *in the County Palatine of* Lancaster; *and for settling the Boundaries between the said Town and the Township of* Kirkdale, *and Parts of the Townships of* Everton *and* West Derby, the Repairs of the Streets and public Passages and Places within the then Boundaries of the said Borough of *Liverpool*, and the making and Disposition of the Common Sewers therein, were placed under the Management and Direction of certain Commissioners: And whereas by an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, and by another Act passed in the Session of Parliament

11 G. 4. & 1 W. 4. c. 15.

5 & 6 W. 4. c. 76.

6 & 7 W. 4. c. 103.

Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to make temporary Provision for the Boundaries of certain Boroughs*, the Boundaries of the said Boroughs were greatly enlarged, so as to comprise new Parts in adjacent Townships which are not within the said recited Act of the Eleventh Year of King *George* the Fourth or any Extension thereof: And whereas it would be of great public Advantage if the Council were enabled to exercise over the said new Parts the Powers and Authorities as to new or unfinished Streets herein-after contained; be it therefore enacted,

When the greater Part of a Street is paved, Three Fourths of the Owners on both Sides may apply to Two Justices to view the same, in order to have the whole completed, and placed under the Control of the Council.

That whenever the greater Part of any Street within or of such Portion of any Street as lies within the said new Parts of the said Borough which shall have been laid out or intended for a public or common Highway, and shall be of the Width required for Highways by the Laws for the Time being in force relative to Highways, but which shall not have been adopted and repaired by the Township, shall have been sufficiently paved, made, and completed, but some Part or Parts thereof immediately fronting or adjoining to some House, Building, or the Curtilage thereof, which shall communicate with the said Street or Portion of Street, shall not be sufficiently paved, made, and completed, it shall be lawful for the Owners or Persons who as Lessors or Occupants themselves, may be in the actual Receipt or Enjoyment of the immediate Rents or Profits of Three Fourths in Length to the said Street or Portion of Street of the Buildings or Land fronting or abutting thereon, to make Application in Writing to Two Justices to view the State of the said Street or Portion of Street; and such Justices shall appoint a Time to view the same, whereof Seven Days Notice shall be given to the Surveyor of the Highways of the Township in which the same may be situated, or left at his Dwelling House or Place of Abode, and the said Justices shall accordingly view the said Street or Portion of Street; and if such Justices shall find that the Parties applying to them are the Owners or Persons who, as Lessors or Occupants themselves, are in the actual Receipt or Enjoyment of the immediate Rents and Profits of Three Fourths in Length to such Street or Portion of Street of the Buildings or Land lying on either Side thereof, and that such Street or Portion of Street has been laid out or intended for a public or common Highway, and is of the Width required as aforesaid, but has not been adopted and repaired by the Township, and that the greater Part thereof is in their Estimation sufficiently paved, made, and completed, but that in their Estimation some Part or Parts thereof immediately fronting or adjoining to some House, Building, or the Curtilage thereof, communicating with the said Street or Portion of Street, shall not be sufficiently paved, made, and completed, and that if the said Street or Portion of Street was sufficiently paved, made, and completed it would be of sufficient Utility to the Inhabitants of the Township to justify its being thereafter kept in repair at the Expence of the Township, then and in such Case the said Justices shall, in Writing under their Hands, certify all the Facts aforesaid to the Council, and, subject only to the Appeal herein-after provided, such Certificate shall be final and conclusive as to all the Facts aforesaid thereby found and certified; and upon all the Facts aforesaid being so found and certified, in case the

the Council or any Committee thereof shall deem it reasonable and expedient that such Part or Parts of the said Street or Portion of Street as aforesaid, not paved, made, and completed as aforesaid, should be paved, made, and completed, then and in every such Case (subject, nevertheless, to any Appeal against the said Certificate) One Half of the Carriageway and the whole of the Footway of such Part or Parts of the said Street or Portion of Street shall, upon Notice in Writing under the Hand of the Surveyor for the Time being of the Council or Committee, to be given to or left with or for each Owner or Occupier or Person in possession of any House, Building, or Curtilage fronting or adjoining thereto, be paved, made, and completed sufficiently, and in a substantial and workmanlike Manner, by and at the Expence of the Owner of such House, Building, or Curtilage, within Three Months from the Service of such Notice; and in case the Owner of any such House, Building, or Curtilage, or the Person to or for whom any such Notice as aforesaid may be given or left, shall not to the Satisfaction of the said Surveyor so pave, make, and complete One Half of the Carriageway and the whole of the Footway of so much and such Part of the said Street respecting which such Notice as aforesaid may be given, within the Time required by such Notice, then it shall be lawful for the Council, or any Committee thereof, and they are hereby authorized, to cause such Half of the Carriageway and the whole of the Footway, or so much and such Part thereof respectively as they may think necessary, to be well and sufficiently paved, made, and completed; and the whole of the Costs and Expences attending the same shall be paid to and reimbursed the Council or Committee by the Owner of the House, Building, or Curtilage thereof respectively fronting or adjoining thereto as aforesaid; and in case of Nonpayment by any such Person, on Demand made by the said Surveyor, upon the Premises, of the Money so hereby made payable to the Council or Committee, the same shall and may be recovered by Sale and Distress of the Goods and Chattels of the Owner, Occupier, or Person in possession of such House, Building, or Curtilage respectively, by Warrant under the Hands and Seals of Two Justices, and in all other respects in like Manner as Penalties are by this Act directed to be recovered, but by Distress and Sale only: Provided always, that upon the passing of any general Act relating to Highways, whereby Powers shall be vested in any Board of Waywardens or Surveyor of Highways which shall comprise and regulate the Matters aforesaid, the Powers aforesaid hereby vested in the Council and Committee in respect to such Streets and Portions of Streets as aforesaid shall end and determine, save and except as to any Street or a Portion of a Street as to which the same may have been begun to be put in execution, and as to the Recovery of all Costs and Expences.

In order to secure Adoption by the Township, the Council may cause the Street to be kept in re-

XCVII. And be it enacted, That in order to secure the Adoption by the Township of any Street, or Part thereof, within the new Parts of the Borough, which may have been or which may at any Time hereafter be laid out as a public Street or Thoroughfare, and of which any Part may have been paved and completed by or under the Direction of the Council or Committee as aforesaid, and which in all other

pair for the Timerequired by the Highways Act, and give the Notices under it.

other respects shall, in the Estimation of the Council or Committee, be sufficiently paved, made, and completed, it shall be lawful for the Council or any Committee thereof, if they shall deem the same proper and expedient, to cause the same to be duly repaired and kept in repair for the Space of Twelve Months, or for such longer Period as may be required for that Purpose by the Laws for the Time being in force relative to Highways; and also for the Council or Committee to give, under the Hand of their Surveyor for the Time being, such and the same Notices, and to do or cause to be done such and the same Acts, Matters, and Things, and to take such and the same Proceedings, as by the Laws in force relative to Highways are or may be required to be given, done, or taken by the Person proposing to dedicate or having dedicated any Highway to the Use of the Public, for the Purpose of procuring such Street or Part thereof to be declared and certified to be a public Highway, and as such to be kept in repair by the Township in which the same may be situated; and every such Notice, Act, Matter, Thing, or Proceeding, given, done, or taken by or by the Order of the Council or Committee, in pursuance or under the Authority of this Act, shall be as valid and effectual, and shall be acted upon in the same Manner, as if the same were given, done, or taken by the Person proposing to dedicate or having dedicated such Highway to the Use of the Public; and the Council or Committee may appear by their Surveyor or any other Officer to be by them nominated for that Purpose, whenever an Appearance may be requisite or necessary.

TheExpences of keeping in repair to be paid by the Owners according to Frontage, and in default recoverable by Distress and Sale.

XCVIII. And be it enacted, That the whole of the Costs, Charges, and Expences attending or in anywise relating to the Repair or keeping in repair of any such Street or Part thereof, during the said Period of Twelve Months, or such other Period as may be necessary as aforesaid, and of procuring the same to be declared and certified as a public Highway as aforesaid, shall be paid to and reimbursed the Council or Committee by the Persons to whom the Houses, Buildings, or the Curtilages thereof on each Side of the said Street or Part thereof shall belong, in manner following; that is to say, each of such Persons shall pay in proportion and according to the Length of the Frontage of his House, Building, or Curtilage in each such Street or Part of a Street, as ascertained by the Surveyor for the Time being of the Council or Committee; and in case of Nonpayment by any such Person, on Demand, of the Money so hereby made payable by him, to the Council or Committee, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the Owner, Occupier, or Person in possession of such House or Land, in manner herein mentioned and referred to.

Goods of Occupiers liable to be distrained to a certain Extent.

XCIX. And be it enacted, That the Goods and Chattels of any Occupier at Rent of the Premises or any Part thereof shall be at all Times liable to be distrained and sold for all such Costs, Charges, and Expences as may for the Time being be unpaid, whether the same may have become due previously to or during the Time of the Occupancy of such Person, but no such Occupier at Rent shall be liable to the Payment at any one and the same Time, for or towards the Discharge of such Costs, Charges, and Expences, of a greater

Sum than the Amount of the Rent which may be at that Time actually due and payable, or after Notice thereof may become due or payable, by such Person, to the Landlord, Lessor, or Owner of such Premises; and every such Occupier at a Rent who shall pay any such Charges and Expences, or upon whose Goods or Chattels the same shall be levied, shall and may deduct the Amount of such Charges and Expences, and the Costs to which he may be put by any such Distress or Sale, out of the Rent due and payable to his Lessor or Landlord, unless there shall be some specific Agreement to the contrary between the said Parties, whereby the said Occupier shall have been obliged to bear such Payment himself; and the Receipt for such Payment, given on behalf of the Council to any such Occupier, shall be a sufficient Discharge to him for so much as he shall have so paid, or which shall have been levied on his Goods and Chattels, in pursuance of this Act, and, except as aforesaid, shall be repaid by such Lessor, Landlord, or Owner, or be allowed by him in part or full Payment (as the Case may be) of the Rent due or to become due to him from such Occupier as aforesaid.

Arrangement of Expences between all Parties.

C. And whereas there may be Landlords and intermediate Lessors and Lessees, and also other Persons (besides the Owner or Person upon whom the Payment or Duty may have fallen), who are more or less interested in the paving, making, and completing of Streets and Portions of Streets, and in the pulling down, securing, repairing, and rebuilding of Party Walls and other Parts of Buildings, according to the Provisions of this Act, and who ought to contribute towards the same, and towards the Costs and Expences attendant thereon and upon the other Duties hereby imposed; be it further enacted, That when the Costs, Charges, and Expences in any of the Matters aforesaid shall have been ascertained and paid by the Owner or Person upon whom the Payment or Duty may have fallen as aforesaid, it shall be lawful for such Owner or Person to call upon all other Parties interested in the Premises to contribute a due Proportion of such Costs, Charges, and Expences; and if the Owner or Person upon whom the Payment or Duty may have fallen and such other Persons cannot agree upon an equitable Division and Arrangement of the said Costs, Charges, and Expences between and amongst themselves, the same shall be settled and awarded by any Justice, and with the like Remedies against all Persons interested in the Premises, to compel Payment of the Money which shall be required to be contributed by the said Award, as this Act gives for the compelling Payment of the Costs and Expences against the Owner or other Person interested in the first instance; provided that no Ground Landlord in respect of his reversionary Interest depending upon any Building or Repairing Lease shall be called upon to contribute.

Appeal to Quarter Sessions.

CI. Provided always, and be it enacted, That after such Award shall have been made by such Justice a Copy thereof shall be delivered to the several Parties interested therein, or left at such adjoining Building, or fixed on the Door or other conspicuous Part thereof, in case the same be unoccupied; and such Award shall be immediately filed at the Office of the Clerk of the Peace of the Borough, such Clerk being paid One Shilling for the filing thereof, and

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

Penalties to be summarily recovered before One Justice.

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

Penalties to be levied by Distress.

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

Power to mitigate Penalties and Costs.

CIV. And be it enacted, That it shall be lawful for any Justices, in all Cases where Persons shall be convicted before them of any Offence under this Act, or under any Bye Law made by virtue of this Act, to mitigate the Penalty and Costs payable in all such Cases to One Half or any less Proportion thereof, if such Justices shall (considering the Circumstances of the Parties convicted) think it right so to do.

Imprisonment in default of Distress.

CV. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of

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

Application of Penalties.

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

Penalties to be sued for within Six Months.

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

Penalty on Witnesses making Default.

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

For securing Offenders whose Names and Residences are not known.

CIX. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Constable belonging to the Police Force of the Borough, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed

mitted any Offence against this Act, or any Bye Law made in pursuance thereof, and whose Name and Residence shall be unknown to such Constable, and may convey him with all convenient Despatch before a Justice, without any Warrant or other Authority than this Act, and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Forms of Information and Conviction.

CX. And be it enacted, That the Justice or Justices before whom any Information shall be laid in Writing against any Person, or before whom any Person shall be convicted in respect of any Offence against this Act, or any Bye Law made in pursuance thereof, may cause the Information and the Conviction to be drawn up according to the Forms respectively given in Schedules (C.) and (D.) to this Act annexed, or any other Forms to the same Effect, as the Case may require: Provided always, that this Enactment shall not invalidate any Information or Conviction laid or drawn in any other Form which may be more specially suited to the Case, or may be provided by Law; and in any Information in Writing, and in every Conviction for an Offence contrary to this Act, or to any Bye Law made in pursuance thereof, it shall be sufficient if the Offence shall be stated in the Words of this Act or Bye Law declaring the Offence or attaching any Penalty thereunto.

Warrant for Apprehension may be issued without Summons.

CXI. And be it enacted, That the Justice before whom any such Complaint may be made or Information exhibited may, without issuing any Summons, forthwith issue a Warrant for the Apprehension of any Person charged with any Offence against this Act, or any Bye Law made in pursuance thereof, whenever good Grounds for so doing shall be stated on Oath before him.

General Power to Justices to administer Oaths.

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

Proceedings where an Offender will not disclose his Name.

CXIII. And be it enacted, That if any Person charged with any Offence against this Act, or any Bye Law made in pursuance thereof, shall refuse to disclose his Name, all the necessary Proceedings may be had and carried on against him for the Recovery of any Penalty, Forfeiture, or Damage imposed or incurred under such Act or Bye Law respectively, by the Description of his Person and of the Offence committed, without stating his Name, or if One only of his Names be known, all such necessary Proceedings may be had and carried on against him by such Name only.

Informalities.

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

CXV. And

Punishment of Persons giving false Evidence.

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

Distress, how to be levied.

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

Distress not unlawful for Want of Form.

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

Parties may appeal to Quarter Sessions on giving Security.

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

Court to make such Order as they think reasonable.

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

as

as they may judge reasonable, and they may make such Order concerning the Costs, both of the Order, Determination, and Adjudication, and of the Appeal, as they may think reasonable.

Costs of additional Evidence on Appeal.

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

Plaintiff not to recover after Tender of Amends.

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

Penalty for obstructing the Execution of this Act.

CXXII. And be it enacted, That if any Person shall obstruct, assault, hinder, or molest any Officer or Person whomsoever, who is or shall be appointed or employed, by virtue of this Act or any Bye Law made in pursuance thereof, in the Execution or Performance of his Duty, or in the Execution of any of the Works, Matters, or Things to be done by virtue or under the Authority of the same respectively, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Saving the Power of the Council.

CXXIII. And be it enacted, That nothing herein contained shall prejudice or affect the Power of the Council to make Bye Laws under the said Act to provide for the Regulation of Municipal Corporations in *England* and *Wales*.

Commissioners of Paving and Sewerage protected.

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

Not to prejudice the Powers of the Liverpool

CXXV. And be it enacted, That nothing in this Act contained shall extend to take away, prejudice, lessen, or affect any of the Powers, Privileges, or Authorities now belonging to the Company of

Proprietors of the *Liverpool* Waterworks, granted by Three several Acts of Parliament passed in the Thirty-ninth, Fiftieth, and Fifty-third Years of the Reign of His Majesty King *George* the Third, the First intituled *An Act for better supplying the Town and Port of* Liverpool *with Water, from certain Springs in the Township of* Bootle *in the County Palatine of* Lancaster, the Second intituled *An Act to alter, amend, and enlarge the Powers of an Act passed in the Thirty-ninth Year of the Reign of His present Majesty, for better supplying the Town and Port of* Liverpool *with Water from certain Springs in the Township of* Bootle *in the County Palatine of* Lancaster, and the Third intituled *An Act for enlarging the Powers of Two Acts of His present Majesty, for better supplying the Town and Port of* Liverpool *with Water;* and to the Company of Proprietors of the *Liverpool* Corporation Waterworks, and the *Liverpool* and *Harrington* Waterworks, granted by Two several Acts, made in the Third and Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, the First intituled *An Act to repeal so much of an Act of the Twenty-sixth Year of His late Majesty King* George *the Third as relates to the supplying the Town of* Liverpool *with Water, and to grant other Powers for supplying the said Town and Port and the Shipping resorting thereto with Water*, and the Second intituled *An Act to extend the Powers of an Act of His present Majesty, for supplying the Town of* Liverpool *in the County Palatine of* Lancaster *with Water, to* Harrington *and* Toxteth Park *in the said County;* and to the *Liverpool* Gas Light Company, granted by Two several Acts, one thereof passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for lighting with Gas the Town and Port of* Liverpool *and Township of* Toxteth Park *in the County of* Lancaster, and the other thereof passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act to alter, amend, and enlarge the Powers and Provisions of an Act for lighting with Gas the Town and Port of* Liverpool *and Township of* Toxteth Park *in the County of* Lancaster, *and for lighting with Gas the several Townships of* West Derby, Everton, Kirkdale, Walton-on-the-Hill, Bootle-cum-Linacre, Litherland, Great Crosby, Wavertree, *and* Garston, *in the County of* Lancaster; and to the *Liverpool* new Gas and Coke Company, granted by Two several Acts of Parliament, the First passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for lighting with Oil Gas the Town of* Liverpool, *and certain Places adjacent thereto*, and the Second passed in the Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to empower the* Liverpool *Oil Gas Company to produce Gas from Coal and other Materials; and to amend the Act relating to the said Company.*

Waterworks Companies, or of the Gas Light Companies.

39 G. 3. c. 36.

50 G. 3. c. 165.

53 G. 3. c. 20.

3 G. 4. c. 77.

7 & 8 G. 4. c. 36.

58 G. 3. c. 66.

4 & 5 Vict. c. 28.

4 G. 4. c. 39.

4 & 5 W. 4. c. 1.

CXXVI. And be it enacted, That nothing in this Act contained shall 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 late Most Noble *Francis* Duke of *Bridgewater* deceased.

Not to affect the Rights, &c. of Devisees of the late Duke of Bridgewater.

CXXVII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned

Interpretation of Act.

assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

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

Words importing the Masculine Gender only shall include Females:

The Word "Month" shall mean Calendar Month:

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

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

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*, and shall include the Court of Common Pleas at *Lancaster*:

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

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

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

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

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

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

The Word "Street" shall include any Square, Street, Court, or Alley, Highway, Lane, Road, Thoroughfare, or public Passage or Place, within the Borough of *Liverpool*:

The Word "Court" shall mean any present or future Court or Passage, or Passage into a Court, or any present or future Alley, or other Way or Place having a House or Houses therein, but not having a Road or Carriageway:

The Word "Passage" shall mean any present or future Passage, or other Way or Place, not having a House or Houses therein, but merely leading into any Street or Court, or to any House not in such Passage:

The Word "House" shall mean Dwelling House:

The Word "Building" shall extend to and comprise all Buildings, of what Nature and Kind soever, not being Buildings or Structures wholly underground, or Bridges or Walls to be used as Fences only, now built or hereafter to be built within the Borough, and every Part of such Building respectively:

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

The Word "Surveyor" or the Word "Surveyors" shall mean the Surveyor or Surveyors of Buildings to be appointed by the

Council in pursuance of this Act, and shall extend to any Assistant Surveyor or Assistant Surveyors to be appointed by the Council:

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

Commencement of Act.

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

Limits of Act.

CXXIX. And be it enacted, That this Act shall extend to and be in full Force and Operation (except when otherwise provided) throughout the whole of the said Borough of *Liverpool* as extended, fixed, and determined by the said Act to provide for the Regulation of Municipal Corporations in *England* and *Wales*.

Costs of Act.

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

Public Act.

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

SCHE-

# SCHEDULES to which the foregoing Act refers.

## SCHEDULE (A.)

| | Rates of Building. | Height of Front from Pavement to Top of Cornice, and the extreme Frontage. | Thickness of external Walls. | | | Thickness of Party Walls. For separate Side or End Walls, see below. | | | | Chimney Backs in Party Walls. | | Chimney Backs in external Walls. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | In Cellar Story to under Side of Ground Story Floor. | In Ground Story to the Top of Joist in Floor above Ground Story. | Above to under Side of Cornice. | In Cellar Story to under Side of Ground Story Floor. | From Ground Story Floor to the top Side of Joist in Floor next above. | From the Floor last mentioned to under Side of Ceiling of top Story. | From the Ceiling of top Story to under Side of Spars in Roof. | In the Cellar Story. | In Walls above. | |
| 1st Rate | Every Church, Chapel, or Place of Worship, Brewery, Distillery, Manufactory, or Warehouse. | - - - - | 2½ Bricks Length. | 2 Bricks Length. | 1½ Brick Length. | 2 Bricks Length. | 2 Bricks Length. | 1½ Brick Length. | 1½ Brick Length. | 1½ Brick Length. | 1 Brick Length. | 1 Brick Length. |
| Ditto | Every Dwelling House or other Building or Erection, except as above. | Exceeding 44 Feet in Height or 27 Feet in Front, and not within the Limits specified below. | 2 Ditto | 2 Ditto - | 1½ Ditto | 2 Ditto - | 1½ Ditto - | 1½ Ditto - | 1 Ditto - | 1 Ditto | 1 Ditto | 1 Ditto. |
| 2d Ditto | Every Dwelling House or other Building or Erection. | Not exceeding 44 Feet in Height or 27 Feet in Front, or exceeding 27 Feet in Front and not exceeding 32 Feet in Height, and not within the Limits below. | 2 Ditto | 1½ Ditto - | 1½ Ditto | 1½ Ditto | 1½ Ditto - | 1 Ditto - | 1 Ditto - | 1 Ditto | 1 Ditto | 1 Ditto. |
| 3d Ditto | Every Dwelling House or other Building or Erection. | Not exceeding 36 Feet in Height or 21 Feet in Front, or exceeding 21 Feet and not exceeding 39 Feet in Front, and not exceeding 28 Feet in Height or exceeding 39 Feet in Front, and not exceeding 18 Feet in Height, and not within the Limits below. | 1½ Ditto | 1½ Ditto - | 1½ Ditto | 1½ Ditto | 1 Ditto - | 1 Ditto - | 1 Ditto - | 1 Ditto | 1 Ditto | ½ Ditto. |
| 4th Ditto | Ditto - - | Not exceeding 32 Feet in Height or 15 Feet in Front, or exceeding 15 Feet but not exceeding 27 Feet in Front, and not exceeding 16 Feet in Height, and not within the 5th or last Class. | 1 Ditto - | 1 Ditto - | 1 Ditto | 1 Ditto - | 1 Ditto - | 1 Ditto - | 1 Ditto - | 1 Ditto | 1 Ditto | ½ Ditto. |
| 5th Ditto | Buildings detached not less than Three Yards from public Streets or from other Buildings. | Not exceeding 14 Feet in Height, and of any Frontage. | Not restricted to any Mode of Building. | | | | | | | | | |

Separate Side or End Walls between Buildings shall for every Building, except any Church, Chapel, or Place of Worship, Brewery, Distillery, Manufactory, or Warehouse, where such Wall shall exceed Twenty-four Feet in Height, be not less than One Brick Length in Thickness; and for every Church, Chapel, or Place of Worship, Brewery, Distillery, Manufactory, or Warehouse, where such Wall shall exceed Twenty-four Feet in Height, be no less than One and a Half Brick Length in Thickness.

Buildings attached to the Back of First, Second, and Third Rate Buildings, not exceeding Sixteen Feet Projection from the main Building, to be under the Regulations of a Fourth Rate Building. If exceeding Sixteen Feet Projection, to be under the Regulations of a Third Rate Building.

Churches, Chapels, or Places of Worship, and Breweries, Distilleries, Manufactories, and Warehouses, not exceeding Thirty-two Feet in Height, are to be considered as rated in like Manner as Dwelling Houses or other Buildings or Erections.

Wherever the Foundation of any Buildings shall not be upon Rock, every external Wall or Party Wall shall at least have Two Footing Courses below the Level of the Cellar Floor, each Course projecting Two and a Quarter Inches on each Side the Course or Wall immediately above it; and all internal Walls shall have at least One Footing Course Four and a Half Inches wider than the Wall above it.

## SCHEDULE (B.)

JOISTS IN FLOORS:

Joists exceeding Seven Feet clear Bearing, and not exceeding Ten Feet clear Bearing, not to be less than Six by Two Inches, or of equal Area.

Ditto, exceeding Ten Feet and not exceeding Twelve Feet clear Bearing, not to be less than Six by Two and a Half Inches, or of equal Area.

Ditto, exceeding Twelve Feet and not exceeding Fourteen and a Half Feet clear Bearing, not to be less than Seven by Two and a Half Inches, or of equal Area.

Ditto, exceeding Fourteen and a Half Feet and not exceeding Sixteen Feet clear Bearing, not to be less than Eight by Two and a Half Inches, or of equal Area.

Ditto, exceeding Sixteen Feet and not exceeding Eighteen Feet clear Bearing, not to be less than Nine by Two and Three Quarters Inches, or of equal Area.

Ditto, exceeding Eighteen Feet and not exceeding Twenty Feet clear Bearing, not to be less than Ten by Two and Three Quarters Inches, or of equal Area.

All Trimming Joists to be One Inch thicker than their respective Joists; and in all Cases where the Joists are supported by Beams, such Beams shall not be more than Ten Feet apart, nor of less than the following Dimensions; (that is to say,)

All Beams not exceeding Ten Feet Bearing to be Ten by Seven Inches.

All Beams exceeding Ten Feet Bearing, and not exceeding Twelve Feet Bearing, to be Eleven by Eight Inches.

All Beams exceeding Twelve Feet Bearing, and not exceeding Fifteen Feet Bearing, to be Twelve by Nine Inches.

All Beams exceeding Fifteen Feet Bearing, and not exceeding Eighteen Feet Bearing, to be Thirteen by Eleven Inches.

All Beams exceeding Eighteen Feet Bearing, and not exceeding Twenty Feet Bearing, to be Thirteen by Thirteen Inches.

*N.B.*—Half Beams may be used instead of Joists and Beams of the above Dimensions, provided the Half Beams together contain the same solid Quantity of Timber as the Joists and whole Beams would have done, and that the Work be executed to the Satisfaction of the Surveyor who shall view and inspect the same.

PURLINS:

Purlins not exceeding Ten Feet clear Bearing, and not more than Six Feet apart, are not to be less than Seven by Five Inches, or of equal Area; if more than Six Feet apart and not exceeding Seven and a Half Feet, then Seven and a Half Inches by Five and a Half, or of equal Area; if more than Seven and a Half Feet apart and not exceeding Nine Feet, then Eight and a Half Inches by Six and a Half, or of equal Area.

Ditto exceeding Ten Feet and not exceeding Twelve Feet clear Bearing, and not more than Six Feet apart, are not to be less than Seven and a Half by Six Inches, or of equal Area; if more than Six Feet apart and not exceeding Seven and a Half Feet, then Eight and a Half Inches by Six, or of equal Area; if more than Seven and a Half Feet apart and not exceeding Nine Feet, then Nine Inches by Six and a Half, or of equal Area.

Ditto exceeding Twelve Feet and not exceeding Fourteen and a Half Feet clear Bearing, and not more than Six Feet apart, are not to be less than Eight by Seven Inches, or of equal Area; if more than Six Feet apart and not exceeding Seven and a Half Feet, then Nine Inches by Seven, or of equal Area; if more than Seven and a Half Feet apart and not exceeding Nine Feet, then Nine Inches by Eight, or of equal Area.

Ditto exceeding Fourteen and a Half Feet and not exceeding Seventeen and a Half Feet clear Bearing, and not more than Six Feet apart, are not to be less than Nine by Eight Inches, or of equal Area; if more than Six Feet apart and not exceeding Seven and a Half Feet, then Ten Inches by Eight, or of equal Area.

No Purlins of greater Length or more apart to be allowed unless the same shall be of such Dimensions and so constructed as shall be satisfactory to the Surveyor who shall view and inspect the same.

All Purlins to be laid in the respective Walls, and not to be supported on Trusses.

RAFTERS:

Not to exceed Six Feet average clear Bearing, and to be Three by Two and a Half Inches.

Not to exceed Seven and a Half Feet average clear Bearing, and to be Three and a Half by Two and a Half Inches.

Not to exceed Nine Feet average clear Bearing, and to be Four and Half by Two and a Half Inches.

*N.B.*—No Joist or Rafter to exceed Eleven Inches apart.

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## SCHEDULE (C.)

*Form of Information.*

Borough of Liverpool, to wit. } BE it remembered, That on the Day of in the Year of our Lord *A.B.* of informeth me *C.D.*, One [*or* us *C.D.* and *E.F.*, Two] of Her Majesty's Justices of the Peace for the Borough of Liverpool in the County of Lancaster, that *G.H.* of [*or if the Offender's Name be unknown, here describe his Person,*] [*here describe the Substance of the Offence, and the Time and Place when and where committed*], contrary to an

Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here set out the Title of this Act*], whereby he hath incurred a Forfeiture of for the said Offence, Taken the Day of before me *C.D.* [*or* us *C.D.* and *E.F.*]

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## SCHEDULE (D.)

*Form of Conviction.*

Borough of Liverpool, to wit. } BE it remembered, That on the Day of in the Year of our Lord *A. B.* [*or if Offender's Name be unknown, here describe his Person,*] is convicted before me *C.D.*, One [*or* before us *C.D.* and *E.F.*, Two] of Her Majesty's Justices of the Peace of the Borough of Liverpool in the County of Lancaster, for that [*here describe the Substance of the Offence, and the Time and Place when and where committted,*] contrary to an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here set out the Title of this Act*], or contrary to a Bye Law duly made in pursuance of an Act passed in the Year of the Reign [*here set out the Title of this Act*], and I *C.D.* [*or* we the said *C.D.* and *E.F.*] do adjudge the said *A.B.* [*or the Person so described as aforesaid*], to forfeit and pay for such Offence [*or* for the Damage or Injury aforesaid, *if the Offence is to be subject to a Fine,*] the Sum of [*insert the Penalty, state if it be paid forthwith, and when*], together with the Sum of for Costs of this Conviction, or [*if to be imprisoned*] do adjudge the said *A.B.* to be committed to the [*naming the Gaol*] for the Space of [*insert the Time, and if the Commitment be for the Nonpayment of a Penalty, then add*] unless the said Sum of be sooner paid. Given under my Hand and Seal [*or* our Hands and Seals], the Day and Year first above written.

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