## CHAP. cxx.

An Act to dissolve the Local Boards of the districts of Sutton and Parr in the borough of Saint Helens in the county of Lancaster, and to repeal the Saint Helens Improvement Act, 1855, and to constitute the Corporation of the said borough the Local Authority therein for the improving and governing of the said borough; to enable the said Corporation to extend their Waterworks and to purchase the Undertakings of the Saint Helens Waterworks Company and the Saint Helens Gas Company; and for other purposes. [12th July 1869.] A.D. 1869.

WHEREAS by an Act (local) passed in the sixth year of the reign of Her present Majesty, chapter twenty-three, the Saint Helens Waterworks Company (herein-after called the water company) were incorporated with power to establish waterworks and to supply water within the then town of Saint Helens, otherwise the hamlet of Hardshaw-within-Windle, in the county of Lancaster, and also the several townships of Windle, Parr, Sutton, and Eccleston in the same county: 6 & 7 Vict. c. xxiii.

And whereas the water company executed the said waterworks, and supplied water within the said town until the date of the contract for the lease herein-after recited:

And whereas by "The Saint Helens Improvement Act, 1845," certain commissioners thereby constituted were empowered to pave, light, cleanse, and regulate the then town of Saint Helens, and to establish markets therein, and to agree with the water company for the purchase or lease of all their lands, buildings, reservoirs, engines, plant, pipes, mains, and conveniences, with the appurtenances, and with "the Company of Proprietors of the Saint Helens town hall," for the purchase or lease of all their land with the buildings thereon, commonly called or known as the town-hall buildings, with their appurtenances: 8 & 9 Vict. c. clxxvi.

A.D. 1869.

14 & 15 Vict. c. cxxxii.

And whereas by "The Saint Helens Improvement Act, 1851," the last-recited Act was repealed, and the Saint Helens Improvement Commissioners were incorporated, and among other things empowered to carry into effect the said contract for a lease of the undertaking of the water company, and to purchase water from the Corporation of Liverpool and to distribute the same within the limits of the Act now in recital, and for those purposes to execute new waterworks:

Indenture dated 1st Oct. 1851.

And whereas by an indenture of lease dated the first day of October, one thousand eight hundred and fifty-one, and made between the water company of the one part and the said commissioners of the other part, the water company in consideration of the payment to them or on their account by the said commissioners of certain annual rents, amounting in the whole to the yearly rent of six hundred and ten pounds, demised their undertaking to the said commissioners for a term of five thousand years from the twenty-fifth day of December one thousand eight hundred and fifty:

18 & 19 Vict. c. lxxiv.

And whereas by "The Saint Helens Improvement Act, 1855," the last-recited Act was repealed, but the said commissioners were continued incorporated and seised, possessed of, or entitled to all property of or to which they were seised, possessed, or entitled at the time of such last-mentioned repeal, and the said lease was continued a good and valid lease, and power was given them to purchase by agreement the reversion of the undertaking of the water company, and to purchase by agreement or lease the said town-hall buildings, and to purchase water from the Corporation of Liverpool and to distribute the same within the said townships of Eccleston, Parr, Sutton, and Windle:

Adoption of Local Government Act, 1858, in Sutton and Parr.

And whereas "The Local Government Act, 1858," was adopted on the seventeenth day of December one thousand eight hundred and sixty-three by the township of Sutton, and on the twenty-seventh day of April one thousand eight hundred and sixty-five by so much of the township of Parr as lay without the town of Saint Helens:

Charter of Corporation, dated 5th March 1868.

And whereas by letters patent dated the fifth day of March, in the thirty-first year of the reign of Her present Majesty, the inhabitants of the town of Saint Helens, and of the said districts of Sutton and Parr, and of parts of the said townships of Windle and Eccleston contiguous to the said town of Saint Helens, were incorporated by the name or title of the mayor, aldermen, and burgesses of the town of Saint Helens, and the powers and provisions of the Municipal Corporations Acts were extended to the inhabitants of the thereby constituted town of Saint Helens (herein-after referred to as the borough):

A.D. 1869.

And whereas, under the authority of the Act passed in the twentieth and twenty-first years of the reign of Her present Majesty, chapter fifty, the said commissioners did, on the twenty-eighth day of July one thousand eight hundred and sixty-eight, transfer to the said mayor, aldermen, and burgesses (herein-after called the Corporation), all their the said commissioners rights, powers, estates, property, and liabilities:

Transfer by commissioners to Corporation.

And whereas the divided jurisdiction now existing within the borough in matters connected with the local government and improvement thereof is productive of great inconvenience and additional expense, and it is expedient that the local boards of the said districts of Sutton and Parr should be dissolved, and that their estates, property, rights, duties, and liabilities should be transferred to the Corporation, and that the Corporation should be constituted the sole local authority within the borough for all matters connected with the improvement and local government thereof:

And whereas it is expedient that the Corporation be authorized to purchase by agreement the said town-hall buildings, or to provide some other suitable town hall, and to establish and maintain the markets and fairs, museums, libraries, parks, baths, schools, and other works now existing or by this Act authorized, and that the powers of the Corporation for the better ordering, improving, and governing of the borough should be amended and extended in various respects:

And whereas the supply of water is at present insufficient for the inhabitants of the borough, and it is expedient that the Corporation be enabled to extend their existing waterworks, and to make the new waterworks by this Act authorized:

And whereas plans and sections of such new works, and a book of reference to the said new works, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands, houses, and property required for the purposes thereof have been deposited with the clerk of the peace for the county palatine of Lancaster:

And whereas it is expedient that the Corporation should be authorized to purchase by agreement, and the water company to sell and transfer to the Corporation, the reversion in the undertaking of the water company:

And whereas by "The St. Helens Gas Act, 1852," the St. Helens Gas Company (herein-after called the gas company) were incorporated with power to erect gasworks and supply gas within the limits of the then town of St. Helens, Hardshaw-cum-Windle, and the said townships of Windle, Parr, Eccleston, and Sutton, and the gas company by virtue of the said Act erected gasworks and are supplying gas within their said limits:

15 & 16 Vict. c. lxix.

A.D. 1869.

And whereas it is expedient that the Corporation should be authorized to purchase by agreement, and the gas company to sell and transfer to the Corporation, their undertaking of the gas company, and that provision should be hereby made for the dissolution of the gas company upon such transfer being effected:

And whereas under the provisions and for the purposes of the various Acts of Parliament for the improvement of the town of St. Helens, and for the regulating of the borough, various sums of money have been borrowed by the commissioners and by the Corporation, and the total amount owing by the Corporation upon their own and the commissioners securities was on the first day of October one thousand eight hundred and sixty-eight the sum of twenty-four thousand three hundred and eighty-one pounds sixteen shillings and sixpence:

And whereas the said local board of Sutton has borrowed for the purposes of their district various sums of money, and the total amount owing on the first day of December one thousand eight hundred and sixty-eight by the local board of Sutton was the sum of two thousand five hundred pounds:

And whereas the said local board of Parr are not indebted on mortgage or bond, or otherwise:

And whereas it is expedient that the Corporation should be authorized to borrow money as well to provide for the payment of the sums so owing by the said local board of Sutton as for the various purposes of the Act:

And whereas, to avoid the inconvenience and difficulty arising from various enactments relating to the same purposes being in force within the borough at the same time, it is expedient to reduce into one Act the provisions relating to the local government and improvement of the borough, and the supply thereof with water:

And whereas the purposes aforesaid cannot be effected without the authority of Parliament:

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

## Title of Act and Interpretation of Words.

Short title.

**1.** This Act may be cited for all purposes as "The St. Helens Improvement Act, 1869."

8 & 9 Vict. c. 18., 10 & 11 Vict. c. 17.,

**2.** "The Waterworks Clauses Act, 1847" (except the sections numbered 38 to 43, both inclusive, 57, 58, 61, 72, and 74 to 89, both inclusive), "The Waterworks Clauses Act, 1863" (except the

section numbered 19), "The Lands Clauses Consolidation Act, 1845" (except the sections numbered 127 to 132 and 134 to 148, all inclusive), and "The Lands Clauses Consolidation Acts Amendment Act, 1860," so far as the provisions of those Acts respectively are applicable for the purposes and not inconsistent with the provisions of this Act, are hereby incorporated with this Act.

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23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 93. incorporated.

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

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

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

Interpretation of terms.

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

The expression "the borough" shall mean the borough of St. Helens:

The expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough of St. Helens:

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

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

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

The term "the Municipal Corporation Acts" shall mean the Act of the session of the fifth and sixth years of King William the Fourth (chapter 76), "to provide for the regulation of municipal corporations in England and Wales," and all Acts for the time being in force amending the same or otherwise relating to municipal corporations in England:

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

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

The expression "two justices" shall mean two or more justices assembled and acting together in petty sessions for the borough,

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or except when herein-after otherwise provided any stipendiary magistrate acting for the borough:

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

The expressions "court of quarter sessions" and "quarter sessions" shall mean the general or quarter sessions for the county of Lancaster holden for the hundred of West Derby:

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

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

The word "owner" shall mean the person for the time being receiving the rackrent of the land in connexion with which the said word is used, whether on his own account, or under or by virtue of any mortgage or charge, or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent, and shall include every successive owner from time to time of such land for any part of the time during which the enactment wherein that term is used operates in relation to such land:

The expression "rackrent" shall mean rent which is not less than two thirds of the full net annual value of the land out of which the rent arises, and the full net annual value shall be taken to be the rent at which the land might be reasonably expected to let from year to year, free from all usual tenants rates and taxes, and tithe commutation rentcharge (if any), and deducting therefrom the probable average annual cost of repairs, insurance, and other expenses (if any) necessary to maintain the same in a state to command such rent:

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

The word "street" shall mean the whole or any part of any existing or future highway, road, lane, street, square, footway, pathway, thoroughfare, or bridge, not being a railway, canal, or navigation, or within the limits of any railway station, or, except as regards the police provisions of this Act, the space between the line of any street and such station:

The word "court" shall mean the whole or any part of any present or future court, alley, entry, passage, yard, way, or place used with or appurtenant to two or more dwelling houses:

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

The expression "compound premises" shall mean any premises used partly as a bank, office, or counting house, shop or warehouse, and partly as a residence by the occupier of such premises, or any member of his family, or by any person in the employ of such occupier, or upon which premises the occupier or any persons whomsoever habitually take their meals, the same being cooked or prepared on such premises; and also any public-house or eating house in which beds are not let for hire:

The word "drain" shall mean any drain pipe, channel, gutter, or watercourse made or used for the drainage of any court, or of one building only, or of any hereditaments within the same curtilage:

The word "sewer" shall mean any culvert or channel for the passage of water, sewage, or refuse not being a drain as hereinbefore defined:

The word "slaughter-house" shall mean and include the buildings and places commonly called slaughter-houses, and knackers yards, and any building or place used for slaughtering cattle or animals of any description, for sale:

The expression "any offensive matter or thing" shall include any nightsoil, offal, putrid meat or fish, entrails, blood, or carrion:

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

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

The word "cattle" shall include horses, asses, mules, sheep, goats, and swine:

The expression "hackney carriage" shall mean every carriage used for the purpose of conveying passengers, and kept or plying for hire:

The expression "porter's cart" shall mean every cart used for the conveyance of goods or chattels, and kept or plying for hire:

The word "driver" shall mean the driver, conductor, or carter of any cart or carriage:

The word "drover" shall mean any person who shall offer himself to lead or drive, or shall lead or drive for hire, any cattle:

The word "porter" shall mean any person who shall ply for hire to carry or convey any errand, message, parcel, or luggage:

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The expression "the water undertaking" shall mean the waterworks, lands, buildings, reservoirs, pipes, apparatus, engines, property, effects, and rights of the St. Helens Waterworks Company:

The expression "the gas undertaking" shall mean the gasworks, land, buildings, pipes, retorts, gasometer, engines, apparatus, property, effects, and rights of the St. Helens Gas Company:

The expression "water rent" means every sum of money payable to the Corporation for a supply of water:

Buildings and lands shall be deemed to be in a street or court when they abut upon such street or court, or when only some portion of ground open to the passage of the public intervenes between any such building or lands, and any such street or court:

The re-erecting of any building pulled down to or within ten feet from the surface of the adjoining ground, or of any frame building of which only the framework is left down to the ground floor, or the conversion into a dwelling house of any building not originally constructed for human habitation, or the conversion into more than one dwelling house of a building originally constructed as one dwelling house only, shall be considered the erection of a new building.

As to Repeal of Acts, &c:

18 & 19 Vict. c. lxxiv. repealed.

**5.** "The St. Helens Improvement Act, 1855," is hereby repealed.

Discontinuing Local Government Acts within the borough.

**6.** The aforesaid resolutions of adoption of the Local Government Act, 1858, by the said township of Sutton and by so much of the said township of Parr as lies without the town of St. Helens are hereby rescinded, and the "Local Government Act, 1858," and the "Local Government Act Amendment Act, 1861," the several Acts amending the same and supplemental thereto or incorporated therewith, and any Act put in force, applied to, or adopted in the districts of Sutton and Parr respectively, shall cease to apply to or have any force within the borough, and the local boards of Sutton and Parr are hereby dissolved.

Confirmation of charter.

**7.** The said letters patent are hereby confirmed.

Limits of Act.

**8.** This Act shall (except where it is expressly provided otherwise) apply to and within the borough exclusively.

Limits of Act as to water.

**9.** The limits for the supply of water under and subject to the provisions of this Act are the townships of Eccleston, Parr, Sutton, and Windle in the parish of Prescot in the county of Lancaster, and such limits are herein referred to as the water limits.

As to execution of Act.

**10.** This Act shall (subject to the provisions herein contained) be carried into execution by the Corporation, acting by the Council and according to the Municipal Corporation Acts and other laws for the time being affecting the Corporation, and with all the authorities conferred by those Acts and laws on the Corporation and on the Council and committees of the Council, and the officers, agents, and servants of the Corporation with respect to matters provided for by or comprised in the Municipal Corporation Acts, and as nearly as may be in all respects as if the powers and duties and property vested in, imposed on, or enjoyed by the Corporation by or under this Act were vested in, imposed on, or enjoyed by them, by or under the Municipal Corporation Acts.

Regulations as to committees of Council.

**11.** Where, under the authority of the Municipal Corporation Acts, the Council appoint out of their own body any committee for the execution of any of the purposes of this Act, they may delegate to each such committee such of the powers and duties of the Corporation under this Act as the Council think fit for the purpose of carrying into effect any specific orders of the Council, and the acts and proceedings of every such committee within the limits of such delegation shall be deemed the acts and proceedings of the Council, and the quorum of each such committee shall be such as the Council direct; and the Council may from time to time make such regulations as they think fit for the guidance of any such committee, and the Council may from time to time remove any members of any such committee, and appoint in the stead of them or any of them other members of the Council.

Validity of meetings of Council, committee, &c.

**12.** Until the contrary be proved, every meeting of the Council or of any committee of the Council shall be deemed to have been duly convened and held, and all members attending such meeting shall be deemed to have been duly qualified.

Corporation to continue entitled to their property, and property of local board vested in Corporation.

**13.** All lands, waters, waterworks, mains, pipes, meters, lamps, lamp-posts, works, erections, buildings, rights and easements, monies, securities, deeds, contracts, agreements, papers, books, plans, property, chattels, choses in action, effects, claims and demands, rights and remedies whatsoever which immediately before the passing of this Act were vested in the Corporation or either of the local boards, or any person on their behalf respectively, or of or to which the Corporation or either of the local boards, or any person on their behalf respectively, were seised, possessed, or entitled either at law or in equity or otherwise howsoever, shall be and the same are hereby vested in the Corporation to the same extent and for the same estate and interest as the same respectively were at the time of the passing of this Act vested in the Corporation or either of the

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local boards, or any person on their behalf respectively, and may be held, recovered, used, and enjoyed accordingly.

Conveyances, &c. to remain.

**14.** Subject to the provisions of this Act, all conveyances, leases, deeds, appointments, contracts, agreements, mortgages, bonds, covenants, securities, orders, resolutions, and proceedings made or entered into before the passing of this Act to, with, in favour of, or by, for, or on behalf of the Corporation, the said commissioners, or either of the said local boards, or any person on their behalf respectively, and now in force, shall be and remain as good, valid, and effectual in favour of, against, and with reference to the Corporation, and may be proceeded on and enforced in like manner to all intents and purposes as if this Act were not passed, or as if the Corporation instead of the said commissioners or said local boards respectively had been party or privy thereto respectively.

Actions, &c. not to abate.

**15.** Any action, suit, prosecution, or other proceeding whatsoever commenced either by or against the Corporation or either of the local boards before the passing of this Act shall not abate or be discontinued or prejudicially affected by this Act, but, on the contrary, may be maintained, prosecuted, or continued by, in favour of, or against the Corporation, in like manner to all intents and purposes as if this Act were not passed, or as if the Corporation instead of the said local boards were parties to such action, suit, prosecution, or proceeding.

Rates due at passing of Act to be recoverable.

**16.** All rates and rents which immediately before the passing of this Act are due and payable or accruing due and payable to the Corporation or either of the local boards, shall from and after the passing of this Act be payable to and may be collected and recovered by the Corporation in like manner as any rates under this Act may be collected and recovered by the Corporation.

Debts due to and by the Corporation to be paid to and by the Corporation.

**17.** All persons who immediately before the passing of this Act owe any sum of money to the Corporation or to either of the local boards, or to any person on their behalf respectively, shall pay the same with all interest, if any, due or to accrue due for the same to the Corporation; and all debts and monies which immediately before the passing of this Act are due or owing by or recoverable from the Corporation or either of the local boards, or for the payment whereof the Corporation or either of the local boards are or but for this Act would be liable, shall be paid with all interest (if any) due or to accrue thereon by or be recoverable from the Corporation.

Byelaws, &c. to remain in force.

**18.** All rules, regulations, byelaws, notices, and orders made by the Corporation or either of the local boards under any Act of

Parliament, and in force on the passing of this Act, shall continue in full force until the same be repealed, altered, or varied under this Act, and such regulations, rules, byelaws, notices, orders, and all penalties and forfeitures thereby respectively imposed, and all penalties and forfeitures incurred under the Acts hereby repealed or discontinued within the borough, may and shall be enforced, recovered, and applied in like manner and in all respects as the same respectively might be enforced, recovered, and applied in case the same had been made and imposed respectively by or under this Act.

Books to be evidence.

**19.** All books and other documents directed or authorized to be kept by the Corporation or either of the local boards by any Act of Parliament, and which, if such Act were not repealed or abrogated or discontinued within the borough, would be receivable in evidence, shall be admitted as evidence in all courts of law and equity and elsewhere accordingly.

Repeal not to affect acts done under repealed or discontinued Acts.

**20.** Except only as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered under the Acts hereby repealed or discontinued within the borough, or any of them, shall be as valid as if the same Acts were not repealed or so discontinued, and the repeal and discontinuance thereof and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which, if the same Acts were not repealed or so discontinued and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered; and with respect to all such rights, liabilities, claims, and demands, the Corporation shall to all intents and purposes represent the Corporation and the local boards respectively as existing before the passing of this Act.

Power to contract for works.

**21.** The Corporation from time to time may contract with any person for performing or doing any of the works or things by this Act authorized, and all such contracts shall be in writing, sealed with the common seal of the Corporation and signed by the person contracting, and shall specify the works and things so to be done, and the prices at and the times within which they are to be done; and the Corporation may take such bond or other security from every contractor for the due performance of his contract as they think sufficient.

Power to compound with contractors.

**22.** The Corporation may from time to time compound with any person having entered into any contract with the Corporation under this Act for any penalty contained in such contract, or in any bond

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or other security for the performance thereof, or on account of any breach or non-performance of such contract, bond, or security, for such sum of money or other recompence as the Corporation think proper.

AS TO WATERWORKS AND WATER.

Power to Corporation to maintain waterworks and supply water.

**23.** Subject to the provisions of this Act, the Corporation may from time to time maintain their existing waterworks, and make, alter, and discontinue in connexion therewith such reservoirs, conduits, watercourses, gauges, mains, pipes, apparatus, works, and conveniences as they from time to time think fit, and may upon any lands from time to time vested in them for the purpose of the waterworks erect such buildings, and may do all such things as they from time to time think proper for collecting and storing water: Provided always, that no such works shall be erected on any lands not vested in the Corporation for the purpose of waterworks.

Power to make new works.

**24.** Subject to the provisions in this Act contained and to the powers of deviation hereby given, the Corporation may make and maintain in the line and situation, and upon the lands delineated in the deposited plans and described in the book of reference, and according to the levels shown in the deposited sections, the wells, reservoirs, aqueducts, and other works following; (that is to say,)

(1.) A well or shaft, pumping engine or engines, and other buildings and works in the township of Whiston in the parish of Prescot in the county of Lancaster, in a field belonging or reputed to belong to the trustees of Thomas Atherton deceased, and in the occupation of Thomas Atherton, situate on the east side of Cumber Lane in the said township of Whiston, and near to a dwelling house in the occupation of the said Thomas Atherton, and known as Cumber Lane House;

(2.) An aqueduct, conduit, or main pipe or pipes commencing in the township of Whiston in the parish of Prescot aforesaid by a junction with and leading out of the said well or shaft, and passing thence into and through the township of Eccleston in the parish of Prescot in the county of Lancaster, and terminating by a junction with the existing mains of the Corporation at or near Eccleston turnpike gate in the said township of Eccleston;

(3.) A service reservoir in the township of Eccleston in the parish of Prescot in the county of Lancaster in a certain field

belonging or reputed to belong to the trustees of Oliver Lymes' Charity, and in the occupation of William Fishwick, situate on the east side of the Prescot and Ashton branch of the Liverpool, Prescot, Ashton, and Warrington turnpike roads, and near to the existing waterworks and pumping station of the said Corporation in the said township of Eccleston;

(4.) A conduit or line of pipes commencing at the existing waterworks of the Corporation on Eccleston Hill, and terminating at and in the said service reservoir;

(5.) A conduit or line of pipes commencing by a junction with and leading out of the line of pipes secondly herein-before described at a point on the said Prescot and Ashton branch turnpike road immediately opposite the existing waterworks and pumping station of the said Corporation in the said township of Eccleston, and terminating at and in the said service reservoir fifthly herein-before described:

All necessary wells, cuts, shafts, drains, tunnels, works, and conveniences in connexion with the before-mentioned works.

Corporation may take waters.

**25.** The Corporation, for the purposes of the said works, and of any waterworks vested in them absolutely or by way of lease, may collect, impound, pump up, take, use, and appropriate all such springs, streams, and waters as may be found in, upon, or under the lands described in the book of reference, other than the lands belonging or reputed to belong to the Earl of Sefton.

Power to deviate.

**26.** In constructing the said works or any of them the Corporation may deviate to any extent not exceeding the limits of deviation shown in the deposited plans, and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits, and may also deviate from the levels shown in the deposited sections to any extent not exceeding three feet in respect of the reservoirs and five feet in respect of the aqueducts.

Period for completion of works.

**27.** The works hereby authorized shall be completed within five years from the commencement of this Act, and on the expiration of such period the powers by this Act granted to the Corporation for making the said works, or otherwise in relation thereto, shall cease, except as to so much thereof as shall be then completed.

For the protection of roads vested in the trustees of the Liverpool,

**28.** And whereas the works by this Act authorized comprise a main pipe or aqueduct for the conveying of water for the purposes of the Waterworks Acts and this Act under the turnpike roads leading from Prescot to Saint Helens, and from Prescot to Warrington, for a distance of three-quarters of mile or thereabouts, and under

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Prescot, &c. road, or the Prescot highway board.

certain of the roads under the management of the Prescot highway board for a distance of upwards of a mile: And whereas during the construction of such works more than ordinary damage may be occasioned to those parts of the said roads which are not actually broken up for the purpose of laying down such pipe or aqueduct: Therefore the Corporation shall pay to the trustees of the said road and to the said highway board, for and in respect of the damage which may be caused during the progress of such works to such parts of the roads under their respective management as may not actually be broken up, such an amount of compensation as may be agreed upon between the said Corporation and the said trustees and highway board, or as shall in case of difference be settled by arbitration in the manner prescribed by the "Lands Clauses Consolidation Act, one thousand eight hundred and forty-five."

As to works on such roads.

**29.** In the construction of the said works upon and under the said roads the Corporation shall be subject to and shall abide by the following restrictions; (that is to say,)

(1.) It shall not be lawful for them to alter the level of such roads or any of them, or any part thereof respectively, without the respective consent of the trustees or the said highway board:

(2.) A clear carriageway of one half of the width of the road at the least shall, if required by the said trustees or highway board, be kept for the passage of carriages along each of such roads during any interference therewith by the Corporation:

(3.) No greater length than one hundred yards shall, without the respective consent of the said trustees or highway board, be broken up at any one place at the same time, and the works shall not, without such consent, be carried on at the same time at any other place at a less distance than two hundred yards; and in case the trench for the pipes or any cutting made by the Corporation shall be flooded, they shall provide a pump and pipes to convey the water away, and shall not cast the same upon any part of the said roads.

Such roads to be reinstated, &c.

**30.** When the Corporation, for the purposes of the waterworks, break up or open the said roads, they shall with all convenient speed complete the work for which the same shall be broken up or opened, and fill in, reinstate, and make good the said roads so broken up or opened with the same quality and depth of surface material as shall be found on them respectively at the time of their so being broken up or opened, and to the satisfaction of the respective surveyors for the time being of the said trustees and highway board,

and shall carry away all the rubbish occasioned by such breaking up or opening as aforesaid, and shall at all times whilst the said road shall be so broken up or opened cause the same to be fenced and guarded, and shall cause lights sufficient for the warning of passengers to be set up and kept against the part of the roads respectively so broken up or opened every night during which such roads respectively shall be continued broken up or open, and shall, after replacing and making good in manner aforesaid the said roads which shall have been so broken up or opened, pay to the said trustees or the said highway board the expenses incurred in keeping the portions thereof so broken up or opened in good repair for the space of two years thereafter.

Penalty for wrongfully breaking up such roads.

**31.** If the Corporation or any of their contractors or servants shall act in any manner contrary to any of the restrictions herein-before contained relative to the said roads, unless with the respective consent of the trustees of such roads or the said highway board or their respective surveyors, the Corporation shall forfeit and pay to the said trustees or highway board, as the case may be, as and by way of ascertained damages, the sum of forty shillings, and the further sum of five pounds for every day during which the act or thing done or omitted to be done contrary to the provision aforesaid shall continue or shall remain unperformed after notice from the said trustees or highway board respectively or their respective surveyor.

Provisions of 10 & 11 Vict. c. 17. applied to such roads.

**32.** All the provisions, matters, and things contained in the "Waterworks Clauses Act, 1847," relating to the opening or breaking up of streets and laying down and placing pipes, conduits, and other works in and under such streets, shall extend to and apply to the opening or breaking up for the purposes of the waterworks of the said turnpike roads from Prescot to Saint Helens and Prescot to Warrington, and to the said roads under the management of the said highway board, except so far as such provisions, matters, and things are inconsistent with the enactments herein-before contained with respect to such turnpike and other roads.

Corporation to supply water within the borough for trading and manufacturing purposes.

**33.** Subject to the provisions of this Act, the Corporation shall supply all persons within the borough with water for trading and manufacturing purposes; provided that every person desiring to be supplied with water by the Corporation for trading or manufacturing purposes shall make application in writing for the same, and in such application shall state the quantity of water per quarter with which he requires to be supplied, such quantity to be the same in each quarter, and shall bind himself to take such supply or pay for the same for four successive quarters.

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Manufacturer may obtain independent supply.

**34.** No manufacturer shall be compelled to take water for trading or manufacturing purposes from the Corporation, nor shall he be prevented from obtaining a supply of water from any other source.

Corporation by agreement may supply water beyond the borough for trading and manufacturing purposes.

**35.** Subject to the provisions of this Act, the Corporation may, if they think fit, supply any person in such parts of the water limits as lie without the borough with water for trading or manufacturing purposes, at such rent and upon such terms and conditions as may be mutually agreed upon between the Corporation and the person seeking such supply.

Pressure need not be constant.

**36.** The water to be supplied by the Corporation need not be laid on under constant pressure, nor shall the Corporation be bound at any time to lay on the supply of water at any elevation at which, having regard to the general supply of the borough, the water cannot be supplied by gravitation from the service reservoir from which such supply is taken.

Water to be supplied for domestic and other purposes on requisition.

**37.** The Corporation shall at the request of the owner or occupier of any house or of any part thereof in any street or place within the water limits, or on the application in manner aforesaid of the owner or occupier of any mill or manufactory, or farmhouse or farm buildings, within the borough in which any pipe of the Corporation is laid within the distance of twenty-five yards from such house, mill or manufactory, or farmhouse or farm buildings, or of any person who under the provisions of this Act is entitled to demand a supply of water for any purpose (and subject to the provisions of this Act respecting water rent), furnish to such owner, occupier, or other person a sufficient supply of water for the use of such house, mill or manufactory, or farmhouse or farm buildings.

What to be deemed domestic purposes.

**38.** A supply of water for domestic purposes shall include a supply for waterclosets and baths, but shall not include a supply for cattle, or for horses or for washing carriages where such horses or carriages are kept for sale or hire or by a common carrier, or a supply for any trade, manufacture, or business, or for watering gardens, or for fountains, or for any ornamental purpose.

Corporation to lay pipes, &c. on requisition.

**39.** The Corporation shall cause pipes to be laid down and water to be brought to every part of the borough whereunto they shall be required by so many of the owners or occupiers of mills or manufactories in that part of the borough, as that the aggregate amount of water rent payable by them, or, in case there be but one such owner or occupier, the amount payable by him annually at the rates specified in this Act in respect of the premises to be supplied shall

not be less than one fifth part of the expense of providing and laying down such pipes, but any such requisition shall not be binding on the Corporation unless such owner or occupier execute, or such owners or occupiers severally execute, an agreement binding himself and themselves to take such supply of water for five successive years at least in equal quarterly quantities.

Penalty for neglect to lay down pipes.

**40.** If for two months after demand in writing made to the Corporation, and tender made of an agreement signed by such owner or occupier, or such number of owners or occupiers as aforesaid, to take and pay for a supply of water for five years or more, the Corporation refuse or neglect to lay down pipes in the manner herein-before directed and to provide such supply of water as required by this Act, they shall forfeit to each of such owners and occupiers the amount of water rent which he would be liable to pay under such agreement, and also the further sum of forty shillings for every day during which they refuse or neglect to lay down such pipes or to provide such supply of water.

Provisions of 10 & 11 Vict. c. 17., as to laying communication pipes, extended to traders, &c.

**41.** The provisions in "The Waterworks Clauses Act, 1847," with respect to the communication pipes to be laid by the inhabitants, shall apply to persons entitled under the provisions of this Act to demand a supply of water for trading or manufacturing purposes.

Traders and manufacturers may be required to consume water by meter.

**42.** Every person supplied with water by the Corporation for trading, manufacturing, or farming purposes, shall, on being so required by the Corporation, consume such water by meter to be supplied by the Corporation at the expense of the consumer, or (if so agreed) by the consumer, and in that case to be approved by the Corporation.

Price of water by meter.

**43.** The price to be charged by the Corporation for water to persons consuming by meter not less than two million gallons per annum shall not exceed eightpence for every thousand gallons of water consumed, and to persons consuming by meter less than two million gallons per annum shall not exceed twelvepence for every thousand gallons of water consumed; but the minimum amount to be paid by any person supplied by meter shall be two pounds per annum in addition to the rent of the meter, and the amount chargeable to any person consuming less than two million gallons per annum shall not exceed the charge for two million gallons.

Water rent for water for domestic purposes.

**44.** The water rent payable to the Corporation for a supply of water for domestic purposes shall be at a rate per centum per annum not exceeding seven pounds on the gross annual value of the house

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or part of a house supplied, but they shall not be obliged to furnish such a supply to any owner, occupier, or other person at a less rate than twopence per week.

Water rent for compound premises.

**45.** The water rent payable to the Corporation for a supply of water to any compound premises shall be as follows:

If the gross annual value of such compound premises does not exceed fifty pounds, at the rate chargeable for a supply for domestic purposes for the time being for a house calculated on such gross annual value; and

If the gross annual value exceeds fifty pounds, then as to such fifty pounds at the rate chargeable for a supply for domestic purposes for the time being for a house, and as to the remaining amount of such gross annual value, as to one third thereof at the rate chargeable for a supply for domestic purposes for the time being for a house, and as to the remaining two thirds of such gross annual value, at the proportion of two ninths of the rate chargeable for a supply of water for domestic purposes for the time being for a house.

Power to supply by agreement in certain cases.

**46.** The Corporation may from time to time supply any person with water for any purpose other than domestic purposes or purposes for which they are supplied by meter at such rent and upon such terms and conditions as may be mutually agreed upon between the Corporation and such person.

Corporation may require houses to be supplied with water in certain cases.

**47.** If upon the report of the surveyor it appears to the Corporation that any dwelling house in any street, or in any court opening into any street, within the borough in which there shall be a water main or pipe of the Corporation, shall be without a proper supply of water for domestic purposes and that such supply can be furnished thereto, the Corporation may give notice in writing to the owner of such house requiring him within a time specified in the notice to obtain such supply and do all works necessary for that purpose; and if such notice be not complied with the Corporation may do such works and furnish such supply and charge upon such house the same water rate to which it would have been liable if the supply had been furnished thereto at the request of the owner or occupier thereof, and recover the expenses of such works from the owner.

Corporation may provide and supply drinking fountains, &c.

**48.** All existing public cisterns, conduits, fountains, and other works within the borough used for the gratuitous supply of the inhabitants thereof may be continued, maintained, and supplied with water by the Corporation, and shall be vested in them and be under their management and control, and they may erect and place

and supply with water any new cisterns, conduits, and fountains or other works for the gratuitous use of any person who may choose to drink thereat.

Corporation to provide fireplugs.

**49.** For securing a proper supply of water for extinguishing fire within the water limits of this Act the following provisions shall take effect; (namely,)

(1.) Within the borough the Corporation shall fix and maintain proper fireplugs in their main and other pipes at convenient distances, not being more than one hundred yards from each other in streets built upon to the extent in the aggregate of one half of their length, and not exceeding six hundred yards from each other in other cases:

(2.) Beyond the borough the Corporation shall fix and maintain proper fireplugs in their main and other pipes at such places as they think requisite, having regard to the number of buildings near such pipes and other circumstances:

(3.) The Corporation shall, at the request and expense of the owner or occupier of any mill, warehouse, or manufactory in any street or court within or beyond the borough in which there is a pipe of the Corporation, place in such street or court and maintain a fireplug (to be used only for extinguishing fires) as near as conveniently may be to the exterior of such mill, warehouse, or manufactory:

(4.) As soon as any such fireplug is completed the Corporation shall deposit a key thereof at each place where any public fire engine is kept under this Act, and in such other places as they think fit, and shall put up a public notice in some conspicuous place in each street or court in which such fireplug is placed showing its situation, which notice they may put up on any building in such street or court:

(5.) The Corporation shall at all times keep charged with water all their pipes to which fireplugs are fixed, and shall allow all persons at all times to take and use water for extinguishing fire without payment:

(6.) If the Corporation fail to fix or maintain such fireplugs or (unless prevented by frost, unusual drought, or other unavoidable accident or reasonable cause) to keep their pipes charged as aforesaid, they shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding forty shillings for every day during which such failure continues after notice in writing given to them thereof.

Want of supply, when excused.

**50.** The Corporation shall not in the absence of special agreement be liable to any penalty under this Act or otherwise, or to any

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damages for not supplying water as required by this Act, if the want of such supply arises from frost, unusual drought, or other unavoidable cause or accident.

Owners of houses not exceeding five pounds rent to be liable to water rents.

**51.** The owners of all dwelling houses or parts of dwelling houses occupied as separate tenements, the gross annual value of which houses or separate tenements does not exceed five pounds, shall be primarily liable to the payment of the water rents (for which purpose the person receiving the rents of any such house or tenement as aforesaid from the occupier thereof on his own account, or as agent or receiver for any person interested therein, shall be deemed the owner of such house or tenement), and in default of payment thereof by the owner the occupier shall be liable for the same as if the present section had not been inserted in this Act.

Corporation may give discount to owners of groups of houses paying rents in advance.

**52.** If the owner of any group of not less than three dwelling houses, the gross annual value of which dwelling houses respectively shall not exceed five pounds, shall agree to pay and shall pay quarterly in advance the water rents in respect thereof for a term of not less than one year when and as such rents shall become due, whether the same shall be occupied or unoccupied, the Corporation may give to such owner at each time of payment a discount or drawback not exceeding one fifth part of every sum so paid in advance.

Rent for water may be ascertained by meter.

**53.** The Corporation and any person desirous of having a supply of water may agree that the rent of such supply shall be determined by the quantity of water consumed, to be ascertained by a meter to be provided or approved by the Corporation, and may agree on the amount of the rent to be paid for such supply.

Regulations for preventing waste of water.

**54.** For the purpose of preventing the waste, misuse, or undue consumption or contamination of the water of the Corporation the Corporation from time to time may give directions prescribing the size, nature, strength, materials, mode of arrangement, and repair of the pipes, valves, cocks, cisterns, baths, waterclosets, and other apparatus to be used, and interdicting any arrangement and the use of any pipes, valves, cocks, cisterns, baths, waterclosets, and other apparatus which in their judgment may tend to any such waste, nuisance, undue consumption, or contamination, and they shall not be bound to supply any water unless their directions are followed, and any dispute relative thereto shall be settled by two justices.

Repair of pipes, &c. by the Corporation.

**55.** The Corporation may, between the hours of nine in the forenoon and four in afternoon, after twenty-four hours notice, or at any other time without such notice with the authority in writing of a justice, repair or alter any pipe, valve, cock, cistern, bath, water-

closet, or other apparatus of any person supplied by them with water so as to prevent any waste, misuse, undue consumption, or contamination of water; and the expenses of the repair or alteration shall be repaid to them by the person on whose credit the water is supplied thereto, and may be recovered by them in the manner herein provided for the recovery of damages.

Penalty for extension or alteration of pipes.

**56.** It shall not be lawful for the owner or occupier of any building supplied with water by the Corporation, or any consumer of the water of the Corporation, or any other person, to affix or cause or permit to be affixed any pipe or apparatus to a pipe belonging to the Corporation, or to a communication or service pipe, cock, or valve belonging to or used by such owner, occupier, consumer, or other person, or to make any alteration in any such communication or service pipe, cock, or valve, or in any apparatus connected therewith, without the written consent in every case of the Corporation; and if any person acts in any respect in contravention of the provisions of this section he shall be liable to a penalty not exceeding five pounds, without prejudice to the right of the Corporation to recover damages from him in respect of any injury done to their property, and without prejudice to their right to recover from him the value of any water wasted, misused, or unduly consumed: Provided always, that this enactment shall not apply to any person supplied with water by the Corporation by meter, except in so far as he is thereby restricted from any interference with the pipes or apparatus connecting such meter with the pipes or mains of the Corporation.

Penalty for allowing persons to wrongfully use the water.

**57.** If any owner or occupier of any land or building supplied with water by the Corporation supplies to any other person or wilfully permits him to take any such water from any cistern or pipe in such land or building, unless for the purpose of extinguishing fire, or unless he is a person supplied with water by the Corporation and the pipes belonging to him are without his default out of repair, he shall be liable to a penalty not exceeding five pounds, and the existence of any communication pipe or other apparatus suited for such supply or permission shall be primâ facie evidence of such supply or wilful permission.

Penalty for extending or enlarging pipes of Corporation.

**58.** If any person without the authority or approval of the Corporation extend or enlarge any pipe or use any other means or device for the purpose of supplying any person or any house or part of a house with any water from the works of the Corporation, every person so offending shall for every such offence forfeit not exceeding five pounds, and a further sum not exceeding forty shillings for every day during which such offence continues.

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Damages occasioned by waste or misuse of water.

**59.** Every person convicted under this Act for wrongfully using, taking, wasting, or misapplying any water of the Corporation shall, in addition to any penalty, make full compensation to the Corporation with respect to the water so used, taken, wasted, or misapplied; and any justice or justices authorized to impose such penalty shall determine and certify the amount of such compensation, which amount the Corporation may recover as damages or as water rents.

Penalties for causing water to be fouled, &c.

**60.** If any person does any of the following things; (that is to say,)

Bathes in any reservoir, cistern, well, aqueduct, or other waterworks belonging to the Corporation, or washes, throws, or causes or knowingly permits to enter therein any ducks or geese or any cattle, dog, or other animal;

Throws, places, or deposits any rubbish, dirt, filth, or any offensive matter or thing into any such stream, reservoir, cistern, well, aqueduct, or other waterworks, or washes or cleanses therein any cloth, wool, leather, or skin of any animal, or any clothes or other thing;

Causes or knowingly permits the water of any sink, sewer, or drain, steam engine, boiler, or other filthy water belonging to him or under his control to run or be brought into any such stream, reservoir, cistern, well, aqueduct, or other waterworks, or does any other act whereby the water of the Corporation is or may be fouled;

he shall be liable to a penalty not exceeding five pounds, and in case of the last-mentioned offences, or any of them, to a further penalty not exceeding twenty shillings for every day (if more than one) on which that offence is continued.

Persons to enter houses to inspect, &c.

**61.** Any person acting under the authority of the Corporation, may, between the hours of nine in the forenoon and four in the afternoon, or at any other time with the authority in writing of a justice, enter into any building or lands, to, through, or into which water is supplied by the Corporation, in order to examine if there is any waste, misuse, undue consumption, or contamination of such water, and to inspect the meters, instruments, pipes, and apparatus connected with the supply or use of water, and to ascertain the quantity of water consumed or supplied, and may take off, remove, inspect, and replace any meter belonging to a consumer, such taking off, removal, testing, and inspection to be done at the expense of the Corporation if the meter be found in proper order, but otherwise at the expense of the consumer.

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Penalty for injuring meters.

**62.** If any person fraudulently or by culpable negligence injures or suffers to be injured any meter or fittings belonging to the Corporation under his control, or alters the index of any meter, or otherwise fraudulently prevents any meter from duly registering the quantity of water used, or in any manner not herein-before provided for fraudulently consumes or uses the water of the Corporation, he shall be liable to a penalty not exceeding five pounds, without prejudice to the right of the Corporation to recover the amount of any damage by them sustained.

Power to place pipes under or over canals.

**63.** Notwithstanding anything in this Act, the Corporation may from time to time within the water limits of this Act place any pipe or construct any culvert for the conveyance of water under any canal, and in any such case doing as little damage as may be, and may from time to time repair, alter, or remove any such pipe or culvert, and for the purpose of executing any of the powers of the present section may from time to time enter on any lands of the canal company or persons proprietors of the canal, and for the purpose of laying down such pipe or constructing such culvert (but not otherwise) may from time to time break up the soil or surface of any such lands, but all works done by the Corporation by virtue of the powers of the present section shall be done under the superintendence and to the reasonable satisfaction of and according to such plans and at such times only as shall be reasonably approved by the engineer of the canal company or persons proprietors of the canal affected, but in all things at the expense of the Corporation; and in case of any difference arising touching the mode of executing any works under the present section the same shall be determined by a referee appointed by the Board of Trade on the application of either party.

Recovery of water rents.

**64.** In case any person who shall have been supplied with water by the Corporation, or who shall be liable to payment in respect of a supply of water under or by virtue of the provisions of this Act, shall neglect or refuse to pay the amount due in respect of such supply, it shall be lawful for any justice having jurisdiction where such person shall then reside or where such water shall have been supplied to issue his summons to such person requiring him to appear at a time and place named therein to show cause why the amount due should not be paid; and if on the appearance of such person, or in default of appearance after proof of the service of the summons, either personally or at the last known place of abode or business of such person, no sufficient cause shall be shown to the contrary, it shall be lawful for any justice to issue his warrant of distress for the seizure and sale of the goods and chattels of such

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person for the recovery of the amount which may be proved before such justice to be due from such person, together with such costs as to such justice shall seem just and reasonable, or the amount due, together with all costs and expenses, may be recovered in any court of competent jurisdiction.

Incoming tenant not to be liable for arrears of water rent except by express agreement.

**65.** If any consumer leave the premises where water has been supplied to him without paying to the Corporation the water rent due from him the Corporation shall not require from the next tenant of the premises payment of the arrears so left unpaid, unless the incoming tenant shall have agreed with the defaulting consumer to pay the arrears.

Power to cut off supply on failure in payment of water rent, &c.

**66.** In the following cases; (namely,)

(1.) If any person supplied with water by the Corporation fails to pay any water rent due from him to the Corporation:

(2.) If any such person wrongfully does or causes or permits to be done anything in contravention of the provisions of this Act relating to the supply of water, or wrongfully fails to do anything which he ought to do for the prevention of the waste, misuse, undue consumption, or contamination of the water of the Corporation:

(3.) If any person acting under the authority of the Corporation is refused admittance into any building or lands for any of the purposes of the provisions of this Act relative to water supply, or is prevented from making any inspection or examination therein, the following provisions shall take effect; (that is to say,)

(1.) The Corporation may, notwithstanding any existing contract with the person supplied with water, and without prejudice to any other remedy or proceeding against him, cut off any service or other pipe used by him for the supply of water, or turn off or otherwise stop the supply to him of water, and may cease to supply him with water until he has paid the water rent due from him, together with all expenses incurred by the Corporation in or about the cutting off of any pipe, or the turning off or otherwise stopping of any such supply, or (as the case may be) so long as his wrongful act or omission continues or is not remedied:

(2.) Any officers and workmen of the Corporation, after giving twenty-fours previous notice to the occupier, or, if the building is unoccupied, to the owner,

may enter into the building or lands supplied between the hours of nine in the forenoon and four in the afternoon, or at any other time with the authority in writing of a justice, and remove and carry away any meter, instruments, pipes, apparatus, or other works the property of the Corporation, making compensation to the owner for any damage sustained by him.

Power to Corporation to form a depreciation fund.

**67.** The Corporation, in order to defray and provide for the expenses attendant upon or occasioned by any sudden breach or accident to the waterworks, water mains, engines, plant, or otherwise in relation thereto, and for the purpose of maintaining such waterworks, water mains, engines, and plant in efficient condition and repair, may appropriate and set apart annually such proportion of their revenue arising from the sale of water, not exceeding five hundred pounds in any one year, as they think fit, and shall carry the sums so set apart to the credit of the fund called "the depreciation fund," but the said depreciation fund shall not at any time exceed in the aggregate the sum of three thousand pounds, and so soon as it shall reach that amount such appropriation and setting apart as aforesaid shall be suspended until the said fund shall from any cause fall below the said sum of three thousand pounds, and any interest arising from the said depreciation fund shall be carried from time to time to the credit of the water account.

Water company and Corporation may agree as to sale of waterworks.

**68.** The water company may, notwithstanding the subsistence of the said lease, sell and transfer the water undertaking to the Corporation, and the Corporation may purchase the same at such price and upon such terms as may be mutually agreed upon between them.

Deed of transfer to be stamped.

**69.** Such transfer shall be made by deed duly stamped, and in which the consideration shall be fully set forth.

Water undertaking to vest in Corporation on transfer.

**70.** At the time agreed on for any such transfer taking effect, or if no time be specified for that purpose, then upon and from the date of the transfer, the water undertaking shall vest in the Corporation absolutely for all such or the like estate and interest as the water company were seised or possessed of or entitled to at the time of such vesting.

Notice of transfer to be advertised.

**71.** Within twenty-one days after the execution of the said deed of transfer notice thereof shall be given by advertisement in "The London Gazette," and in some newspaper published in the borough, and a certified copy of such deed shall be deposited for public inspection at the offices of the town clerk and of the water company.

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Receipt of two directors of water company to be valid discharge.

**72.** The receipt in writing of two of the directors of the water company for the purchase money to be paid to them by the Corporation shall effectually discharge the Corporation from the sum which in such receipt shall be acknowledged to have been received, and from being concerned to see to the application thereof, and from being answerable or accountable for the loss, misapplication, or nonapplication thereof.

Payment and application of purchase money.

**73.** The purchase money to be paid by the Corporation for the said transfer shall be paid by them into such bank as the directors for the time being of the water company shall appoint, and to the account of the water company, and shall be applied by such directors in manner following:

Firstly. In discharging in accordance with their several priorities all monies due and owing by the water company on mortgage bond or other direct charge on the water undertaking:

Secondly. In discharging all outstanding debts and liabilities of the water company which shall not have been so secured:

Thirdly. In making a fair rateable division of the residue thereof amongst the holders of the shares of the water company in proportion to their respective shares and interests in the water undertaking.

Eventual dissolution of water company.

**74.** When, and so soon as the said purchase money shall have been appropriated and divided in manner herein-before directed, and the affairs of the water company are wound up, and all their debts and liabilities paid and satisfied, the water company shall cease to exist.

Corporation may exercise powers, &c. of water company.

**75.** The Corporation may, from and after the vesting of the water undertaking in them, exercise and enjoy all the rights, powers, privileges, and authorities vested in the water company immediately before such transfer.

Things done or suffered before purchase of water undertaking to remain valid.

**76.** On the vesting of the water undertaking in the Corporation, everything before that time done or suffered shall be as valid as if such transfer had not taken place, and such purchase and transfer shall accordingly be subject and without prejudice to anything done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which if the said purchase had not been made would be incident to or consequent on anything and everything so done or suffered; and with respect to all such rights, liabilities, claims, and demands, the Corporation shall to all intents and purposes represent the water company: Provided always, that the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Conveyances, &c. made in favour of or by the water company to operate in favour of or against the Corporation.

**77.** On the vesting of the water undertaking in the Corporation under the provisions herein contained all contracts, engagements, agreements, conveyances, leases, covenants, indemnities, and liabilities made or entered into with, to, or in favour of, or by, or for, or on behalf of the water company previously to the completion of such purchase shall be and remain as good, valid, and effectual in favour of and against and in reference to the Corporation, and may be proceeded on and enforced in the same manner by or against the Corporation, to all intents and purposes, as if the Corporation had been parties to and executed or entered into the same or had been named or referred to therein instead of the water company.

Actions, &c. not to abate.

**78.** Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding at law or in equity which was pending by or against the water company or to which the water company were parties immediately before the passing of this Act; but any such action, suit, or other proceeding may be maintained, prosecuted, or continued by or in favour of or against the water company, as the case may be, in the same manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by or in favour of or against the water company if this Act had not been passed.

Recovery of rent by water company.

**79.** The water company may enforce payment of the rent and sums of money in the said indenture of lease reserved and made payable by the commissioners by the appointment of a receiver in the same manner as though the said rent were interest on a mortgage created by the Corporation under the authority of this Act: Provided always, that the amount of such rent due from the Corporation to authorize an application by the water company for the appointment of such receiver shall be one hundred and fifty pounds or upwards.

Supply of water may be obtained from Liverpool Corporation.

**80.** The Corporation of Liverpool may from time to time supply from their reservoirs and other works at Rivington in the county of Lancaster, and the Corporation may take and supply to the inhabitants within the water limits, such a quantity of water and upon such terms and conditions as the Liverpool Corporation and the Corporation may mutually agree upon; and the Corporation may pay or secure to the Corporation of Liverpool such consideration, whether in a gross sum or a yearly rent or otherwise, as the Corporation of Liverpool and the Corporation may mutually agree on.

Liverpool Corporation and the Corporation may contract for such supply.

**81.** The Corporation and the Corporation of Liverpool may from time to time make such contracts, agreements, and arrangements for effecting the purposes aforesaid with respect to the supply of water as they think fit.

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## As to Gas.

Corporation may contract for supply of gas.

**82.** The Corporation may contract, for any period not exceeding three years at one time, with the gas company for the supply of gas to the market houses, market places, streets, courts, public lands, grounds, buildings, clocks, and places within the borough, and the price for such supply to the Corporation shall always be calculated and fixed at and according to the lowest price for the time being charged by the company to any private consumer: Provided, that the gas company shall be obliged, upon the request in writing of the Corporation, to lay down all mains necessary for the lighting of the streets or any of them, provided the lamps to be supplied shall be fixed at not exceeding the average distance of one hundred yards from any existing main of the Company.

Corporation may provide lamps, &c.

**83.** The Corporation may for the purposes of the lighting as aforesaid, provide, lay, set up, and affix lamps, lamp posts, and all other materials and apparatus necessary therefor.

Corporation may purchase the gas undertaking.

**84.** The gas company may sell and transfer to, and the Corporation may by agreement purchase, the gas undertaking, either in consideration of a gross sum or of a yearly rent either fixed or fluctuating, and upon such other terms and conditions as may be mutually agreed upon between them, or in case of disagreement as may, with the consent of both parties, be settled by arbitration; and the several provisions herein-before contained with respect to the purchase by and transfer to the Corporation of the water undertaking and the winding-up of the affairs and dissolution of the water company shall apply, mutatis mutandis, to any purchase by and transfer to the Corporation of the gas undertaking, and to the winding up the affairs and the dissolution of the gas company.

Power to use patented inventions, &c.

**85.** From and after the completion of such purchase the Corporation may take and hold any licence or authority under any letters patent to use any invention relative to the manufacture or distribution of gas or the utilization of the residual products arising in the manufacture of gas, but they shall not acquire by any such licence or authority any right or privilege in any respect of an exclusive character.

Limiting the price of gas.

**86.** From and after the completion of such purchase the price to be charged by the Corporation for gas supplied by them shall not at any time exceed the following rate; that is to say,

For gas supplied without the borough, four shillings and sixpence per one thousand cubic feet:

For gas supplied within the borough, four shillings per one thousand cubic feet.

Quality and illuminating power of gas.

**87.** From and after the completion of such purchase, all the gas supplied by the Corporation shall be of such quality as to produce from an argand burner having fifteen holes and a seven-inch chimney, and consuming five cubic feet of gas an hour, a light equal in intensity to the light produced by fourteen sperm candles burning one hundred and twenty grains an hour, and shall be so far pure from sulphuretted hydrogen as not to discolour moistened test paper imbued with acetate or carbonate of lead when this test paper is exposed for one minute to a current of gas issuing under a pressure of five tenths of an inch of water.

Penalty and damages for breaking lamps, &c.

**88.** If any person wilfully removes, destroys, or injures any gas pipe, lamp post, pillar, lamp iron, lamp cover, or other things connected with gas supply the property of or set up by the Corporation, or wilfully and wrongfully extinguishes the light of any gas lamp the property of or set up by the Corporation, any justice may, upon oath made of the commission of any such offence, issue a warrant for apprehending the person accused, or any person who sees any such offence committed may apprehend, and any other person may assist in apprehending, the offender, and without any other warrant than this Act may deliver him into the custody of a constable to be conveyed before some justice; and the person so offending shall be liable to a penalty not exceeding five pounds, and shall also make satisfaction to the Corporation for the damage done, the amount thereof to be recoverable as a penalty.

Satisfaction for accidentally damaging pipes.

**89.** Every person who carelessly or accidentally breaks, throws down, or damages any pipe, pillar, or lamp belonging to the Corporation or under their control, and does not on demand make satisfaction to the Corporation for the damage done thereby, shall pay such sum of money as a satisfaction for the damage done and the cost of repairing and replacing the thing so damaged as any justice may think reasonable.

## As to Streets.

Management of streets vested in Corporation.

**90.** The management of all streets and courts within the borough which at the passing of this Act are or thereafter become public highways, and the pavements and other materials, as well in the footways as in the carriageways of such streets and courts, and all buildings, materials, implements, and other things provided for the purposes of the highways by the surveyors of highways, shall belong to the Corporation.

Corporation to be surveyors of highways.

**91.** The Corporation exclusively shall be the surveyors of highways, and shall have all such powers and authorities and be subject

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to all such liabilities as any surveyors of highways are invested with or subject to by virtue of the laws for the time being in force; and the inhabitants of the borough shall not in respect of any lands within the borough be liable to the payment of any highway rate or other payment in respect of the making or repairing of roads within the other parts of the parish in which the borough is situate.

Corporation liable to indictment for want of repairs.

**92.** The Corporation shall be deemed guilty of a misdemeanor for refusing or neglecting to repair any public highway, and shall be liable to be indicted for such misdemeanor in the same manner as inhabitants are ordinarily by law liable to be indicted in the like case.

Power to pave streets, &c.

**93.** The Corporation may from time to time cause all or any of the streets and courts under their management to be paved, flagged, macadamized, or otherwise made good, maintained, and repaired, and the ground or soil thereof to be raised, lowered, or altered in such manner and with such materials as they think fit, and flag, pave, make, and repair with such materials and in such manner as they think fit any footways for the use of passengers in any such street or court, making compensation to any person sustaining any damage by reason of the ground or soil of any street or court being raised, lowered, or altered.

Power to set up posts for guarding footways.

**94.** The Corporation may continue or from time to time place and maintain in any such street any posts, pillars, rails, bars, chains, or other fence, permanent or temporary, for the protection of passengers and traffic, or for preserving any footway clear from annoyance, or for prevention of accidents, and may place posts in the carriageway of any such street so as to make the crossing thereof less dangerous to passengers.

Penalty for altering pavement, &c. without consent of Corporation.

**95.** If any person, without the consent in writing of the Corporation or other lawful authority, wilfully displaces, takes up, or makes any alteration in, or if any person wilfully or negligently damages, the pavement, flags, kerbstones, or other materials of any street or court under the management of the Corporation, or any such fence or posts as is or are in the last section mentioned, he shall be liable to a penalty not exceeding five pounds, and in addition thereto the Corporation may reinstate the street or court, fence or posts, and recover the expenses from him.

Streets may be stopped for repairs, &c.

**96.** The Corporation may stop any such street or court and prevent all persons from passing along and using the same for a reasonable time during the construction, alteration, repair, or demolition of any sewer or drain in or under such street or court, or during the repair or improvement of the carriage or foot way of such street

or court, or during the execution by the Corporation of any other work authorized by this Act.

Where public streets have not heretofore been paved, Corporation may cause them to be paved at the expense of the occupiers of adjoining lands.

**97.** If any street in which there are messuages or buildings the aggregate frontage of which is not less than one fourth of the length thereof, although a public highway at the passing of this Act, have not been theretofore well and sufficiently paved, flagged, or otherwise made good, the Corporation may cause such street, or the parts thereof not so paved, flagged, or otherwise made good, to be paved, flagged, or otherwise made good in such manner as they think fit; and the expenses incurred by the Corporation in respect of the making of the footpaths and flagging the same and the kerbing and channelling of such street shall be repaid to them by the occupiers of the lands abutting on such street, or such parts thereof as have not been theretofore well and sufficiently paved, flagged, or otherwise made good; and such expenses shall be recoverable from such occupiers respectively as herein-after provided with respect to new street expenses; and thereafter such street shall be repaired by the Corporation out of the rates levied under this Act: Provided always, that in all cases in which the lands are or shall be let to any person for any period less than one year such expenses shall be repayable by and recoverable from the owners instead of the occupiers.

Power to cause certain streets and courts to be sewered and paved, &c. by owners.

**98.** If at any time any street or court (not being a highway repairable by the inhabitants at large) formed, set out, or laid out either before or after the commencement of this Act, in which there are messuages or buildings the aggregate frontage of which is not less than one fourth of the length thereof, is not sewered, drained, levelled, flagged, and paved or macadamized to the satisfaction of the Corporation, they may at any time and from time to time order that it be freed from obstruction, sewered, drained, levelled, flagged, paved, macadamized, and otherwise completed, with such materials, at such levels, with such inclinations, and with sewers and drains of such dimensions, and that the soil thereof be raised, lowered, or altered in such manner and within such time as the order directs; and thereupon the respective owners of the buildings and lands in such street or court shall, at their own respective expense, remove all obstructions in, upon, or under, and sewer, drain, level, flag, pave, macadamize, and otherwise complete such street or court within the time and in the manner prescribed in the order: Provided always, that this enactment shall not apply to any road or approach belonging to any railway company.

On owner's neglect to sewer and pave, &c.,

**99.** If any work required to be done by any such order is not commenced within one month after the last publication of such order, or if any such work when commenced is not carried on

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power to do the work at his expense.

without unreasonable delay, or if any such work is not completed within the time and in the manner prescribed in the order, the following provisions shall apply to every such case; (namely,)

(1.) The Corporation may at any time and from time to time remove all obstructions in, upon, or under, and sewer, drain, level, flag, pave, macadamize, or otherwise complete the street or court to which the order relates, or such part thereof as is not done in accordance with the order, in such manner as they think fit;

(2.) The Corporation may charge the several owners of buildings or lands in such street or court with the expenses of or incidental to the execution of such works, together with a commission not exceeding the rate of five per cent. on the amount of such expenses, in respect of the cost to the Corporation of the surveying and superintendence of such works (which expenses and commission are comprised in the term "new street expenses" when hereafter used in this Act);

(3.) New street expenses shall be charged to such owners in proportion to the extent of the frontage of their respective buildings and lands in the street or court, or in such other proportion as the Corporation shall think equitable;

(4.) Such proportion shall be ascertained and settled by the Corporation, and such apportionment by the Corporation shall be binding and conclusive on all parties unless the same is by written notice disputed within one month from the time of notice being given by the Corporation of such apportionment;

(5.) Any such dispute shall be settled by arbitration:

(6.) Notwithstanding any such dispute such interest on new street expenses as is hereafter, in the section of this Act concerning "the recovery of new street expenses from owners and others," provided for, shall commence as against each such owner from the expiration of one month from the time of demand by the Corporation of his proportion of new street expenses;

but the exercise of the powers of the present section shall be subject to the following provisions; (namely,)

(1.) The owner of any building or lands shall not be liable to be charged for the repair of any public highway that crosses any such street or court:

(2.) The increase of expense occasioned by the construction of any sewer of a larger size or with materials other than would have been necessary merely for the purpose of the

drainage of any such street or court or of the buildings or lands therein (such increase of expense to be ascertained and settled by or under the direction of the Corporation) shall be borne and paid by the Corporation.

Materials in streets sewered and paved.

**100.** The Corporation may appropriate, use, and dispose of any old materials existing in any street or court at the time of the execution by the Corporation of any works in such street or court under the foregoing provisions, allowing such sum as the surveyor may fix to be the value thereof to the owners of buildings and lands in such street or court in proportion to their interest therein, unless such owners within twenty-four hours after notice from the Corporation so to do remove such materials or their respective proportions thereof; and any stone, gravel, clay, or other material produced in the course or in consequence of the execution by the Corporation of any such works may be used by them in the execution of any works under this Act, and in case of their so using the same the value thereof, to be fixed by the surveyor, shall be paid or allowed by the Corporation to the owners of buildings or lands whose property has produced the same.

Streets sewered, paved, &c. to be public highways.

**101.** When any street or court has been freed from obstruction, sewered, drained, levelled, flagged, paved, macadamized, or otherwise completed to the satisfaction of the Corporation, they may give notice of their intention to declare the same to be a public highway by a notice to that effect served on the owner or owners of the buildings or lands of such street or court; and unless the owner or owners of such buildings or lands extending for not less than four fifths of the frontage of such street or court object thereto by notice in writing served on the Corporation within one month after the service of such notice, the Corporation shall, by a declaration recorded among the proceedings of the Council, declare such street or court to be, and the same shall thenceforward be, a public highway, and be repairable accordingly.

Streets may be sewered only, or paved only, and expenses recovered.

**102.** The Corporation may, under and according to the foregoing provisions, order any street or court to be sewered, drained, and levelled only, without requiring it at the same time to be flagged and paved or macadamized; and in that case all the provisions of this Act with respect to the sewering, draining, levelling, flagging, paving, macadamizing, or otherwise completing of streets and courts shall be applicable to the sewering, draining, and levelling only of such street or court; and the expenses thereof and incidental thereto, including such commission as aforesaid, shall be deemed new street expenses; but a street or court sewered, drained, and

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levelled shall not be declared to be a highway until it has also been flagged, paved, or macadamized, and otherwise completed to the satisfaction of the Corporation; and if the Corporation at any time after any street or court is sewered, drained, and levelled, think proper to have the same flagged, paved, macadamized, or otherwise completed, all the provisions of this Act with respect to sewering, levelling, draining, flagging, paving, macadamizing, or otherwise completing of streets and courts shall be applicable to flagging, paving, macadamizing, or otherwise completing only of such street or court, and the expenses thereof, or incidental thereto, including such commission as aforesaid, shall be deemed new street expenses; but this enactment shall not apply to the roads in the township of Sutton authorized to be constructed by the London and North-western Railway Company under the powers for that purpose contained in the London and North-western Railway New Works and Additional Powers Act, 1866.

Yards and passages to be flagged and drained at the charges of the owner.

**103.** The owner of every yard and passage shall, to the satisfaction of the Corporation, and within such time as they shall by any order in writing require, flag or lay with any material or preparation approved of by the Corporation such yard or passage, or such part thereof of which he shall be the owner, and provide such drains or channels at such level, through, over, or under the same, or through, over, or under such part thereof, and keep such yard or passage, or such part thereof as aforesaid, and also such drains or channels in good repair, and cleanse the same to the satisfaction of the Corporation.

Power to require alteration of levels of streets.

**104.** The Corporation may from time to time, by order in conjunction with any order authorized by this Act relative to the formation of any street, direct that the level of any street be altered so as to be adapted in such manner and to such extent as the Corporation think fit to the level of any adjoining or other street, making compensation to owners and occupiers of buildings and lands and to the gas company for any damage or expenses sustained or incurred by them by reason or in consequence or in the execution of such order.

Exemption of incumbent or minister of church, chapel, &c. from new street expense.

**105.** Any incumbent or minister of any church or chapel consecrated or licensed, or any minister or trustee of any chapel or meeting house appropriated to public religious worship, and certified and recorded as such according to law, shall not be liable to any new street expenses as owner or occupier of such church, chapel, or meeting house, or of any churchyard or burial ground attached thereto, situate in any street or court, nor shall any new street expenses be a charge on such church, chapel, meeting house, church-

yard or burial ground, or subject the same to distress, execution, or other legal process; and the Corporation may, if they think fit, execute any works from the expenses of which any such incumbent, minister, or trustee is hereby exempted. A.D. 1869.

Power to acquire lands and buildings for street and other improvements.

**106.** For the purpose of making new streets, or widening, enlarging, altering, diverting, or rendering more commodious any street or court, or otherwise for the improvement of the borough, the Corporation may agree with the owner of and with any persons interested in any building or lands for the acquisition of such building or lands, and of all subsisting leases, rentcharges, annuities, mortgages, incumbrances, estates, easements, rights, and privileges in or affecting the same building or lands, either by the absolute purchase thereof or by exchanging therefor any lands vested in the Corporation and not required by them for the purposes of this Act; and after such purchase or exchange may cause the building or the part thereof so acquired to be taken down and removed, and the site thereof and the lands so acquired, or any part thereof respectively, to be used for any purpose in this section mentioned.

Power to define limits of streets.

**107.** The Corporation may from time to time by order declare the points or limits at or within which any street is for the purposes of this Act to be taken as beginning or ending.

Land thrown into streets to be public highway.

**108.** Any lands purchased or taken by the Corporation and laid into any street shall for ever thereafter form a part of such street and be a public highway.

Buildings may be set forward for improving line of street.

**109.** The Corporation may allow on such terms as they think fit any building to be set forward for improving the line of the street or court in which such building is situated; provided that the same be not in contravention of any covenant or right.

Projecting houses when taken down to be set back.

**110.** When any building, any part of which projects beyond the regular line of the street or court or beyond the front of the building on either side thereof in any street or court, is burnt or taken down to or within ten feet from the surface of the adjoining street or court, the same shall be set back to or towards the line of such street or court or the line of the adjoining building in such manner as the Corporation direct for the improvement of such street or court, the Corporation making compensation to the owner of such building for any loss or damage sustained by him in consequence of his building being so set back.

Future projections of houses, &c. to be re-

**111.** The Corporation may serve notice on the occupier of any building to remove or alter any porch, shed, projecting window, step, cellar, cellar door or window, teagle, crane, windlass, sign, signpost,

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moved on notice.

sign iron, lamp, showboard, window shutter, blind, awning or hood, wall, gate, or fence, or any other projection or obstruction erected or placed after the commencement of this Act against or in front of any building within the borough, and being an obstruction to the safe or convenient passage along or through any street or court, and such occupier shall, within fourteen days after the service of such notice on him, remove such obstruction or projection, or alter the same in the manner required by the notice; and in default thereof he shall be liable to a penalty not exceeding forty shillings, and the Corporation may remove such obstruction or projection, and the expense of such removal shall be paid by him, and shall be recoverable as damages, but except where the obstruction or projection was made or put up by the occupier, the occupier shall be entitled to deduct the expense of his removing or altering the same as required by the notice from the rent payable by him to the owner of the building.

Corporation may cause existing projections to be removed and compensation to be made.

**112.** If any such obstruction or projection as is mentioned in the last section was erected or placed against or in front of any building in any street or court before the commencement of this Act, the Corporation may remove or alter the same as they think fit, first giving notice of such intended removal or alteration to the occupier of the building thirty days at least before such removal or alteration is begun, and if such obstruction or projection has been lawfully made they shall make reasonable compensation to every person who suffers damage by such removal or alteration.

Doors and gates not to open outwards.

**113.** The occupiers of buildings and lands in any streets shall, at their own respective expense, from time to time, within fourteen days next after their respectively receiving notice in writing from the Corporation, cause all doors and gates for the time being leading into the buildings and lands in their respective occupations (not being cellar doors or trap doors) which open outwards and when open project into or over any street to be altered so as not to open outwards into any street; and if any such occupier fails to comply with such notice he shall be liable to a penalty not exceeding five shillings for every day during which such failure continues after the expiration of the time specified in such notice.

Cellars, &c. not to be made under, or steps, &c. not to project into streets.

**114.** Every person who after the commencement of this Act shall, without the consent of the Corporation first obtained in writing, make any cellar, arch, vault, oven, or underground passage, or other work in or under any street or court, shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding two pounds for every day during which the same shall continue after notice in writing shall have been given him by the

Corporation to remove the same and a reasonable time shall have elapsed for completing such removal after the service of such notice.

Cellars, vaults, &c. to be kept in repair; penalty for non-repair.

**115.** Every vault, oven, underground passage, cellar, or other work for the time being lawfully existing shall be kept in repair to the satisfaction of the Corporation by the owner or occupier thereof, and if he make default therein he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding two pounds for every day during which such offence continues after notice in writing shall have been given to him by the Corporation to repair the same and a reasonable time for completing such repair has elapsed after the service of such notice on him.

Cellar openings to be covered or secured.

**116.** The owner or occupier of every building shall cause the areas of the same fronting any street or court to be well and sufficiently guarded by a railing of such materials, dimensions, and form as the Corporation direct, and when any opening in any pavement or footpath or other entrance into any vault or cellar for the time being lawfully exists, a door or covering shall be made by the owner or occupier of such vault or cellar of iron or such other materials and in such manner as the Corporation direct, and such railing, door, or covering shall be kept in good repair by such owner or occupier; and if any such owner or occupier fails to comply in any respect with the requirements of the present section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding five shillings a day for every day during which such offence shall continue after notice in writing shall have been given him by the Corporation to fulfil such requirements and a reasonable time shall have elapsed for such fulfilment after the service on him of such notice.

Hoards to be set up during progress of buildings, &c.,

**117.** Every person intending to build or take down any building, or to alter or repair the outward part of any building in any street or court, shall before beginning the same cause sufficient hoards or fences to be put up in order to separate the building where such works are being carried on from the street or court, with a convenient platform and handrail (if there be room enough) to serve as a footway for passengers outside of such hoard or fence, and shall continue such hoard or fence, with such platform and handrail as aforesaid, standing and in good condition, to the satisfaction of the Corporation, during such time as the public safety or convenience requires, and shall, when required by the Corporation, in order to prevent accidents, cause the same to be sufficiently lighted from sunset to sunrise, and shall remove the same when required by the Corporation; and if any person fails to comply in any respect with the requirements of the present section he shall be liable to a

and lights to be kept burning.

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penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which such failure continues after the expiration of twenty-four hours from the service of notice of such requirements on him.

Penalty for not lighting deposits of building materials or excavations.

**118.** When any person lays any building materials, rubbish, or other things, or makes any excavations on or in any street or court, he shall, at his own expense, cause the same to be sufficiently fenced, and a sufficient light to be fixed in a proper place upon or near the same, and to be continued every night from sunset to sunrise, and shall remove such materials or things or fill up such excavation (as the case may be) when required by the Corporation; and if any person fails to comply in any respect with the requirements of this section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which such failure continues after the expiration of twenty-four hours from the service of notice of such requirement.

Dangerous places to be repaired or enclosed.

**119.** If any building, wall, structure, or other thing, or any excavation, land, reservoir, pond or dam of water, or other place shall, for want of sufficient repair, protection, or enclosure, be dangerous to the occupiers thereof, or of the neighbouring buildings or lands, or to the passengers along any street or court, the following provisions shall have effect; (namely,)

The Corporation may order the owner within the period prescribed in the order to pull down, repair, protect, or enclose the same, so as to prevent any danger therefrom:

If after service of such order on the owner the directions of the order be not complied with within the prescribed period, the owner shall be liable to a penalty not exceeding twenty pounds; and in that case, or if the owner be not known or cannot be found within the borough after due inquiry, the Corporation may execute such works as may be requisite for such pulling down, repairs, protection, or enclosure, and the expenses thereof shall be payable by the owner:

If such owner cannot be so found, or if sufficient distress cannot be made of his goods and chattels within the borough (as is herein-after provided for with respect to the mode of recovery of expenses from owners), the Corporation, after giving twenty-eight days notice of their intention so to do, may take possession of such land, building, place, or thing, provided such expenses be not paid or tendered at the offices of the Corporation within the said twenty-eight days:

If the Corporation pull down any such building or thing, or any part thereof, they may sell the materials thereof or of the part

pulled down and apply the proceeds of such sale in payment of the expenses incurred in respect of such building or thing, and pay the surplus (if any) of such proceeds to the owner on demand:

If the proceeds of any sale under this section be insufficient to pay the expenses incurred by the Corporation in respect of the land, building, place, or thing sold, they shall have the same remedies for enforcing payment of any deficiency as are by this Act given them for enforcing payment of the whole of such expenses.

Power to alter names of streets, and names to be put up and houses to be numbered, &c.

**120.** The Corporation may name any street or court which is without a name, or which bears two names, and from time to time alter the name of any street or court, and may from time to time paint, engrave, or otherwise describe and place the name of any street or court on a conspicuous part of any building at or near each end, corner, or entrance thereof, and from time to time number on the door thereof, or otherwise, every building therein as they think proper; and if any person wilfully destroys, obliterates, defaces, removes, or without the consent of the Corporation alters any such name or number, or any part thereof, he shall be liable to a penalty not exceeding forty shillings, and when any such number is defaced or rubbed out the occupier of such building shall immediately at his own expense cause the same to be reinstated, and in case he fails to do so for seven days after notice in writing given him to do so the Corporation may reinstate the number and recover the expenses from him.

Register of alteration in names of streets.

**121.** The Corporation shall keep a register of all alterations made by them in the names of streets and courts, and such register shall be kept in such form as to show the date of every such alteration, and the name of the street or court as well before as after such alteration.

### As to Bridges.

Corporation may build bridges or repair existing ones.

**122.** The Corporation from time to time may repair, widen, alter, take down, remove, and rebuild any of the present or future bridges now or hereafter used as carriage or foot ways, and make any new bridges on any lands from time to time acquired by them for that purpose: Provided always, that the Corporation shall not repair or rebuild any bridge by law repairable by any county, hundred, district, or person: Provided also, that the work for any such purposes over or under any railway or canal shall be done under the superintendence, and to the reasonable satisfaction of, and according to plans to be reasonably approved by, the engineer of the owners of

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such railway or canal, and in all things at the expense of the Corporation.

Plans, &c. of new bridges to be approved by Corporation.

**123.** The plans and sections of all bridges which shall be built or rebuilt after the passing of this Act shall, before each such bridge be commenced, be laid before and be subject to the approval of the Corporation, but this section shall not apply to county bridges, or bridges being under or over occupation ways, or bridges which have been or shall be authorized by special Act of Parliament, or the rebuilding canal bridges.

## As to Dwelling Houses and New Buildings.

Rules as to erection, &c. of dwelling houses.

**124.** It shall not be lawful to erect or rebuild any building in any street any portion of which building shall be within fifteen feet from the centre of any street: Provided that when the owner of any building shall in the course or for the purpose of such rebuilding set the same back from the line occupied by the original building the Corporation shall make full compensation to such owner for the value of the land relinquished to the extent required by this section by such owner for the purpose of such setting back, and if the Corporation shall within one month after notice in writing from such owner requiring compensation in respect of such land, fail to agree with such owner, such compensation shall be ascertained in manner provided by "The Lands Clauses Consolidation Act, 1845," and such land shall thereafter be and remain part of such street.

Back yards to new buildings.

**125.** Every building hereafter built or rebuilt shall have at the back or side thereof, and immediately adjacent thereto and exclusively occupied therewith, a yard or area of not less than one half the area of such building, or not less than one hundred and eighty superficial square feet if such building be not more than two stories high, or not less than two hundred and fifty superficial square feet if such building be more than two stories high, whichever shall be the larger area; and with the exception of the portion of such yard being the site of a pantry, coal-house, and privy, not exceeding nine feet in height, and not covering more than forty superficial feet, the whole of such yard with such exception shall be left and maintained open from the ground upwards: Provided always, that the Corporation shall have power to permit the yard or area of a building hereafter built at the corner of a street, or of a building hereafter to be rebuilt, to be of such smaller dimensions as they may determine.

Buildings and dwelling houses not to be converted so as to provide dwell-

**126.** It shall not be lawful to convert any building into a dwelling, or any dwelling house into two or more dwellings, or to add any additional story to any building, whether such building or dwelling house have been erected before or after the passing of this

Act, unless each such building have a front and back entrance, and a yard or ground space attached thereto of such extent and in such position (except in special cases to be approved by the Corporation) as shall be in accordance with the provisions of this Act, or of any byelaw to be made in pursuance of this Act with respect to dwelling houses to be erected after the commencement of this Act.

Buildings in contravention of byelaws as to dwellings erected after commencement of Act.

**127.** Every court, alley, square, or enclosure of houses hereafter rebuilt shall have an open area or be of such width not exceeding the width next herein-after mentioned as the Corporation in every case determine, and every court, alley, square, or enclosure of houses hereafter built shall be of the width in every part of twenty feet at the least between the opposite walls thereof, and shall be open from the ground upwards, and every passage or entrance into such court, alley, square, or enclosure hereafter built or rebuilt shall be not less than twenty feet wide, and uncovered for the whole length of such passage or entrance.

Size of areas of courts, alleys, &c.

**128.** The level of the ground floor of every building hereafter built or rebuilt shall be at least six inches above the level of the footway immediately adjoining such building, whether there be a cellar to such building or not.

Level of ground floor.

**129.** There shall not be more than one story in any part of the roof of any house hereafter built or rebuilt.

Only one story in roof.

**130.** Every house which shall hereafter be built or rebuilt shall have at least one room on the ground floor containing one hundred and eight superficial feet clear of any stairs or staircases, or any other reduction save one chimney-breast and fireplace therein, and shall have no room therein less than seven feet six inches in height from the floor to the ceiling, save the attic rooms, which may range seven feet in height from the floor to the ceiling, and save also cellars not used for habitation.

Size of rooms.

**131.** The front elevation of all buildings or parts of buildings erected on the site of any building or any land, which site or land becomes in consequence of any improvement made by the Corporation front land, or on any lands purchased or taken by the Corporation before or after the commencement of this Act, shall be erected according to such plan as the Corporation approve.

Elevations of buildings in front land to be subject to approval of Corporation.

**132.** Every owner who shall let or occupy or suffer to be occupied any building which shall offend against any of the provisions of this Act, or any byelaw made thereunder, shall, in case there be no other penalty by this Act or such byelaw specially provided for such offence, be liable to a penalty not exceeding five pounds.

Penalty on letting buildings, contravening Act, &c., where no other penalty specially provided.

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Waterspouts to be affixed to houses or buildings.

**133.** The owner of every building within any street or court shall, within seven days next after service of a notice by the Corporation for that purpose, put up and keep in good condition a spout or trough of the whole length of such building, and shall connect the same either with a similar spout or trough on the adjoining building or with a pipe or downspout to be fixed to the front or side of such building from the roof to the ground, to carry the water from the roof thereof in such manner that the water from such building or any portico or projection therefrom shall not fall upon the persons passing along the street or court or flow over the footpath, but shall pass under the same and be discharged into the channel communicating with the sewer in the street, or be carried to a cistern provided with an overflow pipe in like manner connected with such sewer, and in default of compliance with any such notice within the period aforesaid such owner shall be liable to a penalty not exceeding forty shillings for every day that he shall so make default.

Regulations as to external walls.

**134.** The following regulations as to buildings shall be in force in the borough, and the Corporation may require the same to be carried into effect; to wit,

(1.) The external walls of all buildings and the party wall between every two adjoining buildings shall not be less than nine inches thick;

(2.) If the external walls exceed twenty-four feet in height above the ordinary surface of the adjoining ground, and there be more than two floors above that surface, then the thickness of the walls shall be at least thirteen inches and a half from the top of the footings up to the under side of the floor next below the topmost floor, and at least nine inches above that under side;

(3.) If the external walls exceed forty feet in height above that surface, and there be more than four floors, then the thickness of the walls shall be at least eighteen inches from the footings of the under side of the floor next but two below the topmost floor, and at least nine inches above that under side:

Provided always, that where any person builds any building in contact with another building then properly built, the existing external wall of such building may, if the parties interested so agree, be used as a party wall separating the two buildings when both are built.

Corporation may regulate height of chimneys.

**135.** With a view to the prevention of fire and the escape of smoke, noisome gases, ashes, and other products of combustion, the

Corporation may regulate the height of the chimneys of all buildings used at or after the commencement of this Act for the purposes of trade or manufacture, or for baths and washhouses, and may order that any such chimney be altered or built so as to be of the height specified in the order; and if any person does not comply with the order, or in the case of any new chimney neglects to give fourteen days notice in writing to the Corporation of his intention to build the same, he shall be liable to a penalty not exceeding twenty pounds.

Prohibition of thatch.

**136.** If any person covers in any building either wholly or in part with straw, thatch, or other combustible material, he shall be liable to a penalty not exceeding ten pounds, and the Corporation may order such straw, thatch, or other combustible material to be removed by the owner of such building, and in default the Corporation may remove the same and recover the expenses of so doing from such owner.

Restrictions as to pipes and funnels for conveying smoke, &c.

**137.** From and after the commencement of this Act no pipe or funnel for conveying smoke or steam shall at any time be newly fixed against any building next to any street or court, or on the inside of any building nearer than nine inches to any timber or other combustible material, nor shall any funnel built or made of brick or stone, or both, be newly placed on the outside of any building next to any street or court so as to extend beyond the general line of the buildings in the street or court, and if any pipe or funnel is fixed contrary to this Act the occupier, or in case of there being no occupier then the owner of the building to which the same belongs, shall within fourteen days next after receiving notice from the Corporation cause the same to be removed, and on default shall be liable to a penalty of ten shillings a day for every day during which such default continues after the expiration of the time specified in such notice.

Respecting existing contracts for building.

**138.** Nothing in this Act or any byelaw thereunder shall avoid any agreement in writing entered into before the commencement of this Act, or before the making of any byelaw for erecting or altering any building, but the same may be performed with such alterations as may be rendered necessary by this Act or any such byelaw, and as if such alterations had been stipulated for in such agreement, and the difference between the cost of the work according to the agreement and the cost thereof as executed according to this Act or any such byelaw shall be ascertained by the parties to the respective agreements, and paid for or deducted as the case may require; and in case of dispute such difference shall, on the request of either party (notice being given to the other), be decided by the surveyor,

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and for his trouble in making such decision each party shall pay to him such sum not exceeding twenty shillings as the Corporation shall direct.

Alteration of contracts for building.

**139.** Where under a lease or agreement for a lease any person has before the commencement of this Act covenanted or agreed to erect a building, such building shall be built according to the provisions of this Act as if this Act had been passed and in operation at the time of the making of such lease or agreement, and as if the same had been made subject to this Act, and that without either party being entitled to compensation.

Measurement of front elevation.

**140.** For the purposes of this Act the height of the front elevation of a building shall be measured from the level of the street or court immediately adjoining the building to the eaves or square of the building.

## As to Byelaws as to New Streets and Buildings.

Corporation may make byelaws as to new streets, buildings, &c.

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

With respect to the width, level, and construction of new streets and courts, and the provisions for the sewerage thereof:

With respect to the structure of the foundations and walls of new buildings with a view to the prevention of fires:

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

With respect to the sufficiency of the space about buildings to secure a free circulation of air:

With respect to windows and the ventilation of buildings:

With respect to the drainage of buildings, and to waterclosets, privies, cesspools, and ashpits in connexion with buildings, and to their situation:

Provided always, that no byelaw for any of the purposes aforesaid shall affect any building, not being a new building within the meaning of this Act.

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

With respect to the thickness, material, and construction of walls near ovens and furnaces, and of walls of ovens and furnaces not used for manufacturing:

With respect to the closing of buildings or parts of buildings unfit for human habitation, and to the prohibiting the use thereof for human habitation:

And the Corporation may provide for the observance of any byelaws made under this section by enacting therein such provisions as they think necessary—

As to the giving of notices;

As to the deposit of plans and sections by persons intending to lay out new streets or to construct or alter buildings;

As to inspection by the Corporation;

And as to the power of the Corporation to remove, alter, or pull down any work begun or done in contravention of this Act or of such byelaws:

Provided always, that no such byelaws shall apply to the construction of the new roads authorized to be made by the London and North-western Railway Company under the powers of "The London and North-western Railway Additional Powers Act, 1866," or to any building erected or to be erected on any lands belonging to any railway company for the purposes of their undertaking.

Plans, &c. to be deemed approved if Corporation neglect to notify the contrary.

**142.** If the Corporation for the space of one month after any plan or section is submitted to them for their approval neglect to notify their determination with reference thereto in writing to the person submitting the same, the Corporation shall be deemed to have approved of such plan or section.

As to Cellar Dwellings, &c.

Cellars, &c. not to be let as dwelling rooms.

**143.** It shall not be lawful to let or occupy, or suffer to be occupied, separately as a dwelling any vault, cellar, or underground room which shall not have been lawfully so let or occupied before the commencement of this Act, and any person contravening this enactment shall be liable for every such offence to a penalty not exceeding ten pounds, and to a further penalty not exceeding twenty shillings for every day during which such offence shall continue after conviction therefor.

Corporation in certain cases may prohibit use of cellars, &c. as dwelling houses.

**144.** In case it shall at any time appear to the Corporation that any cellar, vault, or underground room which is lawfully occupied as a separate dwelling, having been so occupied before the commencement of this Act, is unfit for human habitation, the Corporation may, by notice under the hand of the town clerk to the owner and occupier thereof, require that the occupation thereof as a separate dwelling shall from and after the expiration of one month from the service of such notice be discontinued; and any person who shall after the expiration of one month from the service of such notice let, occupy, or continue to let, or knowingly suffer to be occupied, any such cellar, vault, or underground room shall be liable for every

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such offence to a penalty not exceeding twenty shillings for every day during which the same shall continue to be so let or occupied after the expiration of any such notice from the Corporation.

Owner appealing against order of Corporation not to be liable to penalty until appeal determined.

**145.** If any owner shall think himself aggrieved by any such order of the Corporation, and shall as by this Act authorized appeal against any such order, such owner shall not be liable to pay any penalty in respect of the continued occupation of any such cellar, vault, or underground room until the expiration of fourteen days after the determination of such appeal and the confirmation of the order of the Corporation, unless such appeal shall cease to be prosecuted.

Owner not liable if he have given notice to tenant.

**146.** No owner shall be liable to any penalty for or in respect of the continued occupation of any such cellar, vault, or underground room who shall, after the receipt of any such notice from the Corporation, have given notice to his tenant or tenants to quit and deliver up the possession of the same, and have ceased to receive or claim any rent for the hire or occupation thereof.

Powers of justices, &c. as to removal of occupants of cellars, &c.

**147.** Upon the application of the Corporation, and satisfactory proof that due notice has been given for the closing as a separate dwelling of any such cellar, vault, or underground room, and that no appeal in relation thereto is pending, any justice may cause the occupant thereof to be removed, and any constable may enter any such cellar, vault, or underground room and do or assist in doing all matters and things necessary for the purpose aforesaid; and in the event of access thereto for any such purpose being refused, any such justice may grant a warrant for forcibly entering such dwelling; and if any person wilfully obstructs any constable in the execution of his duty under this section, he shall be liable to a penalty not exceeding twenty pounds.

Regulation as to lodging houses.

**148.** No person shall suffer any lodgers to sleep in any room in any house belonging to or occupied by him unless there be four hundred cubic feet of space at the least for every person sleeping in such room; and any person who shall offend against this enactment shall be liable to a penalty not exceeding forty shillings, and a further penalty not exceeding twenty shillings for every day on which such offence shall continue.

AS TO SEWERS, &c.

Sewers and other works vested in Corporation.

**149.** All existing and future public sewers and drains within the borough, and all existing and future sewers and drains in and under the streets and courts, with all the works and materials thereunto belonging, whether made or provided at the cost of the Corporation or otherwise, and the entire management of the same, with the

appurtenances, shall vest in and belong to the Corporation, and the Corporation shall maintain, cleanse, and flush the same.

Power to construct sewers.

**150.** The Corporation may from time to time make under the streets the sewers necessary for the effectual drainage of the borough, and convert any open drains or watercourses into sewers, and construct all works necessary for cleansing or flushing sewers, and if needful they may carry sewers through and across underground cellars and vaults under any streets; and the Corporation may continue sewers to the most convenient site for the collection of sewage and the disposal thereof by sale for agricultural or other purposes or otherwise, but so that the same in no case become a nuisance; and if for effecting any of the purposes aforesaid it is expedient to carry or construct any works through, under, or upon any lands within or beyond the borough, the Corporation may so carry or construct the same accordingly, and remove all obstructions thereupon or thereunder; but nothing herein contained shall authorize the Corporation to enter upon any lands belonging or reputed to belong to the Earl of Sefton for any of the purposes aforesaid without his consent, or to cover or convert into a sewer the Thatto Heath Brook or any of its tributaries.

Power to sewer streets, and charge owners of messuages from time to time abutting thereon.

**151.** If any street, although a public highway at the passing of this Act, have not theretofore been sewered to the satisfaction of the Corporation, they may cause such street to be sewered in such manner as they think fit, and the expenses thereby incurred shall be repaid to the Corporation in the following manner; that is to say,

The owner of any messuage or building then erected fronting such street shall pay such proportion of the expenses of sewering such street as the frontage of such messuage or building shall bear to the whole frontage of such street:

The owner of any messuage or building thereafter erected in front of or opposite to any part of such street shall repay to the Corporation the like proportion of the expenses so incurred by them; and such expenses in both the above cases shall, in the event of nonpayment, be recoverable in the manner provided for the recovery of new street expenses.

Power to construct works for utilization of sewage.

**152.** The Corporation may from time to time as they think fit construct or provide on any land for the time being belonging to them such buildings, cesspools, tanks, or other receptacles as may be necessary for the purpose of collecting and depositing the sewage water and refuse of the sewers and drains and other places under the jurisdiction of the Corporation for sewage purposes, and such apparatus and machinery as they think requisite for disinfecting

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such water and refuse, and provide and lay such pipes, pumps, and apparatus in such manner and in such places as they think requisite for collecting and distributing the same on any lands in the occupation of the Corporation, or for sale or other disposition to any person agreeing with the Corporation to purchase or otherwise take the same, either within or beyond the limits of the jurisdiction of the Corporation for sewage purposes.

Act not to authorize nuisance.

**153.** Nothing in the foregoing provisions shall authorize the Corporation to do or be party to any act or thing amounting to a nuisance.

Power to enlarge or demolish sewers.

**154.** The Corporation may from time to time as they see fit enlarge, alter, divert, and otherwise improve all or any of the sewers vested in them; and if any such sewer at any time appears to them to have become useless they may if they think fit demolish and discontinue it, but not so as to create a nuisance; and if by reason of the exercise of the powers of the present section any person is deprived of the lawful use of any sewer, the Corporation shall provide some other sewer as effectual for his use as the one of which he is so deprived.

Compensation for lands affected by sewers.

**155.** If the owner or occupier of any lands is injuriously affected by the exercise of the powers relative to sewers by this Act conferred on the Corporation, the Corporation shall pay to him compensation in respect thereof.

Buildings over sewers not to be made without consent of Corporation.

**156.** No buildings shall be erected over any sewer belonging to the Corporation without their consent first obtained in writing, and all vaults, arches, and cellars lawfully made under any street shall be substantially made, and so as not to interfere or communicate with any sewer of the Corporation; and if after the commencement of this Act any building is erected, or any vault, arch, or cellar is made contrary to the provisions herein contained, the Corporation may demolish or fill up the same, and the expenses incurred thereby shall be paid by the persons erecting such building or making such vault, arch, or cellar.

Sleeping rooms not to be over cesspools.

**157.** Any room built before or after the passing of this Act, and extending wholly or partially over any privy, cesspool, or midden, shall not be let or occupied as a dwelling place.

Privies and cesspools under houses to be removed.

**158.** The owner of any privy, cesspool, or midden extending wholly or partially under any room built before or after the passing of this Act, shall within one month after notice to that effect from the Corporation remove such privy, cesspool, and midden, and the contents thereof, and in default thereof the Corporation may do the work and recover the expense thereof from the owner as damages.

If any sewer obtain an outlet by means of another sewer, owners benefited to contribute.

**159.** If any sewer made before or after the commencement of this Act at the expense of the owners of buildings or lands in any street or court is connected with or obtains an outlet by means of a sewer made either wholly or partially at the expense of the Corporation, the Corporation may charge such owners for such connexion or outlet any sum not exceeding ten per centum upon their respective proportionate parts of the expense of making such first-mentioned sewer.

Sewers may be made by owners and occupiers of land beyond borough.

**160.** Any person being the owner or occupier of any lands outside the borough in respect of which he would not be liable to the payment of rates under this Act may, with the consent of the Corporation first obtained in writing, upon payment to them of a reasonable sum of money to be agreed upon between them, at his own expense and under the superintendence of the surveyor, cause to branch into and to communicate with any of the sewers of the Corporation any sewer or drain in respect of the same property that may be lawfully made therefrom, of such size and in such manner and form of communication as the Corporation approve; but nothing in this Act shall affect any right acquired by such owner or occupier independently of this Act to use any sewer or drain of the Corporation.

Penalty for making unauthorized drains.

**161.** If any person not authorized by the Corporation makes any sewer or drain into any sewer or drain of the Corporation he shall be liable to a penalty not exceeding five pounds, and the Corporation may cause such sewers or drain to be remade as they think fit, and may recover from him the expenses of so doing.

Penalty on persons making or altering drains, &c. contrary to order of Corporation.

**162.** If any sewer, drain, privy, cesspool, ashpit, building, or other work be made or suffered to continue contrary to this Act, or if any person contrary to this Act rebuild, clean out, unstop, or in anywise alter any sewer, drain, privy, cesspool, ashpit, building, or other work, every person so offending shall for every such offence be liable to a penalty not exceeding five pounds, and for every day after the first day during which the offence continues to a further penalty not exceeding ten shillings; and the Corporation may make such destruction, alteration, or amendment of any sewer, drain, privy cesspool, ashpit, building, or other work as they think fit, and the expense shall be repaid to them by the person so in default, and shall be recoverable in the manner provided for the recovery of new street expenses.

All sewers, &c. to be covered with traps.

**163.** All sewers and drains, whether public or private, shall be provided by the Corporation or other persons to whom they severally belong with proper traps or other coverings or means of ventilation so as to prevent stench.

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Drains, privies, &c. to be under control of Corporation.

**164.** All drains, privies, ashpits, cesspools, and receptacles of filth and refuse shall be under the survey and control of the Corporation, and shall be altered, repaired, and kept in proper order at the expense of the owners of the lands and buildings to which the same belong or for the use of which they are constructed or continued.

Connexion of drains with sewers.

**165.** The Corporation may by notice require the owner of any building or lands (not being lands used exclusively for agricultural purposes) in their opinion insufficiently drained to construct a drain in such position, of such size, and of such materials and at such levels as seems to the Corporation sufficient for the purpose of effectually draining the same; and if the Corporation have a suitable sewer or the right to use such a sewer within one hundred feet from such building or the boundary of such lands they may require such owner to connect such drain with such sewer, or if they have not any suitable sewer or right to use such a sewer within that distance, then to connect such drain with some proper receptacle, not being underneath any house and not being at a greater distance than the limit aforesaid, and the owner shall keep such drain in repair, and from time to time cleanse the same to the satisfaction of the Corporation: Provided that nothing in this section shall make it obligatory on any such owner to acquire any land or easement for the purpose of constructing any drain or receptacle or of connecting any drain with any sewer.

Buildings not to be without watercloseta or privies and ashpits.

**166.** If at any time it appear to the Corporation that any building, whether built or rebuilt before or after the commencement of this Act, is without a sufficient watercloset or privy or ashpit, the Corporation may give notice in writing to the owner of such building requiring him within such time as shall be specified in such notice to provide such watercloset or privy or ashpit as they shall think fit: Provided always, that in case of any building in which more than twenty persons are employed or lodged the Corporation may order such number of waterclosets or privies to be constructed as they may think necessary, and if any person fails in any respect to comply with the provisions contained in such notice he shall be liable to a penalty not exceeding twenty shillings for every day during which such failure shall continue after the expiration of one month from the service on him of such notice.

Penalty on throwing rubbish into sewers.

**167.** If any person shall throw or permit to fall into any sewer or drain vested in the Corporation any cinders, ashes, glass, earthenware, metal, bricks, stones, or earth, he shall be liable to a penalty not exceeding forty shillings for every such offence.

Drainage not to flow into ashpits or privies after notice.

**168.** If any person shall allow the drainage of any land or building to flow or be turned into any ashpit or privy, and the Corporation require him within seven days after notice to execute such works as may be necessary to prevent the same, he shall be liable to a penalty not exceeding five pounds if he fail to comply with the requirements of such notice.

Power to deal with nuisance on premises partly within and partly without borough.

**169.** If any nuisance or annoyance to the inhabitants of the borough arises or exists in or upon any building or the curtilage thereof situated partly within and partly without the borough, the Corporation shall have in respect of such building and curtilage and the owner and occupier thereof such and the like powers as they would have had if the whole of such building and curtilage had been within the borough.

Cleansing of watercourses, &c. forming boundaries of borough.

**170.** In case any watercourse, brook, ditch, drain, pool, reservoir, or other accumulation of water is or forms part of the boundary line between the borough and any adjoining township or place, and in the opinion of the Corporation requires to be drained, cleansed, scoured, deepened, widened, straightened, covered over, or otherwise improved, the Corporation and the local authority (mentioned in "The Nuisances Removal Act for England, 1855," or any Act amending that Act) of such township or place may enter into an agreement for the execution of such works, and for the payment of the expenses of and incident thereto, and if no agreement is made the Corporation may summon such local authority to appear before any two justices for the county of Lancaster in petty sessions assembled, not being members of the Council, to show cause why an order should not be made by such justices for executing such permanent or other structural works in relation to the watercourse, brook, ditch, drain, pool, reservoir, or accumulation of water as may appear to the justices necessary, and such justices after hearing the parties, or ex parte in case of the default of any of them to appear, may make such order with reference to the execution of such works, and may determine by whom the same shall be executed, and by whom and in what proportion the expenses of the execution thereof (such expenses to include compensation to any person for any damage he may sustain in or by reason of the execution of such works) shall be paid, and also the amount, time, and mode of payment of such expenses, and the same shall be paid accordingly, and in default of payment such sum may be levied upon the goods and chattels of such local authority by distress and sale thereof.

Corporation may cleanse, cover, or improve Sankey Brook.

**171.** The Corporation from time to time may as they think proper cleanse, cover in, and otherwise improve each or either branch of the Sankey Brook, or any part thereof respectively, and

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any stream flowing into the same, and may make and maintain for such purposes all such works and conveniences as the Corporation think proper.

Further provision as to Sankey Brook.

**172.** Whereas Sankey Brook is at present the outlet for the drainage of a large area which includes not only the borough but other districts, and the London and North-western Railway Company as owners of the Sankey Canal are entitled to the use of the water running down such brook, and it is expedient that the present condition of such brook should be improved and the discharge thereinto of sewage and other noxious liquids and matters be prevented so far as may be reasonably practicable, or purified before the same shall be so discharged so far as may be reasonably practicable; but to effect such improvement further authority from Parliament may be required: Therefore the Corporation shall within two years from the passing of this Act (unless in the meantime the condition of the Sankey Brook has been so far improved) apply for and use their best endeavours to obtain an Act to provide for securing such improvement, and to obtain which the London and North-western Railway Company shall afford all reasonable facilities.

Public privies and urinals.

**173.** The Corporation may provide, cleanse, and maintain such public privies, waterclosets, and urinals in or near public streets or courts or other public places as they deem expedient, and (by agreement) in or near any private buildings.

Urinals attached to public houses, &c.

**174.** The Corporation may order the owner or occupier of any inn, public house, beerhouse, eating house, cook shop, or other place of public entertainment built before or after the commencement of this Act, to provide within such time as the Corporation think fit, and thenceforward to maintain upon or adjoining to his premises, urinals to the satisfaction of the Corporation; and if any person fails in any respect to comply with the provisions of the present section he shall be liable to a penalty not exceeding five shillings for every day during which such failure continues after the expiration of fourteen days from the service of such order on him, and the Corporation may order the owner and occupier of any building or lands to remove any urinal belonging thereto where it appears to them so situated or constructed as to be a nuisance or offensive to public decency or otherwise objectionable.

Urinals to be cleansed.

**175.** All urinals shall be cleansed once in twenty-four hours by the occupier of the house or place to which they belong to the satisfaction of the Corporation, and in default thereof such occupier shall be liable to a penalty not exceeding forty shillings for every such offence.

Power to enter and inspect premises to ascertain state of drainage, &c.

**176.** Where in the opinion of the Corporation there is reasonable ground to believe that the drainage of any building or of any lands (not being lands used exclusively for agricultural purposes) is defective, and in any case where the drains from any buildings or lands pass through any other buildings or lands, the Corporation may, between the hours of nine o'clock in the morning and six o'clock in the evening, enter upon and inspect any such buildings or lands, and if need be make such excavations or examination thereon or therein as they think fit with a view of ascertaining the drainage thereof and of any privy, ashpit, or cesspool belonging thereto or used by the occupiers thereof, doing as little damage as possible; and if upon such inspection the same be found satisfactory the Corporation shall reinstate the premises, and shall make compensation for any injury occasioned by the exercise of such powers; but except in case of urgent necessity no such entry and inspection shall be made save with the consent of the occupier or person in charge of the premises, or with the authority in writing of a justice, which authority any justice may give.

As to Scavenging, &c.

Corporation to cause streets to be cleansed, and dust and ashes to be removed from the houses.

**177.** The Corporation shall cause all the streets and courts from time to time to be properly swept and cleaned, and all dust and filth of every sort found thereon to be collected and removed, and shall cause all the dust, ashes, and rubbish to be carried away from all dwelling houses and tenements at convenient hours and times, and shall cause all privies and cesspools to be from time to time emptied and cleansed in a sufficient and proper manner: Provided always, that the occupier of any dwelling house or tenement may keep and remove any such soil, ashes, or rubbish as shall be made on his own premises and shall be kept for manure, so that the same be not a nuisance to the inhabitants residing near such premises, and that the same be removed at such times and in such manner as shall be approved of by the Corporation.

Cleansing of footpaths.

**178.** The occupier of any land in any street or court, the churchwardens and chapelwardens of every church or chapel, the owner of any dead wall or other fence or vacant piece of ground (not used as arable, meadow, or pasture ground only), the trustees, treasurer, and minister of every meeting house and place of public worship, and the person for the time being the ostensible director or manager of every hospital, school, theatre, or other public building in any street or court, shall cause to be well and sufficiently swept or cleansed the several footways and foot pavements along the whole length of the fronts of the respective land, churches, and churchyards, dead walls, vacant pieces of ground, meeting houses, hospitals, schools,

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theatres, and other public buildings or other hereditaments (except as aforesaid), and to the full extent of the said footways and foot pavements before, behind, and on the side or sides of the same respectively once in every day (Sundays excepted) before the hour of nine of the clock in the morning, and shall also cause the dirt, soil, snow, or ice arising from such sweeping and cleansing to be put together so as not to obstruct either the carriageway or footway in order that the same may be removed by the scavenger or other person employed by the Corporation, and if any such occupier or other person make default in any of the cases aforesaid he shall be liable to a penalty not exceeding ten shillings.

Corporation may compound for sweeping footways.

**179.** The Corporation may compound for such time as they think fit with any person liable to sweep or clean any footway for the sweeping and cleaning the same.

Dust, &c. vested in Corporation.

**180.** The dust and filth which the Corporation shall cause to be collected from the streets, courts, privies, sewers, and cesspools, and all the dust, ashes, and rubbish which the Corporation shall cause to be collected from the houses or elsewhere within the borough, shall be the property of the Corporation and may be sold or disposed of by them.

Corporation may provide lands, &c. for deposit of soil and materials.

**181.** The Corporation may from time provide places for the convenient deposit of the nightsoil, dung, ashes, and other filth and rubbish to be collected under the authority of this Act, and for stabling and keeping all horses, carts, implements, and other things required for the purposes of this Act, and for any of such purposes the Corporation may purchase or hire any lands or buildings by them considered necessary, or they may cause any new building to be made upon any land which shall be purchased or hired by them under the provisions of this Act, but no such places or new building shall be within two hundred yards of any railway passenger station.

Dust-boxes to be erected by Corporation.

**182.** The Corporation if they think fit may cause any number of moveable or fixed dust-boxes or other conveniences wherein dust and ashes may be deposited until removed and carried away to be provided and placed in such of the streets and courts as they shall judge necessary, and may require the occupiers of houses or tenements within such streets and courts to cause all their dust and ashes to be deposited daily in the said dust-boxes or other conveniences, and every person who after such dust-boxes or conveniences have been so provided shall deposit or cause or permit to be deposited any ashes or dust in any part of any street or court, except in some of the said dust-boxes or other conveniences, and

every person who shall lay or cause to be laid any dirt, dung, or other filth in any part of any street or court, shall for every such offence be liable to a penalty not exceeding ten shillings.

Corporation to cause streets to be watered, and wells, pumps, &c. to be provided.

**183.** The Corporation shall as often as occasion requires cause the streets to be watered, and they may place pipes, conduits, and pumps in any of the streets, or provide any other works and engines proper for that purpose, and remove and alter the same when and as they think proper.

Corporation to appoint scavengers.

**184.** The Corporation shall appoint and employ a sufficient number of scavengers, or contract with any person to employ scavengers, for sweeping and cleansing the streets or courts, and for watering the streets, and for removing all dust, ashes, rubbish, and filth from the streets and courts, and from the houses and tenements therein, and for emptying privies and cesspools in the manner by this or the special Act directed; and such scavengers shall on such days, and at such hours, and in such manner as the Corporation from time to time appoint, sufficiently execute all such works and duties as they have respectively contracted or been employed to perform, and every such contractor who fails to sweep and properly cleanse any street or court, or water any street which he has contracted to sweep, cleanse, or water, or who fails to clean out and empty at the time and in the manner prescribed by the Corporation for that purpose, or who lays any of such soil, dust, ashes, rubbish, or filth in any other place than such as are appointed by the Corporation for that purpose, shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for obstructing scavengers.

**185.** Every person who refuses to permit the said scavengers to remove such dirt, ashes, or rubbish as by this Act they are authorized to do, or who obstructs the said scavengers in the performance of their duty, shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty on persons other than scavengers removing dirt.

**186.** Every person other than the person employed by the Corporation or by some person contracting with the Corporation for that purpose, who collects or carries away any nightsoil, dust, ashes, rubbish, or filth by this Act directed to be removed by persons employed by the Corporation from any street, court, or public place shall be liable to a penalty not exceeding forty shillings for every such offence.

Regulation as to nightsoil.

**187.** Every person who empties or begins to empty any privy, cesspool, or ashpit, or removes the contents thereof, or carries along any street any offensive matter or thing, except between the hours of nine at night and seven in the morning from Lady Day to

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Michaelmas Day, or between the hours of eight at night and eight in the morning from Michaelmas Day to Lady Day, or who at any time uses any cart for the removal of any offensive matter or thing without having a covering or boards called flash-boards for preventing the escape of the contents of such carts, or of the stench thereof, or who at any time negligently slops or spills any offensive matter or thing in the removal thereof, or who does not well and carefully sweep and cleanse the place in or upon which such offensive matter or thing has been placed or slopped or spilled, shall for every such offence be liable to a penalty not exceeding forty shillings, and any officer or other person employed by the Corporation may seize and carry away all offensive matter so left in any of the said streets after such hours in the morning as aforesaid, and the employer of any person who shall offend in any of the cases aforesaid shall be liable to a like penalty for every such offence, and any officer or other person employed by the Corporation may without warrant seize and detain any such cart, horse, or beast until the said penalty, together with the costs of such seizure and detention, be paid, and if such penalty and costs be not paid within three days next after such seizure, the Corporation may sell such cart, horse, or beast, if belonging to the offender, and the money arising from such sale shall be applied in defraying such penalty and costs, and the overplus (if any) shall be paid to the owner on demand.

Regulations as to burial of corpses.

**188.** A coffin containing a corpse shall not be buried in any grave, not being a vault or catacomb, without at least four feet of soil between the ordinary surface of the burial ground and the upper side of the coffin being immediately after the burial placed in a permanent manner in the grave so as to effectually close the same, and if any person having the preparation or immediate charge of the preparation of any grave to receive any such coffin permit, or any person having the control of the burial ground knowingly permit, any such coffin to be buried in any grave in which there is not so placed immediately after the burial of such coffin four feet at least of soil, measuring from the ordinary surface of the burial ground to the upper surface of such coffin, every such person having such immediate charge and every such person having such control shall respectively for every such offence forfeit not exceeding ten pounds.

Penalty for disturbing corpses.

**189.** If any person having the preparation of any grave, not being a vault or catacomb, in the course of preparation thereof, knowingly or wilfully displace or disturb any undecomposed or only partly decomposed corpse or part of a corpse, or any undecomposed or only partly decomposed coffin or part of a coffin, and not being by the Corporation lawfully authorized so to do, every person so

offending shall for every such offence forfeit a sum not exceeding ten pounds, and any person having been adjudged to pay any such penalty subsequently guilty of a like offence shall also for every such subsequent offence committed by such person forfeit a sum not exceeding ten pounds.

Corporation may make byelaws as to scavengers, &c.

**190.** The Corporation may make byelaws for all or any of the following purposes; (that is to say,)

For regulating the cleansing of privies, cesspools, ashpits, and receptacles for soil, ashes, and refuse, and the time and mode of removal of the contents thereof respectively:

For regulating the conduct of the scavengers, and for prescribing whether they shall wear any and what badges, and for punishing extortion or imposition by or misconduct in them.

As to Nuisances, &c.

Noxious matter not to be used for embanking.

**191.** Any person who shall raise or embank any ground with any matter which shall be or cause a nuisance injurious to health shall for every such offence be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding twenty shillings for every day during which such nuisance shall continue unabated after conviction for such offence.

Offensive trades newly established to be subject to regulation of the Corporation.

**192.** The business of a blood-boiler, bone-boiler, fellmonger, slaughterer of cattle, horses, or animals of any description, soap-boiler, tallow-melter, tripe-boiler, or other noxious or offensive business, trade, or manufacture, shall not be newly established in any building or place after the passing of this Act without the consent of the Corporation; and whosoever offends against this enactment shall be liable for each offence to a penalty of fifty pounds, and a further penalty of forty shillings for each day during which the offence is continued; and the said Corporation may from time to time make such byelaws with respect to any such businesses so newly established as they may think necessary and proper in order to prevent or diminish the noxious or injurious effects thereof.

Penalty for burning bricks, rags, &c.

**193.** Every person who without the consent of the Corporation first obtained in writing shall at any time after the commencement of this Act, either within or without the borough, commence to burn bricks or tiles in any place nearer than thirty yards to a then existing dwelling house within the borough situate in or near any street or court, or who shall burn in any place within two hundred yards of any dwelling house within the borough situate in or near any street or court any cork, rags, bones, or other offensive matter for the purpose of any trade, commerce, or manufacture, shall be

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liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which the offence is continued after the expiration of fourteen days from service on him by the Corporation of notice to discontinue such burnings.

Act not to affect present law as to nuisances.

**194.** Nothing in this Act shall be construed to render lawful any act, matter, or thing whatsoever which but for this Act would be deemed to be a nuisance, nor to exempt any person from any liability, prosecution, or punishment to which he would have been otherwise subject in respect thereof.

## As to the Adulteration of Food, &c.

23 & 24 Vict. c. 84. applied to the borough.

**195.** The Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter eighty-four, for preventing the adulteration of articles of food or drink, shall apply to the borough as though it had a separate court of quarter sessions.

## As to Markets and Fairs.

Provisions as to establishment, &c. of markets and fairs.

**196.** With respect to markets and fairs the Corporation shall have the following powers and duties within the borough; namely,

They may maintain any markets or fairs at the commencement of this Act existing in the borough, with all sites, buildings, sheds, stalls, pens, approaches, works, and conveniences then appropriated for or belonging thereto:

They may establish and hold markets and fairs:

They may from time to time provide and maintain suitable market places and places for fairs, and buildings, sheds, stalls, pens, and conveniences for the sale of marketable commodities, cattle, and things, with proper approaches, works, and conveniences:

They may alter, discontinue, or remove any market or fair, and enlarge, alter, improve, or remove any market place, market house, or place for holding fairs, or any building, shed, stall, pen, approach, work, or convenience appropriated for or belonging to any market or fair:

They may for the purposes aforesaid from time to time purchase by agreement or rent any lands or buildings, or appropriate any lands or buildings for the time being belonging to them or under their control:

They may demand and receive from every person who shall expose or offer for sale any such commodities, cattle, or things as aforesaid in any market or fair, or who shall use any building, shed, stall, or other convenience in any market or fair, and

from every person frequenting any fair, any tolls, stallages, rents, or sums of money not exceeding the tolls, stallages, rents, or sums specified in Schedule (B.) to this Act annexed.

Prohibition of sale except in markets, &c.

**197.** Every person who shall sell or expose for sale, except in his own dwelling house or shop or on any farm occupied by him, any commodity, cattle, or thing specified in Schedule (B.) to this Act annexed, shall for every such offence be liable to a penalty not exceeding forty shillings: Provided always, as follows; (that is to say,)

The Corporation may permit any such commodity, cattle, or thing to be sold on any market, fair, or other day elsewhere than within the market or market place or other place appointed for holding any fair, on payment of the toll, stallage, rent, or sum of money to which the Corporation are entitled;

Saving rights of licensed hawkers and horse dealers.

Nothing herein contained shall prejudice or interfere with the lawful exercise by licensed hawkers or horse dealers of their respective callings.

Power to seize diseased cattle.

**198.** In case any cattle infected with or labouring under any infectious or contagious disease be exposed or offered for sale, or be brought or attempted to be brought through any street or into any market or fair, any inspector, collector, or constable appointed by the Corporation may seize any such cattle and cause the same to be inspected by two veterinary surgeons, and may report such seizure to any justice, and such justice may after hearing the evidence either order such cattle to be restored or direct the same, and also any pens, hurdles, troughs, litter, hay, straw, and other articles which he may deem likely to have been infected thereby, to be forthwith destroyed or otherwise disposed of; and any person bringing or attempting to bring any cattle through any street or into any market or fair, knowing the same to be labouring under any such disease, shall for every such offence be liable to a penalty not exceeding twenty pounds.

Penalty on persons bringing diseased cattle through streets, &c.

Corporation may make byelaws for regulation of markets, &c.

**199.** The Corporation may from time to time make byelaws for all or any of the following purposes; (that is to say,)

For fixing the days on which and the hours during which any market or fair is to be held, and the time during which any particular kind of commodity, cattle, or thing may be sold or exposed or offered for sale, and for the removal of any commodity, cattle, or thing from any market or fair after sale or after the closing of such market or fair:

For regulating the use of the market places, market houses, places for holding fairs, and the buildings, sheds, stalls, pens, works, and conveniences therein, and for preventing nuisances or obstructions therein or in the approaches thereto:

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For preventing the sale or exposure for sale of unwholesome meat and provisions in any market or fair, or elsewhere:

For fixing the tolls, stallages, and rents payable to the Corporation in respect of the markets and fairs, and the time for and manner of collecting the same.

As to Slaughter-houses.

Power to provide slaughter-houses.

**200.** The Corporation may from time to time provide and maintain upon any land for the time being vested in them slaughter-houses with all necessary fittings and conveniences.

Tolls for use of slaughter-houses.

**201.** The Corporation may demand and receive for the use of their slaughter-houses any tolls not exceeding the tolls specified in Schedule (C.) to this Act annexed.

Provisions as to licensing slaughter-houses.

**202.** With respect to the licensing of slaughter-houses the following provisions shall have effect; (that is to say,)

The Corporation may from time to time grant licences for the use of buildings and lands as slaughter-houses:

There shall be paid to the town clerk for the preparing of such licence such sum not exceeding twenty-one shillings as the Corporation may determine:

The Corporation may at any time by any order in writing revoke or suspend any licence for the use of a slaughter-house when in their opinion it is calculated to be injurious to public health, or is a nuisance:

The Corporation after they have provided slaughter-houses may revoke any licence for the use of a slaughter-house:

The Corporation shall give notice in writing of any such order of revocation or suspension to the owner or occupier of the slaughter-house to which such order relates:

In case of an appeal against such order the slaughter-house may be used until the determination of such appeal and the confirmation of the order of the Corporation:

If any person slaughters or dresses for sale any cattle in any slaughter-house the licence of which is suspended or revoked, or allows such slaughter-house to be used for either of those purposes, he shall be liable to a penalty not exceeding five pounds:

If any licensed slaughter-house be not used for the space of three months the licence thereof shall be deemed to have lapsed.

Cattle not to be slaughtered nor carcases dressed, except in Cor-

**203.** After the passing of this Act no cattle shall be slaughtered nor shall any carcase be dressed for sale in any place other than one of the slaughter-houses provided or licensed by the Corporation, and any person who shall act in any respect in contravention of this

enactment shall for every such offence be liable to a penalty not exceeding five pounds: Provided always, that in case any cattle be overdriven or meet with any accident they may be killed on the spot for public safety or other reasonable cause: Provided also, that nothing herein contained shall be deemed to apply to any cattle slaughtered on any farm, such cattle being the bonâ fide property of the owner or occupier of such farm and having been reared or fed thereon for at least three months previous to being slaughtered. A.D. 1869. poration or licensed slaughter-houses.

**204.** Every licence for the use of any building or land as a slaughter-house which was on the passing of this Act in force shall continue in force until suspended or revoked by the Corporation, and shall be deemed a licence from the Corporation. Existing licences to continue in force until revoked, &c.

**205.** The Corporation may make byelaws for all or any of the following purposes; (that is to say,) Byelaws for regulation of slaughter-houses.

For the licensing, registering, regulating, and inspecting of slaughter-houses:

For the preventing of cruelty in slaughter-houses:

For the keeping slaughter-houses in a cleanly and proper condition, and providing for the removal of refuse and filth at least once in every twenty-four hours, and requiring them to be provided with a sufficient supply of water:

For the fixing the tolls payable to the Corporation for the use of their slaughter-houses, and the time for and manner of collecting such tolls.

**206.** The Corporation shall have the sole and exclusive right to and property in the filth, dung, and other such refuse arising in the slaughter-houses, and shall collect and dispose of the same as they shall deem expedient. Corporation to collect refuse from slaughter-houses.

As to Weighing and Measuring, &c.

**207.** The Corporation may maintain any weighing and measuring houses and places existing in the borough, and may from time to time erect and provide other weighing houses or places for weighing or measuring commodities in the markets and fairs, and shall keep therein proper weights, scales, and measures for those purposes, and shall appoint proper persons to attend to the weighing and measuring of such commodities, at all times during which the market or fair is holden, and may demand and receive any sum not exceeding the tolls in Schedule (B.) to this Act annexed for such weighing or measuring. Power to appoint weighing and measuring places, and to provide weights, &c., and appoint persons to attend them.

**208.** Every person selling or exposing or offering for sale by weight or measure any article in any market or fair shall, if required so to do by the buyer, cause the same to be weighed or Articles to be weighed, if requested, by buyer.

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measured at one of the weighing houses or places of the Corporation, and if any person refuses on demand to comply with such requisition he shall be liable to a penalty not exceeding forty shillings.

Penalty for refusing to weigh, &c.

**209.** Any person employed by the Corporation to weigh or measure any article sold in any market or fair who refuses or neglects to weigh or measure such article when required so to do shall be liable to a penalty not exceeding forty shillings.

Corporation may erect weighing machines.

**210.** The Corporation may maintain any weighing machine existing in the borough, and may provide and erect such other machines for the weighing of carts in such situations as they shall think fit, and shall keep therein proper weights for that purpose, and shall appoint a proper person to attend to such machines and to afford the use of the machine to the public by the weighing of carts with or without their loading as may be required, and may demand and receive the tolls in respect of the weighing of carts, not exceeding the tolls mentioned in Schedule (B.) to this Act annexed.

Carts to be weighed at one of the machines erected by the Corporation.

**211.** The driver of any cart laden with any goods brought within the borough for sale or delivery therein shall at the request of the buyer of such goods or his agent, or of the seller thereof or his agent, take such cart, with or without the loading thereof, to the nearest weighing machine for carts provided by the Corporation, and shall permit the same to be weighed, and if such cart is weighed with its load the driver shall if required take it after its load has been discharged to the weighing machine for carts provided by the Corporation nearest to the place of discharge, and permit it to be re-weighed without its load; and if any driver is for the purpose aforesaid required to take a cart a greater distance than half a mile, including the going to and returning from such machine respectively, the owner of the cart shall be paid for every horse used in drawing it twopence for the first half mile, and a like sum for every additional half mile, and such payment shall be made by the person requiring the cart to be weighed before the driver shall be obliged to take it to be weighed.

Penalty on drivers for refusing to take carts to be weighed, &c.

**212.** If the driver of any such cart on being requested, and having such payment made or tendered as aforesaid, does not take the cart to be weighed as herein-before directed, or refuses to assist in the weighing thereof, he shall for each offence be liable to a penalty not exceeding twenty shillings.

Penalties on drivers committing frauds in weighing.

**213.** If any driver of any cart weighed at any weighing machine provided by the Corporation under this Act commits any of the

following offences he shall be liable to a penalty not exceeding five pounds; (that is to say,)

If he at the time of the weighing knowingly has anything in or about the cart other than the proper loading thereof:

If he alters any ticket denoting the weight of the cart or its loading:

If he makes or uses or is privy to the making or using of any ticket falsely stating the weight of the cart or of its loading:

If he after the weighing of the cart with its loading, removes any part of the loading, and afterwards disposes of or attempts to dispose of or represents the residue of such loading as being the full loading denoted by any such ticket:

If he between the time when the cart and the loading thereof have been so weighed and the time when the cart is weighed without its loading changes the wheels of the cart, or makes any other change upon it after being required to allow it to be weighed without its loading:

If he is guilty of any other fraudulent contrivance to misrepresent the weight of any such cart or of the loading thereof.

Penalty on buyers or sellers for committing frauds in weighing.

**214.** If the buyer or seller of any goods in any cart required to be weighed as aforesaid does anything to such cart or its loading whereby the true weight thereof respectively is altered before such weighing, he shall be liable to a penalty not exceeding five pounds.

Penalty for frauds committed by the machine keeper.

**215.** The person for the time being appointed to keep any weighing machine for carts provided under this Act shall be liable to a penalty not exceeding five pounds in each of the following cases; (that is to say,)

If he wilfully neglects on application duly to weigh any cart with or without its loading, as the case may be, that is brought to the machine kept by him to be weighed:

If he does not fairly weigh any such cart with or without its loading, as the case may be:

If he does not deliver to the buyer or seller of any such loading, or to any person interested therein, on application, a ticket or account specifying the true weight of such cart with or without such loading, as may be required:

If he gives to any person a false ticket on account of the weight of such cart with or without such loading:

If he commits any fraud concerning the weighing of any cart or the loading thereof or makes any false representation of the weight of the same respectively.

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Penalty on other parties committing frauds as to weighing.

**216.** If any person commits any fraud respecting the weighing or weight of any cart, or the loading thereof, he shall be liable to a penalty not exceeding five pounds.

Corporation may make byelaws as to weighing, &c.

**217.** The Corporation may make byelaws for the following or any of the following purposes; (that is to say,)

For regulating the use of the weighing machines provided by the Corporation:

For fixing the tolls payable to the Corporation for such weighing and measuring as aforesaid, and the time for and manner of collecting such tolls:

For regulating the persons so as aforesaid appointed to attend to such machines, weighing, and measuring.

Powers of the Acts 5 & 6 Will. 4. c. 63. and 22 & 23 Vict. c. 56. extended to the borough.

**218.** The Corporation may use and exercise within the borough all and every the powers and authorities concerning scales, beams, balances, weights, and measures, and the providing of copies of the imperial standard weights and measures verified and stamped at the Exchequer, and the inspection and weighing and measuring of goods sold, and the inspection, examination, and seizure of all unjust scales, beams, balances, weights, and measures, and the appointment and authorization of inspectors and examiners, as are by law now vested in, used, and exercised by any justices of the peace assembled at their general or quarter sessions in any county in England and Wales within the limits of their commission, under or by virtue of the statute passed in the fifth and sixth years of His late Majesty King William the Fourth, intituled "An Act to repeal an Act of the "fourth and fifth years of His present Majesty relating to Weights "and Measures, and to make other provisions instead thereof," or under or by virtue of any other law or statute whatever; and such inspectors and examiners so appointed as aforesaid, and duly authorized by warrant or other authority in writing under the hand of the mayor for the time being and under the common seal of the Corporation, shall have, possess, and exercise the same or the like powers of entering buildings, lands, stalls, yards, and places within the borough, and of examining, comparing, trying, and seizing any such scales, beams, balances, weights, or measures, as are now had, possessed, or exercised by any inspectors or examiners authorized or appointed in counties by such justices as aforesaid under or by virtue of any law or statute, and all the penal or other provisions of any such statute, so far as they are not repugnant to or inconsistent with this Act, shall apply to the borough and to the Corporation and the inspectors and examiners respectively, and to all scales, beams, balances, weights, and measures used within the borough, and to the exami-

nation, trial, and seizure thereof, and to the persons using or possessing the same; and the Corporation may pay to such inspectors and examiners out of the borough fund or borough rate of the borough such salary, wages, or allowance as they shall deem fit, and also out of the same fund or rate shall pay and defray all costs incidental to the providing of the said copies of the imperial standard weights and measures, and of carrying the said Act and this enactment into execution within the borough, and all fees, penalties, and monies which but for this enactment would have been payable to the county stock or fund shall be paid into and go in aid of the borough fund; and from and after the exercise of any of the provisions of this enactment by the Corporation, and after the expiration of one month after written notice has been given of the intended exercise of such provisions to the clerk of the peace of the county of Lancaster, all the powers and authorities of all inspectors and examiners within the borough, save such as are appointed as aforesaid by the Corporation, shall cease and be absolutely at an end.

As to Tolls, &c., and their Recovery, &c.

Stallages, &c., when to be paid.

**219.** The several stallages, rents, or tolls payable in respect of any market or fair or slaughter-house shall be paid from time to time on demand to the Corporation, or the collector or other person authorized by the Corporation to receive the same.

Tolls to be paid to persons authorized before the same are weighed, &c.

**220.** The tolls payable to the Corporation in respect of weighing or measuring goods, commodities, or carts, with or without goods, shall be paid to the person authorized by the Corporation to weigh or measure the same by the persons bringing such goods, commodities, or carts to be weighed or measured before the same are removed from the weighing or measuring house or place.

Tolls in respect of cattle market when due.

**221.** The tolls in respect of cattle brought to the market or fair for sale shall become due as soon as the cattle in respect whereof they are demandable are brought into the market place or fair, and before the cattle are put into any pen or tied up in such market place or fair.

Stallages, tolls, &c. may be varied from time to time.

**222.** The Corporation may from time to time change the stallages, rents, and tolls to be taken in respect of any market or fair or slaughterhouse, or for weighing or measuring, provided that the stallages, rents, and tolls in no case exceed the amounts authorized by this Act.

Penalty on taking a greater toll than authorized by this Act.

**223.** If the Corporation or their lessee, or any person acting on their or his behalf, shall demand or receive a greater toll than that authorized to be taken under the provisions of this Act, they or he

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shall for every such offence be liable to a penalty not exceeding forty shillings.

Recovery of tolls.

**224.** If the person having the charge of the cattle, goods, or chattels in respect whereof any tolls, stallages, or rents shall be payable do not upon demand thereof pay the same, the Corporation or their collector or lessee may detain, seize, and distrain the cattle, goods, or chattels in respect whereof such tolls, stallages, or rents shall become due and payable, or any of them, or any of the cattle, goods, or chattels of the person neglecting or refusing to pay the same as aforesaid; and if such tolls, stallages, or rents, and the reasonable charges of such detention and distress and of keeping and maintaining the things distrained, shall not be paid, such collector or lessee may at the expiration of four days thereafter sell the cattle, goods, or chattels so distrained, and out of the monies which shall arise by such sale pay and retain such tolls, stallages, or rents, and all reasonable charges incurred by such detention, distress, and sale, or such tolls, stallages, or rents may be recovered in any court of competent jurisdiction.

Dispute respecting tolls to be settled by a justice.

**225.** If any dispute shall arise concerning any toll, stallage, or rent, or the charges of keeping or selling any distress, such dispute shall be determined by a justice, who on application made to him shall determine the same and make such order therein and award such costs to either party as to him shall seem proper, and in default of payment on demand of the money which shall be so awarded, and of the costs, the same shall be forthwith levied by distress and sale of the goods and chattels of the person so awarded or directed to pay the same, and the justice shall issue his warrant accordingly.

List of tolls, &c. to be fixed in conspicuous places.

**226.** The Corporation or their lessee shall from time to time cause to be painted on boards, or printed, and affixed and set up and continued in some conspicuous place in every market place, place for fairs, slaughter-house, and weighing or measuring house or place provided by the Corporation, in legible characters a list of the several stallages, rents, tolls, or sums of money appointed to be taken in respect of the market or fair, or slaughter-house, or weighing or measuring house or place to which each such list shall relate; and no stallage, rent, toll, or sum of money shall be payable during the time such list is not so set up, or for anything not specified therein: Provided always, that if such list shall be destroyed, injured, or obliterated the stallages, rents, tolls, or sums of money shall continue to be payable during such time as shall be reasonably required for the restoration of such list in the same manner as if such list had continued in the state required by this Act.

**227.** The Corporation may from time to time let any of the stalls, pens, sheds, standing places, benches, or other conveniences in the market places and fairs to any person for any term not exceeding three years at such rent and on such conditions as they think fit.

Power to lease standings in the markets.

**228.** The Corporation may from time to time, either by public auction or private contract, demise and let to farm for any term not exceeding seven years the whole or any part of the tolls, stallages, and rents to be collected in respect of the markets, fairs, slaughter-houses, and weighing and measuring houses and places, or any of them.

Power to let tolls, &c.

**229.** The Corporation may demise or let from time to time for any term not exceeding three years any market houses or places for holding markets or fairs, or any part thereof respectively, or any slaughter-houses, weighing-house, place, or machine, at such rent and upon such conditions as they think fit.

Power to lease markets, &c.

### As to Pounds and Impounding.

**230.** The Corporation may maintain any existing pounds, and from time to time erect, provide, and maintain such other pounds for the impounding of cattle as they think fit.

Power to maintain pounds.

**231.** If any cattle be found straying in any part of the borough the owner thereof shall for each one of such cattle be liable to a penalty not exceeding five shillings, and any officer or servant of the Corporation may impound such cattle and detain the same there until the penalty and such charges as the Corporation may appoint for impounding, feeding, and keeping the same in pound, together with the amount of any damage caused by such cattle (to be fixed by the Corporation), be paid; and if the same be not paid within three days after the cattle be impounded the Corporation may cause the same cattle to be sold, after giving three days notice thereof by an advertisement in some newspaper circulating in the borough, and the charges aforesaid, and those of the sale, and the said penalty and amount of damage shall be paid by the proceeds of such sale, and the surplus thereof (if any) shall be paid to the owner of the said cattle on demand.

Power to impound cattle straying.

**232.** Every person who releases or attempts to release any cattle from any pound where the same are impounded under the authority of this Act, or who damages any such pound with intent or in the endeavour to procure the unlawful release of such cattle, shall be liable to a penalty not exceeding five pounds, or, in the discretion of the justice before whom he is convicted, to imprisonment, with or without hard labour, for any term not exceeding three months.

Penalty for pound-breach.

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Corporation may make byelaws as to pounds.

**233.** The Corporation may make byelaws for fixing the charges for the impounding cattle, and the feeding and keeping them whilst impounded, and for regulating the use of the pounds and the conduct of the persons having care thereof, and for the prevention of cruelty to cattle impounded.

As to Town Hall.

Corporation may maintain existing town hall.

**234.** The Corporation may maintain any town hall or buildings used as a town hall now respectively used by them, with the offices, furniture, and conveniences attached thereto.

Corporation may erect and maintain new town hall.

**235.** The Corporation may appropriate any lands now or by this Act vested in them, or by agreement purchase any lands within the borough, for the purpose of erecting, and may erect thereon, and maintain and regulate, and from time to time enlarge and improve, any building or buildings to be used as a town hall, council chamber, courthouse, and offices for the borough, and the necessary conveniences and approaches connected with the same building or buildings, or any or either of them, and may from time to time fit up and furnish such building or buildings with suitable furniture and appliances, and employ proper persons to take care of the same.

Corporation may make byelaws as to town hall.

**236.** The Corporation may make byelaws for the regulating the use of the building or buildings for the time being used by them as a town hall, courthouse, council chamber, or offices.

Power to purchase town hall buildings.

**237.** The Corporation may take a lease for any term of or may purchase from the company of proprietors of the Saint Helens Town Hall, and the same company may lease or sell and transfer to the Corporation, the town hall buildings with the appurtenances upon such terms and conditions as may be mutually agreed upon between them.

As to Public Clocks.

Corporation may provide public clocks.

**238.** The Corporation may from time to time provide, place, maintain, and light such clocks as they consider expedient in, upon, or against any public building, or, with the consent of the owner and occupier, in or upon or against any building, and the Corporation may maintain and light the clock now erected in the parish church of Saint Helens.

As to Baths, Wash-houses, and Bathing Places.

Power to maintain and provide public baths, &c.

**239.** With respect to the maintenance and provision of public baths and wash-houses and bathing places the Corporation shall have the following powers; (namely,)

They may maintain any existing baths, wash-houses, and bathing places, and from time to time enlarge the same, and provide

and maintain additional buildings suitable for such baths and wash-houses, with or without open drying grounds, and make any open bathing places, and convert any buildings into such baths and wash-houses, and alter, enlarge, repair, and improve the same respectively, and fit up and furnish and supply the same respectively with all requisite apparatus, fittings, furniture, and conveniences:

They may from time to time appropriate any lands vested in them to and for the purposes in this section mentioned:

They may from time to time for the purposes of this section purchase by agreement or take a lease of any baths and wash-houses which now are or hereafter may be established otherwise than by the Corporation, and alter or enlarge the same; and the trustees of any baths and wash-houses established or provided by public subscription or otherwise may, with the consent of a majority of the committee or other persons by whom they were appointed trustees, sell or lease such last-mentioned baths and wash-houses to the Corporation, or make over to them the management thereof, upon such terms as may be agreed upon between them.

Corporation may make byelaws as to baths, &c.

**240.** The Corporation may from time with respect to public baths, wash-houses, and bathing places provided by them or under their management, make byelaws for all or any of the following purposes; (namely,)

For securing that the baths, wash-houses, and bathing places be under the due control of the officers and servants of the Corporation, and for determining their duties:

For securing privacy to persons using the baths, wash-houses, and bathing places:

For providing security against accidents to persons using the bathing places:

For securing that men and boys above eight years old bathe separately from women and girls and from children eight years old or under:

For preventing damage, disturbance, interruption, and indecent and offensive language and behaviour, and nuisances:

For fixing the charges for the use of the baths, wash-houses, and bathing places, and the days on and hours during which they shall be used.

Proportion of baths for the working classes.

**241.** The number of baths for the use of the working classes in any building provided by the Corporation shall not be less than twice the number of the other baths of any higher class.

Recovery of charges for use of baths, &c.

**242.** The Corporation, by way of additional remedy for the recovery of the charges for the use of the wash-houses, may detain

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clothes or goods brought to be washed by any person refusing to pay any such charge till full payment thereof be made, and in case such payment be not made within seven days after the same charges become due, may sell such clothes or goods, or any of them, returning the surplus proceeds of such sale (after deducting the unpaid charges and the expenses of such detention and sale), and any unsold clothes or goods on demand to the owner or person by whom the same were brought to be washed.

AS TO PARKS, &c.

Power to provide parks.

**243.** The Corporation may appropriate any land vested in them and purchase any lands within the borough or in the neighbourhood thereof and appropriate the same for the purposes of parks or places of public resort or recreation, and may fence in and from time to time enlarge, improve, and maintain the same parks or places, and make approaches thereto, and construct and maintain or take down and remove such buildings, walls, and fences as they think proper, and discontinue, divert, or stop up any footpath, road, or way over any lands forming part of any such park or place, and level, drain, sewer, pave, gravel, lay out, plant, ornament, or otherwise improve every such park or place, and do all such acts as appear to the Corporation to be necessary for the better formation, improvement, maintenance, use, and enjoyment of every such park and place.

Parks to be exempt from local taxation.

**244.** Every such park or place, and all buildings therein and every part thereof respectively, and the Corporation and all persons in respect of such park, place, or buildings, shall be wholly exempt from all municipal, parochial, county, or other local rates, assessments, and impositions whatsoever.

Corporation may make byelaws as to parks, &c.

**245.** The Corporation may make byelaws for all or any of the following purposes relating to any such park or place of public resort or recreation; (namely,)

For appointing and regulating keepers or servants employed therein:

For regulating the days and hours on or during which the park or place is to be open or shut:

For regulating the conduct of persons frequenting the park or place:

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

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

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

For regulating or preventing the admission of dogs therein:

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

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

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

For enabling the servants of the Corporation to exclude therefrom persons not being clean or not being dressed in clean or decent clothes, and to remove therefrom persons guilty of a breach of any byelaw relative thereto, or of any public law.

As to Libraries, Museums, and Schools of Science and Art.

Corporation may accept transfer of public library and establish public libraries, &c.

**246.** The Corporation may accept a transfer of any public library now existing or which may hereafter exist in the borough, on such terms and conditions as the Corporation and the owners thereof may mutually agree upon, and may maintain, extend, and improve such library, and may from time to time appropriate any lands or buildings vested in them, or by agreement purchase or rent any lands or buildings, and upon any lands so appropriated, purchased, or rented erect any buildings suitable for public libraries or museums and public schools of science and art, or for any or either of those purposes, and apply, pull down, alter, and enlarge any buildings for all or either of such purposes, and rebuild, repair, and improve the same buildings respectively, and fit up, furnish, and supply the same respectively with all necessary furniture, fittings, and conveniences.

Management of libraries, &c.

**247.** The general management, regulation, and control of such libraries, museums, and schools shall be vested in and exercised by the Council or such committee as the Council think fit from time to time to appoint (the members of which committee need not, if the Council think fit, be members of the Council), who may from time to time purchase and provide the necessary fuel, lighting, books, maps, newspapers, scientific apparatus, and specimens of science and art for the use of the libraries, museums, and schools, and cause the several matters so purchased and provided to be repaired when necessary, and appoint salaried officers and servants for the superintendence and service of such libraries, museums, and schools respectively.

Corporation may make

**248.** The Corporation may make byelaws and regulations for the use of such libraries, museums, and schools respectively, and for

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byelaws as to libraries, &c.

ensuring the safety thereof and of the contents thereof respectively, and for the admission of the public thereto respectively, and for the suspending and removing the officers and servants so appointed as aforesaid, and for prescribing and regulating their duties and conduct.

## As to Police.

Power to provide police court, &c.

**249.** The Corporation may from time to time provide and maintain police courts, stations and watch-houses, lock-up houses, and other places necessary for police purposes, and from time to time enlarge the same and furnish and fit up the same.

Constables not to resign without leave or notice.

**250.** A constable shall not be at liberty to resign his office, or to withdraw himself from the duties thereof, unless expressly allowed to do so in writing by the watch committee certified under the hand of the chief constable, or unless he gives to the chief constable one month's previous notice in writing of his intention so to resign or withdraw; and if any constable so resigns or withdraws himself without such leave or notice he shall be liable to forfeit all arrears of pay then due to him, or to pay a penalty not exceeding five pounds, or, in the discretion of the justice before whom he is convicted, to be imprisoned for any term not exceeding fourteen days.

Penalty on constable for neglect of duty.

**251.** If any constable is guilty of any neglect or violation of duty in his office he shall be liable to a penalty not exceeding ten pounds, or, in the discretion of the justice before whom he is convicted, to be imprisoned for any term not exceeding one month, with or without hard labour.

Power to chief constable to dismiss or suspend constables.

**252.** The chief constable may, subject to the approval of the watch committee, dismiss any constable or suspend any constable from the exercise of his office for such time as the chief constable thinks fit for breach of discipline or neglect or violation of duty or grave misconduct; and if any constable so dismissed or any constable while suspended by the chief constable exercises in any manner the office of constable he shall be liable to a penalty not exceeding five pounds.

Constables suspended or dismissed to deliver up accoutrements.

**253.** If any constable is suspended by the chief constable, and does not if required deliver over to the chief constable all or any part of the clothing, accoutrements, appointments, or other necessaries supplied to him for the execution of his duty, or if any constable is dismissed from or ceases to hold and exercise his office, and does not forthwith deliver over all the clothing, accoutrements, appointments and other necessaries supplied to him for the execution of his duty to the chief constable or to the person and at the time and place directed by the watch committee, he shall be liable to imprisonment, with or without hard labour, for any term not

exceeding one month; and any justice may issue his warrant to search for and seize to the use of the Corporation all clothing, accoutrements, appointments, and other necessaries not so delivered over wherever found.

Power to deduct penalties on constables from salaries.

**254.** Where any penalty is recovered under this Act against any constable or any person who has held the office of constable in respect of any act or omission of such person while holding such office, the amount of the penalty may be deducted from any salary due or to become due to him as constable.

Penalty for unlawful possession of accoutrements, assumption of character of constable, &c.

**255.** If any person not being a constable of the borough has in his possession any article being part of the clothing, accoutrements, appointments, or necessaries supplied to any such constable, and does not satisfactorily account for his possession thereof, or puts on the dress, or takes the name or designation, or otherwise assumes the character of a person appointed as such constable, for the purpose of thereby obtaining admission into any house or other place, or of doing or causing to be done any act which he would not be entitled to do or procure to be done of his own authority, or for any other unlawful purpose, he shall, in addition to any other punishment to which he is liable for such an offence, be liable to a penalty not exceeding ten pounds.

As to allowance of gratuities to constables.

**256.** The Corporation may allow to any constable or other officer such gratuities and rewards for apprehending felons and other offenders as the Corporation think proper, and may defray the expense of prosecuting any felon or offender and of defending any constable or officer in the execution of his duty, and may give such rewards or compensation to any constable or officer disabled in the execution of his duty or to any constable appointed under this Act who shall be worn out by length of service, as the Corporation think reasonable.

Power to police constables and persons aggrieved to apprehend certain offenders.

**257.** Any person found committing any offence punishable either upon indictment or upon summary conviction under this Act or otherwise may, by virtue of this Act, be taken into custody without a warrant by any constable, or may be apprehended by the owner of the property on or with respect to which the offence is committed, or by his servant or any person authorized by him, and may be detained until he can be delivered into the custody of a constable, and shall be taken as soon as conveniently may be before a justice, to be examined and dealt with according to law; and every constable may stop, search, and detain any person reasonably suspected of knowingly having or conveying anything stolen or unlawfully obtained.

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Limitation of detention.

**258.** It shall not be lawful for any constable or other officer without the order of a justice to detain in custody any person arrested under the powers of this Act longer than is necessary for bringing him before a justice, or longer than forty-eight hours at the utmost.

Penalties on persons assaulting constables.

**259.** If any person assaults, obstructs, or resists, or aids or incites any person to assault, obstruct, or resist, any constable in the execution of his duty, he shall be liable to a penalty not exceeding ten pounds, or, in the discretion of the justice before whom he is convicted, to be imprisoned for any term not exceeding three months, with or without hard labour.

Delivery of goods unlawfully pawned and in possession of brokers, &c.

**260.** If any goods are stolen or unlawfully obtained, or being in the care of any person for the purpose of being repaired, cleaned, or made up, or being otherwise lawfully obtained, are unlawfully deposited, pawned, pledged, sold, or exchanged, and complaint is made to any justice that such goods are in the possession of any broker, dealer in marine stores, or other dealer in second-hand property, or of any person who has advanced money upon the credit thereof, such justice may issue a summons or warrant for the appearance of such broker, dealer, or other person as aforesaid before any justice, and for the production of the goods; and such last-mentioned justice may order such goods to be delivered up to the owner thereof, either without any payment by or to such owner or upon payment of such sum and at such a time as such justice thinks fit; and if any broker, dealer, or other person being so ordered refuses or neglects to deliver up the goods he shall forfeit to the owner the full value thereof, to be determined by a justice; but such order shall not bar such broker, dealer, or other person from recovering possession of such goods by proceedings at law from the person into whose possession they come by virtue of the order, so that such proceeding be commenced within six months next after the order is made.

Restoration of property unlawfully pawned, &c.

**261.** Any justice may order that any goods unlawfully pawned, pledged, or exchanged brought before him, the ownership of which is established to his satisfaction, be delivered up to the owner by the person with whom they were unlawfully pawned, pledged, or exchanged, either without compensation or with such compensation as the justice thinks fit.

Delivery of goods charged to have been stolen or fraudulently obtained and

**262.** If any goods or money charged to have been stolen or unlawfully obtained are or is in the custody of any constable by virtue of any warrant of a justice, or in prosecution of any charge of felony or misdemeanor, and the person charged with having stolen or unlawfully obtained possession of the same is not found, or is

summarily convicted or discharged, or is tried and acquitted, or is tried and found guilty, but the property so in custody has not been included in any indictment, the following provisions shall apply thereto; namely,

in custody of constable.

(1.) Any justice may make an order for the delivery of such property to the person appearing to be the rightful owner thereof:

(2.) Such order shall not be any bar to the right of any person to sue the person to whom the property is delivered, and to recover the same from him by proceedings at law, so that such proceedings be commenced within six months next after the order is made:

(3.) In case the owner cannot be ascertained any justice may order that the property be returned to the person from whom it was obtained or be delivered to the treasurer:

(4.) The treasurer may after the expiration of twelve months, during which no owner shows his title to such property, place such money or sell such goods and place the proceeds thereof to the credit of the borough fund:

(5.) If nevertheless such goods are of a perishable nature the sale may be effected immediately, and the proceeds thereof shall be carried to the credit of the borough fund after the expiration of such twelve months.

Regulation for preventing obstruction in streets during public processions, &c.

**263.** The Council may from time to time make regulations for the route to be observed by all carts, carriages, horses, and persons, and for preventing obstruction of the streets in times of holidays, public processions, public meetings, public rejoicings, or illuminations, and in cases when the streets are thronged or liable to be obstructed, and give directions to the constables for keeping order, and for preventing any obstruction in the streets in the immediate neighbourhood of the town hall, the police court, the theatres, and other places of public resort, and if any person is guilty of any breach of such regulations, or does not comply with the direction of any constable acting in pursuance thereof, he shall be liable to a penalty not exceeding five pounds.

Power to regulate route of carriages, &c. during Divine service.

**264.** On the application of any minister, churchwarden, trustee, or officer of any church, chapel, or other place of public worship, the Council may from time to time make orders for prescribing the route and conduct of persons driving any cart, carriage, or cattle during the hours of Divine service on Sunday, Christmas Day, Good Friday, or any day appointed for public fast, humiliation, or thanksgiving, and any such order shall be printed or painted and fixed on some conspicuous place near such church, chapel, or other place of public worship, and if any person fails to comply in any respect with any

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such order he shall be liable to a penalty not exceeding forty shillings.

As to Offences, &c.

Penalties for certain offences in any part of the borough.

**265.** Any person who shall in any part of the borough commit any of the following offences; namely,

1. Every person who shall wantonly or mischievously ring any bell or bell-pull, or knock any knocker attached to any building, or knock at any door or gate;
2. Every person who shall bathe in any place or at any time forbidden by any order of a justice (which order any justice is hereby authorized to make), or who shall indecently expose his person;
3. Every person who shall write or describe any profane, obscene, or indecent language or figure on, or who injures, marks, or defaces, or commits any nuisance upon or about any building wall, gate, door, hoarding, fence, or post;
4. Every person who against the consent of the owner or occupier thereof shall affix any bill or other paper to or against any building, wall, hoarding, fence, door, gate, or post;
5. Every person who orders or knowingly permits any person in his employ to stand on the sill of any window in order to clean, paint, or perform any other operation upon the outside of such window, or upon any house or other building, unless such window be in the sunk or basement story;
6. Every person who wilfully or unlawfully extinguishes the light of any lamp not belonging to or set up by the Corporation or any person under the authority of this Act;
7. Every person who shall keep swine so as to be a nuisance;

shall for every such offence be liable to a penalty not exceeding forty shillings, or, in the discretion of the justice before whom he may be convicted, to imprisonment for any term not exceeding fourteen days.

Penalties for certain offences in the streets.

**266.** Every person who in any street or court commits any of the following offences; that is to say,

Every person who suffers to be at large any unmuzzled ferocious dog, or sets on or urges any dog or other animal to attack, worry, or put in fear any person or animal;

Every owner of any dog who suffers such dog to go at large, knowing or having reasonable ground for believing it to be in a rabid state or to have been bitten by any dog or other animal in a rabid state;

Every person who after public notice given by the mayor or by any justice directing dogs to be confined on account of suspicion

of canine madness suffers any dog to be at large at the time specified in such notice;

Every common prostitute or night walker loitering and importuning passengers for the purpose of prostitution;

Every person who publicly offers for sale or distribution or exhibits to public view any profane, indecent, or obscene book, paper, print, drawing, painting, or representation, or sings any profane or obscene song or ballad, or uses any profane, obscene, or abusive language;

Every person who cleanses, hoops, fires, washes, or scalds any cask or tub, or hews, saws, bores, or cuts any timber or stone, or slacks, sifts or screens any lime;

Every person who fixes or places any flower pot or box or other heavy article in any window without sufficiently guarding the same against being blown or thrown down;

Every person who leaves open any vault, coal or other cellar, or the entrance from any street to any cellar or room underground without a sufficient fence or handrail, or leaves defective the door, window, or other covering of any such vault, cellar, or room, or who does not sufficiently fence any open area, pit, or sewer, or who leaves such open area, pit, or sewer without a sufficient light after sunset to warn and prevent persons from falling thereinto;

Every person who throws or lays, or causes to be thrown or laid, any offensive matter or thing on any street or court, or causes or knowingly permits any offensive matter or thing to run from any manufactory, brewery, slaughter-house, butcher's shop, stable, or dunghill into any street or court; but so that it shall not be deemed an offence to lay in any street or court sand or other material for the purpose of preventing accidents during frost, or straw or other material for the purpose of preventing the freezing of water in pipes or noise in case of sickness, so that the person laying the same shall cause it to be removed so soon as the occasion for the use thereof shall cease;

Every person who keeps any pigstye near any street or court;

shall for every such offence be liable to a penalty not exceeding forty shillings, or, in the discretion of the justice before whom he may be convicted, to be imprisoned for any period not exceeding fourteen days.

Penalties for offences on footways, &c.

**267.** Every person who, on any footway in any street, or on any waste or unenclosed land near to or on the side of such footway, shall commit the following offence; (that is to say,)

Every person who shall set, place, hang up, or expose to sale any article, matter, or thing thereupon, or so as to project thereover

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or beyond the line of or on the outside of the window or door of the house or shop at which the same shall be so hung;

shall for every such offence be liable to a penalty not exceeding forty shillings, or, in the discretion of the justice before whom he is convicted, may be imprisoned for a term not exceeding fourteen days; and any officer appointed by the Corporation may seize any of the articles, matters, or things in this section mentioned concerning which any offence may have been committed, and may detain the same until the said penalty shall be paid, and in case such penalty and the reasonable charges of such seizure and detention shall not be paid within three days after such seizure the Corporation may sell the same articles, matters, and things, and out of the proceeds defray the penalty and charges, rendering the surplus, if any, to the owner on demand.

Penalty on owners of carts, &c. using them without the name and place of abode or trade being painted thereon.

**268.** The owner of every cart shall before the same shall be used in any street paint or cause to be painted, engraved, or raised in one or more straight line or lines, upon some conspicuous part of the right or off side of his cart, or upon the off-side shaft thereof, his Christian name and surname, or the style and title by which he is commonly designated, or the style or firm by which his trade or business is carried on, and the place of his trade or abode, or the Christian and surname and place of trade or abode of a partner or owner thereof, at full length in large legible letters, in white upon black ground, or black upon white ground, not less than one inch in height and of a proportionate breadth, and continue the same thereupon so long as such cart shall be used as aforesaid, and every owner of any cart who shall use or allow the same to be used as aforesaid without the name or style, title, firm, or description painted thereon as aforesaid, or after such name or style, title, firm, or descriptions, or any part thereof, shall have become illegible, or shall paint or cause to be painted any false or fictitious name, place of trade or abode on such cart, shall for every such offence be liable to a penalty not exceeding forty shillings.

For preventing misbehaviour in the drivers of carts and carriages.

**269.** Every person who shall commit any of the following offences in any street within the borough; videlicet,

Every person who being the driver of any cart or carriage shall ride upon any such cart or carriage, or upon any animal drawing the same, not having some other person on foot to guide the same (such carts and carriages as are driven with reins and are conducted by some person holding the reins of all the animals drawing the same excepted), or (not having reins) shall not be in attendance upon the near side of the animal drawing such cart, or shall be asleep while such cart shall be in motion;

Every person who being the driver or having the care or conduct of any cart or carriage, or of any cattle, shall by negligence or wilful misbehaviour cause any hurt or damage to any person or property;

Every person who being the driver of any cart or carriage shall negligently or wilfully be at such distance from the same or in such a situation as not to possess the complete control and direction over the animals drawing the same;

Every person who shall drive or act as the driver of any cart not having the owner's name, style, firm, or description as hereby required painted and remaining legible thereon, and shall refuse to tell and discover the true Christian and surname and place of abode, or trade of the owner or principal owners of such cart;

Every person who when driving or having the care or conduct of any cart or carriage or any animals of draught or burden, and meeting any other cart or carriage or animals of draught or burden, shall not keep his cart, carriage, or animals on the left hand or near side of the street (except in case of actual necessity or some sufficient reason for deviation), or shall in any manner wilfully prevent any other person or cart or carriage from passing him or any cart, carriage, cart, or animals under his care, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any person, carriage, cart, or animal of draught or burden in any street, or shall not keep his cart or carriage or animals on the left or near side of the road for the purpose of allowing such passage;

Every person who at one time drives more than two carts, and every person who at one time drives two carts, either whereof is drawn by more than one animal, and every person who at one time drives two carts and has not the last cart securely fastened to the back of the first cart by a chain not more than five feet long from each shaft of the last cart;

Every person who riding or leading any animal, or driving any cart or carriage, shall ride, lead, or drive the same furiously so as to endanger the life or limb of any person, or shall ride, lead, or drive the same while in a state of intoxication;

Every person who shall wilfully drive any cart or carriage against any pillar or post placed to protect any footway or against any lamp-post or palisading;

Every person who being the owner or driver of any cart or carriage having a sideboard or tailboard shall not cause the same to be well secured to the body of such cart or carriage;

shall for every such offence be liable to a penalty not exceeding five pounds if he shall not be the owner of such cart or carriage, and if he be the owner then to a penalty not exceeding ten pounds, and

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in either of the said cases the offender shall in default of payment be imprisoned and kept to hard labour for any period not exceeding six weeks unless such penalty shall be sooner paid; and every such driver offending in either of the said cases may be apprehended without warrant by any person who shall see the offence committed; and if any driver shall refuse to discover his name the justice before whom he shall be taken, or to whom any complaint shall be made, may commit him to prison, there to be kept to hard labour for any time not exceeding three months.

Penalties for obstructing roads, &c.

**270.** Any person who shall in any street or road, not being an occupation road or way, commit any of the following offences; (that is to say,)

Every person who to the obstruction, annoyance, or danger of any resident or passenger in any street or court exhibits in a caravan or otherwise any show or public entertainment, or exposes for show, sale, or hire (except in a market place or fair lawfully appointed for that purpose) any animal, or shoes, bleeds, or farries any cattle (except in cases of accident), or cleans, exercises, dresses, trains, breaks, or turns loose any animal, or makes or repairs any part of any cart or carriage (except in cases of accident where repair on the spot is necessary);

Every person who occupying a blacksmith's, whitesmith's, or nailmaker's shop having a door or window or other opening fronting or opening into or towards any street, shall not by good and close doors or shutters every evening not later than half an hour after sunset prevent the light from such shop shining into any street;

Every person who discharges any smoke or steam from any building (otherwise than from the top thereof) into any street, or who constructs or uses any steam pipe, flue, or funnel (not being the funnel of a locomotive engine) so that the condensed water or moisture must usually fall into any street;

Every person who places any line, cord, or pole across any street, or hangs or places any clothes thereon;

Every person who wantonly discharges any firearm, or throws or discharges any stone, snowball, or other missile, or makes any bonfire, or throws or sets fire to any firework;

Every person who plays at pitch and toss, or football, or battledore and shuttlecock, or any other game, or trundles any hoop, or runs any race, or flies any kite, or who makes or uses any slide upon ice or snow;

Every person who throws or lays down any stones, coals, slate, shells, lime, bricks, timber, iron, or other materials, except building materials so enclosed as to prevent mischief to passengers;

Every person who beats or shakes any soot bag, carpet, rug, or mat, except door mats beaten or shaken before the hour of eight in the morning;

Every person who throws from the roof or any part of any house or other building any slate, brick, wood, rubbish, or other thing, except snow thrown so as not to fall on any passenger;

Every person who throws down any goods, produce, wares, or merchandise out of any upper story of any warehouse or of any other building used for the purpose of trade, manufacture, or business, and every person being the occupier of any warehouse or other such building out of which goods, wares, produce, or merchandise are or is so thrown down, but so as that only one penalty be recoverable for the same offence;

Every person who shall draw or drive any cart, carriage, truck, wheel, sledge, or wheelbarrow upon any footway, except for the purpose of crossing the same, or who shall carry any hand-barrow thereon;

Every person who shall ride, lead, or drive any horse or cattle upon any footway, or shall tie or fasten any horse or cattle to any door, wall, post, or thing whatsoever so that such horse or cattle can go or stand thereupon or across the same;

Every person who shall roll, drag, or carry any cask, tub, hoop, wheel, timber or log of wood, plank, or pole, or any ladder, or any stone or metal or any other bulky article, upon any footway, except for the purpose of loading or unloading any cart or carriage or of crossing such footway or land;

Every person who shall set or place any goods, wares, or merchandise, or any cask, tub, barrow, box, pail, bucket, stool, chair, standing place, bench, stall, showboard, or basket upon any footway;

Every person who shall erect, set up, or place any blind, shade, covering, or awning upon any footway (except the same shall be nine feet at least in height in every part thereof from the surface of the ground, and shall extend over the whole of such footway, and shall carry off all water falling upon it, and shall be constructed in every respect to the satisfaction of the Corporation), or shall set up or place any article, matter, or thing in the front of or before any building so as to cause any obstruction or impediment;

Every person who causes any cart or carriage, with or without horses, or any beast of burden, to stand in any street or on any waste or unenclosed ground in, near to, or on the side of any street longer than is necessary for loading or unloading goods or luggage, or for taking up or setting down passengers (except hackney carriages and porters carts and horses and other beasts

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of draught or burden standing for hire in any place appointed for that purpose by the Corporation or other lawful authority), and every person who by means of any cart or carriage or any animal or other means wilfully interrupts any public crossing, or wilfully causes any obstruction in any street or public footpath or other public thoroughfare;

Every person who shall haul or draw, or cause to be hauled or drawn, upon any part of any street any tree, timber, iron beam, or any stone otherwise than upon a wheeled conveyance, or shall suffer any part of any tree, timber, or iron beam to drag upon any part of any street, or shall carry or convey or cause to be carried or conveyed any timber, stone, or iron beam upon any cart through any street, and shall not safely guide the same or cause the same to be safely guided and prevent the same from striking against any person, animal, wall, building, post, cart, carriage, or other thing;

shall for every such offence be liable to a penalty not exceeding forty shillings, or, in the discretion of the justice before whom he may be convicted, to imprisonment for any term not exceeding fourteen days.

Mad dogs.

**271.** Any constable or other officer or servant of the Corporation may destroy any dog or other animal reasonably suspected to be in a rabid state or to have been bitten by any dog or other animal in a rabid state.

Making fire-works.

**272.** Every person who shall make any lucifer matches or other combustible articles in the manufacture of which gunpowder or detonating powder shall be used in any place other than a detached building, or in any case nearer than one hundred yards to any street or dwelling house, shall be liable to a penalty not exceeding ten pounds, and the like sum for every day the offence shall continue.

Street musicians to depart when desired to do so.

**273.** Any householder personally or by his servant or by any constable may require any street musician or singer to depart from the neighbourhood of the house of such householder, and every person who shall sound or play upon any musical instrument or sing in any street near or within hearing of such house after being so required to depart shall be liable to a penalty not exceeding forty shillings.

Penalty for injury to churches, buildings, &c., and committing nuisances against same.

**274.** Every person who shall injure or deface any church, chapel, or other public building, or any tomb, monumental stone, or inscription in any churchyard or burial ground, or shall fix up any bills or papers (other than such as may be lawfully affixed thereto) against any such edifices, or shall write with chalk or any other matter thereon, shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty on drunkenness.

**275.** If any person shall be drunk in any street or court within the borough he shall for every such offence be liable to a penalty not exceeding five shillings, and if he shall not immediately upon conviction pay such fine, with costs, the justice before whom he is convicted may imprison such offender for any term not exceeding seven days, unless such fine and all costs shall be sooner paid.

Drunkards guilty of riotous or indecent behaviour may be imprisoned.

**276.** Every person who shall be drunk in any street or court, and shall be guilty of any riotous, disorderly, or indecent behaviour, or who shall be guilty of any violent, disorderly, or indecent behaviour in any police office or police station, shall be liable to a penalty not exceeding forty shillings for every such offence, or, in the discretion of the justice before whom he is convicted, may be imprisoned for any term not exceeding fourteen days.

Penalty for setting chimneys wilfully on fire.

**277.** Every person who wilfully sets or causes to be set on fire any chimney shall be liable to a penalty not exceeding five pounds: Provided always, that nothing herein contained shall exempt the person so setting or causing to be set on fire any chimney from liability to be indicted for felony or from damages if injury is done to other property than his own.

Penalty for firing chimneys.

**278.** If any chimney accidentally catch or be on fire the person occupying or using the premises, or part thereof in which such chimney is situated, shall be liable for every such offence to a penalty not exceeding ten shillings: Provided always, that such penalty shall not be incurred if such person prove to the satisfaction of the justice before whom the case is heard that such fire was in nowise owing to omission, neglect, or carelessness of himself or servant.

Penalty on obstructing persons employed under this Act.

**279.** Any person who wilfully obstructs, assaults, hinders, or molests any member of the Council, or any officer or servant of the Corporation acting under this Act or under any byelaw thereunder, in the execution of his duty, or of any of the powers, authorities, works, matters, or things to be exercised or done under this Act or any such byelaw, shall be liable to a penalty not exceeding five pounds.

Penalty for pulling down notices, &c.

**280.** Any person who destroys, pulls down, injures, or defaces any placard, byelaw, order, or notice issued and put up by or under the direction of the Corporation, or notice of the position of any fireplug, or any board provided by the Corporation for the purpose of painting, writing, or placing thereon, or whereon is painted, written, or placed any byelaw, part of a byelaw, placard, order, or notice of the Corporation, shall be liable to a penalty not exceeding five pounds.

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AS TO HACKNEY CARRIAGES AND PORTERS CARTS.

Power to license hackney carriages and porters carts and drivers.

**281.** The Corporation may from time to time license such number of hackney carriages and porters carts to ply for hire within the borough, and such number of persons to act as drivers thereof respectively, as they think fit.

Prohibition of use of carriages, &c. without licence.

**282.** If the proprietor of, or any person interested in, any carriage or cart permits it while unlicensed to be used as a hackney carriage or porter's cart plying for hire, or if any person is found driving, standing, or plying for hire with any carriage or cart while it is unlicensed, he shall be liable to a penalty not exceeding forty shillings.

Prohibition of unlicensed persons acting as drivers.

**283.** If any person while unlicensed acts as driver of a licensed hackney carriage or licensed porter's cart, or if any licensed driver lends his licence, or parts with the possession of it, or fails to produce it when required by any justice, or by any hackney carriage inspector, or by any constable, or if the proprietor of a hackney carriage or porter's cart employs an unlicensed person as driver thereof, he shall be liable to a penalty not exceeding forty shillings.

Power to make byelaws as to hackney carriages and porters carts and drivers.

**284.** The Corporation may from time to time make byelaws for all or any of the following purposes; (that is to say,)

For regulating the mode of application for and the issuing of licences for hackney carriages and porters carts and the drivers thereof, and the fees to be paid for licences (not exceeding five shillings for any such licence for twelve months, and in the like proportion for any shorter period), and the form and contents of licences and the registering thereof and of matters relative thereto, and the duration of licences, and the conditions on which the same were to be held or may be revoked or suspended:

For regulating the conduct of the proprietors and drivers of hackney carriages and porters carts in their several employments, and determining whether such drivers shall wear any and what badges, and for regulating the hours within which they may exercise their calling:

For the numbering of hackney carriages and porters carts, and for the regulating the manner in which the numbers are to be displayed:

For regulating the number of persons to be carried by any hackney carriage, and in what manner such number is to be shown on such carriage, and for requiring the driver to carry that number or any less number, and for regulating what number of animals is to draw any hackney carriage or any

porter's cart, and the quality and condition of such animals; and the placing of a checkstring to any such carriage, and the holding of the same by the driver, and how such carriages are to be furnished or provided:

For punishing misconduct of drivers of hackney carriages and porters carts in refusing or neglecting to drive as required, and for preventing the carrying in or upon hackney carriages of dead bodies or of persons having any infectious, contagious, or loathsome disease, and for preventing persons being carried in or upon hackney carriages without the consent of the hirers:

For fixing the stands of hackney carriages and porters carts and the distance to which they may be compelled to take passengers and goods, not exceeding three miles beyond the boundary of the borough:

For fixing the fares for time and for distance to be paid for hackney carriages and for porters carts, and for securing the due publication thereof, and for regulating deposits of money in addition to fares for carriages or carts kept waiting by the hirers:

For securing the safe custody and redelivery of property accidentally left in any hackney carriage or porter's cart, and fixing the charges to be paid in respect thereof.

Penalty for fraudulent use of numbers, &c.

**285.** If any person fraudulently or with intent to deceive does either of the following things; namely,

(1.) Affixes or places on any carriage or cart any figure or number to resemble any figure or number appointed by the Corporation to be affixed to any licensed hackney carriage or licensed porter's cart;

(2.) Affixes or carries on his person any badge, figure, or number to resemble any badge, figure, or number appointed by the Corporation to be carried by a licensed driver;

he shall be liable to a penalty not exceeding forty shillings.

Agreement for less than fare binding on driver.

**286.** If the proprietor or driver of a licensed hackney carriage or licensed porter's cart or any person on his behalf agrees beforehand with any hirer thereof to take for any job a sum less than the fare allowed by byelaw, but exacts or demands for such job more than the sum agreed on, he shall be liable to a penalty not exceeding forty shillings.

Agreement for more than fare not binding on hirer.

**287.** Any agreement made with the driver of or any person having or pretending to have the care of any hackney carriage or porter's cart for the payment of more than the fare allowed by byelaw shall not be binding on the person making the same, who may, notwithstanding such agreement, refuse on discharging

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such carriage or cart to pay any sum beyond the fare allowed by byelaw; and if any person actually pays to any such driver in pursuance of any such agreement or otherwise any sum exceeding the fare to which the driver is entitled he may on complaint made against the driver before a justice recover back such sum, and moreover the driver shall be liable to a penalty not exceeding forty shillings, and in default of repayment by such driver of such excess of fare or the payment of such penalty the justice may commit him to prison for any time not exceeding one month, unless the excess of fare and the penalty are sooner paid.

Agreement for discretionary distance.

**288.** If the proprietor or driver of any hackney carriage or any person on his behalf agrees with any person to carry by such carriage persons not exceeding in number the number allowed to be carried by it for a distance to be in the discretion of such proprietor or driver, and for a sum agreed on, but the distance for which he carries such persons is less than that for which they are entitled to be carried for the sum agreed on according to the fares allowed by byelaw, he shall be liable to a penalty not exceeding forty shillings.

Penalty for demand of excessive fares.

**289.** If any proprietor or driver of a hackney carriage or porter's cart is convicted of taking as a fare a greater sum than that allowed by byelaw he shall be liable to a penalty not exceeding forty shillings, which penalty may be recovered before one justice, and in the conviction of such proprietor or driver an order may be included for payment of the sum so overcharged in addition to the penalty and costs, and such overcharge shall be returned to the party aggrieved.

Drivers not to act without consent of proprietors, &c.

**290.** It shall not be lawful for any person authorized by the proprietor of any hackney carriage or porter's cart to act as driver thereof to suffer any other person to act as driver thereof without the consent of the proprietor thereof, or for any person, whether licensed or not, to act as driver of any such carriage or cart without the consent of the proprietor thereof, and if any person offends in any respect against this enactment he shall be liable to a penalty not exceeding forty shillings.

Penalty on driver for obstructing streets, &c.

**291.** If any driver of a hackney carriage or porter's cart suffers the same to stand for hire across any street or alongside of any other such carriage or cart, or refuses to give way if he conveniently can to any such other carriage or cart, or obstructs or hinders the driver of any carriage from taking up or setting down any person into or from any carriage, or wrongfully or in a forcible manner prevents or endeavours to prevent the driver of any other hackney

carriage or porter's cart from being hired, he shall be liable to a penalty not exceeding twenty shillings.

Proceedings where carriage, &c. left in street.

**292.** If the driver of any hackney carriage or porter's cart leaves it in any street or at any place of public resort or entertainment, whether it is hired or not, without some one proper to take care of it, any constable may drive it away and deposit it and the animal harnessed thereto at some neighbouring livery stables or other place of safe custody, and such driver shall for every such offence be liable to a penalty not exceeding twenty shillings, and in default of payment thereof, and of the expenses of the taking and keeping of the carriage or cart and animal, the same, with the harness belonging thereto, or any of them, shall be sold by order of a justice, and after payment out of the produce of such sale of the amount of the penalty, and of all costs and expenses as well of the proceedings before the justice as of the taking, keeping, and sale aforesaid, the surplus (if any) of such produce shall be paid to the proprietor of the carriage or cart.

Liability of proprietor to compensation for damage done by driver.

**293.** Where any hurt or damage is caused to any person or property by the driver of any hackney carriage or porter's cart let to hire the justice before whom the driver is convicted may order that the proprietor of the carriage or cart do pay such sum, not exceeding five pounds, as appears to the justice reasonable compensation for such hurt or damage, and every proprietor who pays any such compensation may recover the same from the driver.

Endorsement of conviction of driver on licence.

**294.** Where any licensed driver complained of is adjudged guilty of the offence alleged against him the justice before whom he is convicted shall make an endorsement on his licence, stating his offence and the amount of the penalty inflicted.

Compensation, &c. to driver acquitted.

**295.** If the driver of a hackney carriage or porter's cart is summoned or brought before any justice to answer any complaint or information concerning any offence alleged to have been committed by him against this Act or any byelaw under it, and the complaint or information is withdrawn or quashed or dismissed, or the driver is acquitted of the offence charged against him, the justice may order the complainant or informant to pay to the driver such compensation for his loss of time in attending the justice concerning the complaint or information as to the justice seems reasonable; and in default of payment of such compensation the justice may commit the complainant or informant to prison for any time not exceeding one month, unless the same is sooner paid.

Power to reward drivers.

**296.** The Corporation may reward a licensed driver for meritorious conduct.

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Recovery of fare.

**297.** If any person refuses to pay on demand to any proprietor or driver of any hackney carriage or porter's cart the fare to which he is entitled, the same may be recovered with costs before a justice as a penalty.

Penalty for injury to carriage or cart.

**298.** If any person using any hackney carriage or porter's cart wilfully injures the same, he shall be liable to a penalty not exceeding five pounds, and shall also pay to the proprietor of the carriage or cart reasonable satisfaction for the damage sustained, and such satisfaction shall be ascertained by the justice before whom the conviction is had, and may be recovered by the same means as the penalty.

Power to make byelaws as to omnibuses, carts, &c.

**299.** The Corporation may from time to time make byelaws for all or any of the purposes following; (that is to say,)

For regulating omnibuses and stage carriages in the streets, and the conduct of the drivers and conductors thereof, and for preventing the overcrowding thereof, and touching the number and fitness of the animals to be employed to draw the same:

For requiring owners of carts used in the streets to place their names and addresses conspicuously on their carts:

For prohibiting any person from acting as driver of any cart on which the owner's name and address are not so placed.

As to Porters and Drovers.

Power to make byelaws as to porters and drovers.

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

For licensing porters and drovers, and for charging any fee, not exceeding five shillings for any such licence for twelve months, and in the like proportion for any shorter period, and for regulating the conduct of porters and drovers in their employments, and determining whether porters and drovers shall wear any and what badges, and for regulating the hours within which they may exercise their calling:

For fixing the stands of porters and drovers and the distance to which they may be compelled to take goods and messages not exceeding three miles beyond the boundary of the borough:

For fixing the fares as well for time as for distance to be paid to porters and drovers, and for securing the due publication of such fares:

For securing the safe custody and re-delivery of any property accidentally left with porters or drovers, and fixing the charges to be paid in respect thereof:

And in any such byelaws the Corporation may (if they think fit) adopt and apply to porters and drovers, mutatis mutandis, any of the

provisions of this Act relative to drivers of hackney carriages and porters carts, so far as the same are applicable. A.D. 1869.

## As to Public Houses, Coffee Houses, and Places of Public Entertainment.

Penalty on victuallers harbouring constables while on duty.

**301.** Every victualler or keeper of any public house or person licensed to sell wine, spirits, beer, cider, or other fermented or distilled liquors by retail to be drunk or consumed on the premises who knowingly harbours or entertains or suffers to remain in his public house or place wherein he carries on his business any constable during any part of the time appointed for his being on duty, unless for the purpose of quelling any disturbance or restoring order, shall for every such offence be liable to a penalty not exceeding twenty shillings.

Regulations respecting coffee shops, &c.

**302.** If any person not being a licensed victualler or person licensed to sell beer by retail to be drunk on the premises, or licensed to keep a refreshment house under the Act of the session of the twenty-third and twenty-fourth years of Her Majesty, chapter twenty-seven, has or keeps any house, shop, room, cellar, or vault, or place of public resort, wherein ready-made tea or coffee, cooked victuals, provisions, liquors, or refreshments of any kind, is or are sold or consumed, whether the same is or are kept or retailed therein or procured elsewhere, and knowingly permits drunkenness or other disorderly conduct in such house, shop, room, or place, or knowingly suffers any unlawful game or gaming therein, or knowingly permits prostitutes, reputed thieves, drunken or idle and disorderly person, or persons of notoriously bad character to meet together and remain there, he shall be liable to a penalty not exceeding five pounds; and any constable may at any time enter into any such house, shop, room, cellar, vault, or place the owner or keeper whereof has been within twelve months before such entry convicted of any such offence as aforesaid; and if any such owner or keeper or any person in his employment in such case refuses to allow or does not on application allow such constable so to enter, every person so offending shall be liable to a penalty not exceeding forty shillings.

Penalty on making communications between public houses and coffee houses, &c.

**303.** If any person makes or uses, or allows to be made or used, any internal communication between any house, shop, room, or place of public resort licensed for the sale of wine, spirits, beer, or other exciseable articles and any room, shop, house, or place not so licensed, he shall be liable to a penalty not exceeding ten pounds for every day that such communication is open.

Penalty on persons keeping

**304.** Every person who keeps or uses or acts in the management of any house, room, pit, or other place for the purpose of fighting,

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places for bear-baiting, cock-fighting, &c.

baiting, or worrying any animals, shall be liable to a penalty of not more than five pounds, or, in the discretion of the justices before whom he is convicted, to imprisonment, with or without hard labour, for a time not exceeding one month; and the Corporation may by order in writing authorize the superintendent constable, with such constables as he thinks necessary, to enter any premises kept or used for any of the purposes aforesaid and take into custody all persons found therein without lawful excuse; and every person so found shall be liable to a penalty not exceeding five shillings; and a conviction for this offence shall not exempt the owner, keeper, or manager of any such house, room, pit, or place from any penal consequence to which he is liable for the nuisance thereby occasioned.

Regulation of places for dancing, music, and other public entertainments.

**305.** For the regulation of places for public dancing or music, or other public entertainment of the like kind, the following provisions shall take effect; namely,

(1.) Any house or other place licensed for the sale of wine, spirits, beer, or other fermented or distilled liquors, or any room, garden, or place, shall not be kept or used for public dancing, music, or other public entertainment of the like kind without a licence for all or some of those purposes first obtained from the justices acting for the borough:

(2.) Such justices may, under the hands of a majority of them assembled at any special session convened by fourteen days previous notice, grant licences to such persons as they think fit to keep or use houses, rooms, gardens, or places for all or some of the purposes aforesaid, upon such terms and conditions and subject to such restrictions as they by the respective licences determine, and every licence shall be in force for one year:

(3.) Such justices may from time to time at any such special session as aforesaid transfer any such licence to such person as they think fit:

(4.) Each person shall in each case give seven days notice to the clerk of the justices of his intention to apply for any such licence, or for the transfer of any such licence:

(5.) Any house, room, garden, or place kept and used for public dancing, music, or other public entertainment of the like kind without such licence first obtained shall be deemed a disorderly house, and the person occupying or rated as the occupier of the same shall be liable to a penalty not exceeding five pounds for every day on which the same is kept and used for any of the purposes last aforesaid:

(6.) There shall be affixed and kept up in some conspicuous place on the door or entrance of every house, room, garden, or

place, so kept or used and so licensed as aforesaid, an inscription in large capital letters in the words following, "Licensed in pursuance of Act of Parliament:"

(7.) Any house, room, garden, or place so kept or used, although so licensed as aforesaid, shall not be opened for any of the said purposes except between the hours stated in the licence:

(8.) The affixing and keeping up of such inscription as aforesaid, and the limitation of the hours of opening, shall be inserted in and made conditions of every such licence, and in case of any breach of either of those conditions such licence shall be liable to be revoked by the order of any two justices.

Power to enter upon unlicensed theatres, &c.

**306.** Any justice may by order in writing authorize any constable to enter into any building or part of a building, or any place kept or used or suspected to be kept or used for stage plays or dramatic entertainments, into which admission is obtained by payment of money, and which is not a licensed theatre, at any time when the same is open for the reception of persons resorting thereto, and to take into custody any person found therein without lawful excuse; and every person keeping, using, or knowingly letting any building or part of a building or any place for the purpose aforesaid, or any of them, shall be liable to a penalty not exceeding twenty pounds; and every person performing or being therein without lawful excuse shall be liable to a penalty not exceeding forty shillings; and the burden of proving that any such place is a licensed theatre shall be upon the person keeping the same.

Penalties on brothel keepers, &c.

**307.** If any person keeps or acts or assists in the management of any brothel or other disorderly house, room, or other place, he shall be liable on every conviction for such offence to a penalty not exceeding ten pounds, or, in the discretion of the justice before whom he is convicted, to be imprisoned, with or without hard labour, for any term not exceeding one month.

As to Brokers, &c.

Brokers to be licensed.

**308.** After the expiration of one month after the passing of this Act no person shall carry on the business of a broker or dealer in second-hand goods or articles or marine stores, unless such person shall have obtained a licence from the Corporation authorizing him to carry on such business, which licence the Corporation shall have the power of granting.

Names of brokers to be written in front of the

**309.** Every person who shall be so licensed shall cause to be painted in Roman capital letters six inches at the least in height, and of a proportionate and proper breadth, on the outside of the

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house where the business is carried on.

front of the house or building in which such business shall be carried on, and so that the same shall be at all times plainly and distinctly visible and legible, his Christian name and surname at full length, together with the words "licensed dealer in marine stores," or, as the case may be, "licensed broker;" and such person shall continue such name and words so painted during all the time that he shall continue to carry on the said business upon the same premises.

Brokers to keep books for entering articles purchased.

**310.** Every person so licensed shall correctly enter in a book to be kept by him for that purpose the description and price of all articles purchased or otherwise acquired by him, and the name, address, and occupation of the person offering the same for sale, and in case of neglect or refusal to keep such book or to make such entries, he shall for every such offence be liable to a penalty not exceeding five pounds.

Persons applying for licences to sign a requisition for the same.

**311.** Before any such licence shall be granted a requisition for the same, in such form as the Corporation shall provide, shall be made and signed by the person carrying on or about to carry on the business in respect of which such licence shall be applied for, and in every such requisition there shall be truly specified the Christian name and surname and place of abode of the person applying for such licence, and the place where the business of such person is or is proposed to be carried on.

Licence to be in force for one year.

**312.** Every licence so to be granted shall be signed by the town clerk, and shall be in force for one year from the date thereof.

What shall be specified in the licences.

**313.** There shall be specified in every such licence the true Christian name and surname and place of abode of the person who shall carry on or be about to carry on the business in respect of which such licence shall be granted, and also the name of the street and the number of the house or building in which such business is or is intended to be carried on, and the particular rooms or other parts of such house or building used for the purpose of such business.

Fee on licence.

**314.** For every licence and for every renewal thereof there shall be paid to the Corporation such sum not exceeding five shillings as the Corporation shall direct, and such licences shall be entered in a book to be provided by the Corporation.

Notice to be given of change of abode or of place of business.

**315.** So often as any person named in any such licence shall change his place of abode, or the place of carrying on his business, or shall carry on the same in any other part of the house or building than that mentioned in the licence as used for the purposes thereof, he shall within twenty-four hours next after such change give notice in writing signed by him to the Corporation, specifying in

such notice his new place of abode, or his new house or place of business, or the additional or other part of the house or building used for the purpose of the said business, as the case may be; and such person shall at the same time produce his licence to the proper officer of the Corporation, who shall indorse thereon a memorandum specifying the particulars of such claim.

Penalty on persons carrying on business without licence or changing residence or place of business without licence.

**316.** If any person shall after the expiration of one month from the commencement of this Act carry on the business of a dealer in marine stores, or broker, or dealer in second-hand goods or articles without having obtained a licence for such purpose, or if any person, without having obtained a licence, shall do anything in contravention of the provisions of this Act with respect to persons carrying on such business, or neglect or omit to comply with any of such provisions, he shall be liable to a penalty not exceeding twenty pounds, and a further penalty not exceeding five pounds for every day during which such contravention, neglect, or omission shall continue.

Licences may be suspended or revoked.

**317.** Any such licence may be suspended or revoked by any justice before whom the person named in such licence shall be convicted of any offence which, in the opinion of such justice, shall render it expedient that such licence should be suspended or revoked.

Act not to extend to pawnbrokers.

**318.** Nothing in this Act contained with respect to such brokers or dealers shall be deemed to affect persons carrying on the business of pawnbrokers, and duly licensed for that purpose, or persons who shall occasionally deal in second-hand goods or articles and whose chief or principal occupation or business shall not be the dealing therein.

Corporation may make byelaws for the aforesaid purposes.

**319.** The Corporation may make byelaws for all or any of the aforesaid purposes with respect to such brokers or dealers.

## As to Fire.

Power to provide fire-police stations, &c.

**320.** The Corporation may continue and maintain their fire-police stations and engine houses and other offices and buildings connected with the fire-police establishment, and may from time to time enlarge the same, and purchase by agreement or take at a rent any buildings or lands for fire-police stations, engine houses, and firemen's dwellings and other buildings or lands necessary for fire-police purposes, and with all other proper conveniences, and appropriate for those purposes, and alter and enlarge any buildings or lands for the time being vested in them for the purposes aforesaid, or any of them, and repair and furnish and fit up any such buildings.

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Power to provide fire engines, firemen, &c.

**321.** The Corporation may continue and maintain, and from time to time provide such fire engines, water buckets, pipes, water carts, fire escapes, and other implements for use in case of fire, and such horses for drawing such engines and water carts, and employ such persons as superintendents and firemen on such terms and allow them such wages and such rewards for exertion in case of fire, and make such byelaws for the government of the fire-police establishment of the borough, as they think fit.

Discharged firemen or servants may be turned out of possession of houses.

**322.** Where any fireman or other person discharged from the fire-police establishment continues to occupy any building provided for the purposes of that establishment after one week's notice in writing from the Corporation to quit and deliver up the possession thereof, any justice may on proof of such notice by warrant authorize any constable to enter upon such building and remove such fireman or other person and his family therefrom and deliver the possession thereof to the Corporation, and any constable may proceed according to the warrant.

Power to enter and break open premises in case of fire.

**323.** Any constable of the borough or of the fire police of the borough, or any officer or other person appointed by the Corporation, may enter and if necessary break into any building in the borough being or reasonably supposed to be on fire, or any building or lands adjoining or near thereto, without the consent of any owner or occupier thereof respectively; and may do all such acts and things as he may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

Fire police going out of the borough.

**324.** The Corporation may permit their engines and the implements and apparatus belonging thereto and any part of the fire-police establishment to proceed beyond the borough for the extinguishing of fire happening to property in the neighbourhood; and the owner of such property shall in such case defray the actual expense that may be thereby incurred, and shall also pay to the Corporation a reasonable charge for the use of such engines, implements, and apparatus, and for the attendance of such fire police; and in case of difference between the Corporation and such owner the amount of the said expenses and charge, as well as the propriety of the said engines, implements, and apparatus and fire police having so proceeded as aforesaid for the extinguishing of such fire (if the propriety thereof be disputed), shall be summarily determined by any justice, whose decision shall be final and conclusive on all parties; and the amount awarded by such justice shall be recoverable in like manner as any penalty imposed by this Act is recoverable.

**325.** For the better execution of the provisions of the following Acts; (namely,)

Execution of licensing powers as to gunpowder, petroleum, &c.

"The Gunpowder Act, 1860," and any Act for the time being in force amending the same;

"The Petroleum Acts, 1862, 1868;"

the following provisions shall take effect; (that is to say,)

(1.) Any licence granted under the last-mentioned Acts or any of them may be suspended or revoked when and as the Council think fit;

(2.) Every such licence shall be under the hand of the town clerk:

(3.) For every such licence the Council may charge a fee not exceeding five shillings:

(4.) The powers conferred on the Council by the last-mentioned Acts or any of them, or by this Act in relation thereto, may be executed by a committee of the Council appointed according to the provisions of the Municipal Corporation Acts as modified by this Act.

As to the Acquisition and Sale, &c. of Lands.

Power to take lands.

**326.** Subject and according to the provisions of this Act the Corporation may from time to time enter upon, take, and use such of the lands and waters delineated on the deposited plans and described in the book of reference as they think requisite for the purposes of this Act other than lands belonging or reputed to belong to the Earl of Sefton.

Power to acquire additional lands by agreement.

**327.** The Corporation may from time to time for all or any of the purposes of this Act by agreement purchase any land or any estate, term, or interest therein, or any easement, power, or privilege (not of water) therein, thereunder, thereover, or thereupon, which shall be deemed necessary by the Corporation, and may erect any new building on any land now or by this Act vested in them or hereafter to be so acquired as aforesaid, and take down or alter all or any of the buildings so vested in or to be acquired by them, or any part of the same respectively, and may appropriate all or any part thereof, or of the land which shall have been cleared by the taking down of any such building, for all or any of the purposes of this Act.

Provided always as follows; (that is to say,)

The quantity of land the Corporation may so acquire under the provisions of this section shall not exceed fifty acres for the purposes of a park and ten acres for other purposes.

Consideration for such acquisition.

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

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

Persons under disability may exchange and lease, &c.

**329.** The person by "The Lands Clauses Consolidation Act, 1845," empowered to sell and convey or release lands may grant any such easement, power, or privilege as aforesaid, and the provisions of the said Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," except with respect to the purchase and taking of lands otherwise than by agreement, shall extend and apply to any such easement, power, or privilege.

Limitation of time for compulsory purchase of land.

**330.** The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of five years from the commencement of this Act.

Power to grant building leases of lands near streets, &c.

**331.** If any lands acquired by the Corporation for the purposes of this Act be not so used the Corporation when and as they think fit may convey or demise for any term of years such lands or any parts thereof to any persons agreeing to erect thereon or any parts thereof erections or buildings of such rate or class of buildings, and upon such plan and elevation, and of such height and with such storys, and with such yards or gardens as the Corporation think proper; and the Corporation may (if they think fit) take any fine for such conveyance or lease, and may (if they think fit) reserve any rent in any such conveyance or lease; and every such conveyance or lease shall contain a covenant for the payment of any rent thereby reserved and such other covenants on the part of the grantee or lessee as the Corporation think reasonable, and a clause in the nature of a condition of re-entry on nonpayment of any rent thereby reserved, or nonperformance of the covenants on the part of the grantee or lessee therein contained.

Power to make agreements as to building leases.

**332.** The Corporation may if they think fit from time to time enter into any agreement for such a conveyance or lease on such terms and conditions as they think fit; and on making a conveyance or lease in pursuance thereof may alter the amount of the rent agreed to be reserved, and may apportion the same and make separate leases of any parts of the lands comprised in the agreement as they think fit, and may alter or rescind any such agreement; and the Corporation may accept the reconveyance or surrender of any lease for the purpose of making separate leases of the same lands in parcels at apportioned rents, or another lease of the same lands under different covenants, or otherwise in all respects as they think fit.

Sale of lands subject to building leases.

**333.** The Corporation as and when they think fit, and either before or after any such conveyance or lease is granted, may sell and dispose of any rent reserved or agreed to be reserved for any such

lands, and the reversion and inheritance in fee simple in possession (subject to any such lease or agreement of or concerning the lands) of such erections and buildings, except such as have been otherwise disposed of under this Act, either altogether or in parcels by public auction or by private contract, for such price as the Corporation think reasonable, and subject to such stipulations and provisions for the enjoyment thereof, and as to the nature of the erections and buildings which are to be at all times erected thereon, and to such stipulations as to the title to be produced to the hereditaments sold, as the Corporation think fit; and the Corporation shall at the request and expense of each purchaser, on payment of his purchase money, by deed convey and assure the lands purchased by him, with the erections and buildings thereon and the appurtenants, to the purchaser, his heirs and assigns, or as he directs, free from incumbrances, except the building lease, or agreement of or concerning the same made under this Act.

Power to sell without previous grant of building leases.

**334.** The Corporation, if they think it expedient, may from time to time sell and dispose of in manner herein-before directed any such lands as aforesaid without having previously made or agreed to make any lease thereof, and convey and assure the same to the purchaser thereof for such price, and upon, under, and subject to such covenants and agreements on the part of the purchaser with respect to the rate or class of the erections and buildings to be erected thereon, and the height, size, and elevations thereof, and the time and manner of erecting the same, and with respect to any other matters, restrictions, and things relating thereto as the Corporation think fit.

Sales to be made within twenty years.

**335.** The Corporation shall before or at any time within twenty years after the completion of the work for the purposes whereof any lands are acquired sell or dispose of and convey such parts of those lands as are not wanted for the purposes of the same work, or of any other work for the time being authorized to be made by the Corporation, but nothing in the present section shall compel the Corporation to sell or dispose of the rents reserved in any such conveyances or leases as aforesaid.

Power to sell, &c. lands not wanted.

**336.** Subject to the other provisions of this Act, the Corporation may from time to time sell, lease, exchange, or otherwise dispose of any building or lands, or any parts thereof, vested in them at the commencement of this Act, or acquired by them under this Act and not wanted for the purposes thereof, and make, execute, and do any deed, act, or thing proper for effectuating any such sale, lease, exchange, or other disposition.

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Lands in certain cases not to be sold without consent of Treasury.

**337.** Except as to land or buildings acquired by the Corporation by virtue of the herein-before recited transfer of the twenty-eighth day of July one thousand eight hundred and sixty-eight, or by virtue of this Act, nothing in this Act shall enable the Corporation to sell, alienate, encumber, or demise, without the approbation of the Commissioners of Her Majesty's Treasury, signified in writing under the hands of any two of them, any buildings or lands which they could not have sold, alienated, incumbered, or demised without such approbation before the commencement of this Act.

## AS TO HIGHWAY RATES, WATER RENT, BOROUGH FUND, AND BOROUGH RATES.

Power to levy highway rate.

**338.** Between the first day of March one thousand eight hundred and sixty-nine and the first day of March one thousand eight hundred and seventy, and once, or if need be oftener, in every year thereafter computed from the first day of March in every year, the Corporation may make, assess, and levy a rate to be called "the highway rate," and the monies raised by such rate shall be carried to a separate account called "the highway account," and be applicable exclusively for carrying this Act into execution with respect to the maintenance, cleansing, and repairs of streets, and for defraying all expenses with respect to highways; provided that in any year the rate shall not exceed two shillings and sixpence in the pound on the yearly rateable value of the property rateable thereto.

Application of water rent.

**339.** All water rent shall be carried to a separate account, to be called "the water account," and be applied by the Corporation to the following purposes and in the following order; (that is to say,)

In discharging the interest from time to time payable by the Corporation first on the principal monies borrowed by the Corporation or by the commissioners under the St. Helens Improvement Act, and secondly, on the principal monies borrowed by the Corporation under this Act for the purposes of waterworks and water supply, and for the time being subsisting:

In paying all sums required by this Act to be provided for the paying off monies borrowed by the commissioners for the purposes of the waterworks:

In discharging the costs, charges, and expenses of and incident to the maintenance and management of the waterworks, and the obtaining and affording of the supply of water:

In paying the yearly sum to be carried to the credit of the depreciation fund:

In repaying any advance from the borough fund to the waterworks account under the provision in that behalf herein-after contained:

The surplus (if any) shall be accumulated until it reach the sum of five hundred pounds:

When and so soon as the surplus shall have accumulated to the sum of five hundred pounds the Corporation shall make a proportionate reduction of the water rents for the next year, and the Corporation shall from time to time so regulate the water rent as that the aggregate amount thereof shall be, as nearly as may be, sufficient for the purposes aforesaid.

Reduction of water rent to be made proportionably.

**340.** Whenever any such reduction as last aforesaid shall be made in the water rent for any year such reduction shall be made to all persons entitled to demand a supply of water for any purpose in a like proportion as nearly as conveniently may be.

Deficiency of funds of waterworks.

**341.** If in any year the amount standing to the credit of the waterworks account be insufficient for the payment of the charges thereon, and the execution of this Act with respect to the waterworks and the water supply, the deficiency shall be made up out of the borough fund by carrying an adequate sum therefrom to the credit of the waterworks account: Provided always, that every sum so carried to the credit of the waterworks account shall be deemed an advance from the borough fund to the waterworks account, and shall be repaid, but without interest, from the waterworks account to the borough fund when and as there is any surplus applicable in that behalf standing to the credit of the waterworks account.

Money payable to borough fund.

**342.** All monies which shall come to the hands of the Corporation under or by virtue of any of the powers or provisions of this Act (except monies payable in respect of highway rates, water rent, or as purchase money of, consideration for, or by way of fine on lands sold, leased, or exchanged, and monies borrowed under or by authority of any Act of Parliament) shall be carried to the credit of the borough fund.

Application of money arising from sales and fines.

**343.** All money paid to the Corporation as purchase money of, consideration for, or by way of fine on lands sold, leased, or exchanged shall be applied by the Corporation in discharging according to their several priorities the principal monies owing by the Corporation on the security of the estates and property of the Corporation (other than the waterworks) and the borough fund, and shall until so applied be invested in the same manner as is directed with respect to the sinking fund by this Act required to be provided by the Corporation; but no such payment shall be reckoned a payment to such sinking fund.

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Application of borough fund.

**344.** The borough fund shall be applied to the following purposes and in the following order; namely,

In discharging the rents payable under the said lease from the water company to the Corporation;

In discharging the interest from time to time payable by the Corporation on the principal monies for the time being subsisting and payable by the Corporation by virtue of any Act of Parliament, not being monies borrowed for the purposes of waterworks or water supply;

In paying all sums required for the formation of any sinking fund not hereby otherwise provided for;

In defraying the costs and expenses of carrying into execution the several purposes of this Act and the Municipal Corporation Acts not hereby otherwise provided for:

and the surplus (if any) shall be applied by the Corporation as they think best for the benefit of the inhabitants or the improvement of the borough.

Separate accounts.

**345.** The Corporation shall keep separate accounts in respect of the following matters; namely,

Highways;

Lighting;

Water;

Gas, if and when the Corporation purchase the undertaking of the gas company.

Apportionment of items.

**346.** In all cases in which the Corporation keep separate accounts for separate purposes they may apportion between those accounts, or carry to either of them, any receipts, credits, payments, and liabilities which from time to time it appears to them ought to be so apportioned or carried.

Power to levy borough rate.

**347.** In case at any time the borough fund is insufficient for the payment of the monies charged upon and payable thereout, the Corporation may annually or oftener raise such a sum as they shall estimate to be sufficient, together with such borough fund, for the payment of such monies, by means of a borough rate.

Provisions as to the levying of rates.

**348.** The Corporation shall make, assess, and levy all rates leviable under the provisions of this Act according and subject to the following provisions; that is to say,

They shall make, assess, and levy every rate upon the occupier of all such kinds of property as by the laws in force for the time being are or may be assessable to any rate for the relief of the poor according to the net annual value of such property:

Every such rate shall be fairly transcribed in a book to be kept for that purpose, and may be in the form given in Schedule (A.) to this Act annexed, or as near thereto as the circumstances of the case will admit:

Every such rate shall be signed by the town clerk:

Notice of every such rate having been made, and of the place where the rate book is deposited for inspection, shall be given by placard posted outside the town hall or office of the Corporation within seven days after the making of the said rate:

It shall in no case be necessary to prove the giving of such notice:

No allowance, publication, or other formality whatever other than is expressly prescribed in this Act shall be requisite to the validity of such rate:

Immediately after the making of any such rate the book in which it is so transcribed shall be deposited for the inspection at all seasonable times of any person rated, and any such person may without payment take copies of or extracts therefrom:

Any person having the custody of any such rate book who shall not permit any such ratepayer as aforesaid to take copies of or extracts from such rate book shall for every such offence be liable to a penalty not exceeding five pounds.

Certain persons to be rated at only one fourth of actual value for purposes of borough rate.

**349.** In every rate levied under this Act other than the highway rate the owner of any tithes or tithes commutation rentcharge, and the occupier of any land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, and the occupier of any land covered with water or used only as a canal or towing-path for the same, or as a railway constructed or used under or by virtue of the powers of any Act of Parliament for public traffic, shall be assessed in respect of the same in the proportion of one fourth only of the net annual rent or value thereof.

Churches, &c. and unoccupied property exempted from rate.

**350.** No chapel, meeting house duly licensed for religious worship, almshouse, hospital, or building exclusively appropriated for the gratuitous education of the poor, nor any property during the time it shall be empty or unoccupied, shall be liable to the payment of any rate.

Limit of borough rate.

**351.** The borough rate shall not in the aggregate exceed in any one year the sum of one shilling in the pound on the yearly rateable value of the property ratetable thereto without the consent of the ratepayers as next herein-after provided.

Power to increase amount of

**352.** If at any time the amount of the borough rate by this Act authorized be insufficient for the purposes thereof the Corporation

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borough rate with consent of rate-payers.

may, with the consent of a majority of the persons liable to be rated thereto, present at a meeting convened for that purpose by the Corporation, increase such rate above the amount by this Act limited, such meeting to be held after fourteen days notice given by the Corporation of their intention to propose an increase in such rate, and of the amount of the proposed increase; provided that no such increase shall be leviable upon the owner or occupier of any coal mine in respect thereof, or upon any person assessable in the proportion of one fourth only of any rate other than the highway rate in respect of his property or the premises occupied by him.

Produce of borough rate to be carried to borough fund.

**353.** All money levied by means of a borough rate shall be paid to the treasurer, and shall be carried to and shall form part of the borough fund, and shall be applied accordingly.

Certain provisions of Municipal Corporation Acts excluded.

**354.** From and after the passing of this Act the provisions of the Municipal Corporation Acts relating to the creation of the borough fund and to the levying of borough rates shall cease to apply to the borough.

Rates may be prospective and retrospective.

**355.** The Corporation may make any rate prospectively in order to raise money to pay charges and expenses to be incurred thereafter, or retrospectively in order to raise money to pay charges and expenses which may have been incurred at any time within six months before the making of the rate, or partly prospectively and partly retrospectively.

Amount of rate may include expenses of recovering same.

**356.** The amount of any rate made by the Corporation under the authority of this Act may, if the Corporation think fit, be such amount as in their judgment will be sufficient to raise or discharge not only the sum in respect of which the rate is made, but also such a sum as will in the judgment of the Corporation meet the expenses, or what in their judgment is a due proportion of the expenses, incurred and to be incurred in and about making and recovering the rate.

Parts of district may be separately assessed.

**357.** The Corporation may from time to time divide their district or any street therein into one or more parts for all or any or either of the purposes of this Act, and make a separate assessment upon any such part for and in respect of all or any of the purposes for which the same is formed; and every such part, so far as relates to the purposes in respect of which such separate assessment is made, shall be exempt from any other assessment under this Act for or in respect of the purpose for which such separate assessment is made: Provided always, that if any expenses are incurred or to be incurred in respect of two or more parts of a district in common, the same shall be apportioned between them in a fair and equitable manner;

provided that if such division be made for the purposes of the highway rate the money raised shall be expended solely in the area assessed.

Owner may be rated instead of occupier in certain cases.

**358.** The owner instead of the occupier may from time to time at the option of the Corporation be rated in the following cases; namely,

(1.) Where the rateable value of the property rated does not exceed the sum of five pounds;

(2.) Where buildings are let in separate apartments;

(3.) Where the rents become payable or are collected at shorter intervals than quarterly:

subject to the following provisions; namely,

(1.) Where the owner is rated instead of the occupier he shall be assessed upon such reduced estimate as the Corporation deem reasonable of the net annual value, not being less than two thirds or more than four fifths thereof:

(2.) Where such reduced estimate is in respect of unoccupied property then such assessment may be made on one half of the amount at which such property would be liable to be rated if the same were occupied and the rate were levied on the occupier.

Provided also, that nothing herein contained shall authorize the Corporation to rate the British Plate Glass Company as owners of the works of the said company at Ravenhead instead of the lessee or lessees, occupier or occupiers, for the time being of the said works.

Owner may be rated without stating his name.

**359.** When the name of any owner liable to be so rated is not after due inquiry known to the officer of the Corporation by whom the rate book is made up, it shall be sufficient to rate such owner in the rate book as the owner of the property to be rated by the designation of "the owner," without stating his name.

Annual value of property rated to be the same as that for poor rate.

**360.** Subject to the provisions of this Act, the net annual value of any property rateable under this Act shall on every occasion of a rate being made be the net annual value thereof as stated in the then next preceding assessment for the relief of the poor within the borough.

Power to Council to inspect parish rate books.

**361.** The Council may cause all or any of the rate books or assessments of rates for the relief of the poor within the borough to be produced before them, and may cause a copy thereof, or of any part thereof, to be taken without payment; and if any person in whose custody or power such books or assessments are fails to attend the Council therewith when required so to do, or to permit the Council to cause a copy thereof or of any part thereof to be taken, he shall

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be liable to a penalty for every such failure not exceeding fifty pounds.

Power to levy rate on unoccupied property which becomes occupied.

**362.** If any rateable property being unoccupied at the time when the rate for the relief of the poor is made becomes occupied, the Corporation may cause a valuation to be made of the annual value thereof, and a rate to be made upon the owner or occupier thereof as though the same property had been included in the then next preceding assessment for the relief of the poor.

Corporation may make fresh rateable valuation of property.

**363.** If at any time the rate for the relief of the poor is in the judgment of the Corporation an unfair criterion by which to make any rates under this Act, they may cause a valuation to be made of all or any part of the rateable property within the borough by some competent person, and any rate under this Act shall as to the property comprised in such valuation be made upon such valuation.

Valuer may enter and examine lands for purposes of valuation.

**364.** For the purpose of such valuation the person appointed by the Corporation for making the same, together with his assistants, may at any time between the hours of nine o'clock in the morning and five o'clock in the afternoon, until such valuation be completed, enter, view, examine, survey, and admeasure all and every part of the property to be valued, and do any act or thing necessary for making such valuation; but any valuation made previously to the appointment of such valuer may, if tendered to him and it be in his opinion a just and true valuation, be used or adopted by him.

Power to amend rates.

**365.** The Corporation may from time to time amend any rates by inserting therein the name of any person who ought to have been rated, or who since the making thereof has become liable to be rated, or by striking out the name of any person who ought not to have been rated, or by increasing or reducing the sum at which any person is rated, or by making such other alterations therein as will make such rate conformable to this Act, and no such alteration shall be held to vitiate the rate or render it less operative, but any person shall have the same right to appeal from any such amendment as he would have had if the matter of amendment had appeared in the rate originally made, and with respect to him the amended rate shall be considered to have been made at the time when he received notice of the amendment, and in the case of any person the amount of whose rate is increased by the amendment, or whose name is newly inserted as aforesaid, the rate shall not be payable by him until seven days after notice of amendment given to him.

Persons aggrieved by inequality of rate may

**366.** If any person thinks himself aggrieved by any rate on the ground of inequality, unfairness, or incorrectness in the valuation of any rateable property included therein, he may at any meeting of the

Council held at any time within six weeks after the publication of the rate, on giving three days notice to the Corporation, apply for relief to the Council, and the Council if they think such person aggrieved may give such relief as to them seems reasonable.

apply to Council.

## As to Recovery of Rates.

Rates may be recovered by action or distress.

**367.** If any person fails to pay to the collector on demand the amount due by him in respect of any rate, the Corporation may recover the amount, with the costs and expenses, by proceeding in any court of competent jurisdiction; or any justice may on the application of the Corporation summon such person to appear before him or any other justice at the time mentioned in the summons to show cause why the rate due from him should not be paid, and in case sufficient cause for the nonpayment of such rate is not shown, the same, with such costs as to the justice seem reasonable, may be levied by distress, and such justice may issue his warrant accordingly: Provided always as follows; namely,

(1.) If sufficient distress cannot be found within the borough whereon to levy the said rate and costs, and it so appears upon oath before a justice of any other jurisdiction in which any goods or chattels of the defaulter may be, the last-mentioned justice shall indorse his signature upon the said warrant, and thereupon the amount to be levied, or so much thereof as is unsatisfied, shall be levied off the last-mentioned goods and chattels as if the defaulter had been assessed in the last-mentioned county or jurisdiction.

Rates due from owner may be recovered from occupier.

**368.** If the amount due by any owner of property in respect of any rate is not paid by him within three months after it becomes due, the Corporation may recover that amount from the occupier for the time being of such property as if he had been originally liable to pay the same.

Rates made for a certain period to be apportioned.

**369.** When any rate is made for a particular period, and the owner or occupier rated ceases to be the owner or occupier of the property in respect whereof he is rated before the end of such period, he shall only be liable to pay the proportion of the rate for the time during which he continued owner or occupier, and if any other person becomes the owner or occupier of the property during any part of such period such person shall only be liable to pay the proportion of the rate for the time during which he holds or occupies the property, and the same may be recovered from him as if he had been originally rated.

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Recovery of rates from persons removing.

**370.** In case any person quits or is about to quit any rated property before he has paid all rates due from him, and fails to pay the same on demand, the collector or any constable may by warrant under the hand of a justice (which warrant any justice is hereby authorized and required to grant without issuing any previous summons to such person, upon proof to his satisfaction of such removal or intended removal, or that there is reason to suspect the same) distrain the goods and chattels of such person, and sell the same, rendering the overplus (if any), after having deducted the reasonable expenses attending such distress and sale together with the rates so due, to the owner of such goods and chattels upon demand.

Discount on rates.

**371.** The Corporation may from time to time if they think fit make an allowance by way of discount not exceeding the rate of ten per cent. on the amount due in respect of rates from every person who pays the same within such time after demand thereof as the Corporation think fit to prescribe in that behalf.

Rate books to be evidence.

**372.** The books of the Corporation shall be received as evidence of rates made by the authority of this Act.

As to borrowing Money.

Power to borrow on mortgage of waterworks and water rent.

**373.** The Corporation may from time to time, in addition to any existing mortgage of the Corporation, borrow at interest on mortgage of the waterworks and water rent any sums not exceeding in the whole thirty thousand pounds, and may mortgage their waterworks and the water rent to secure repayment thereof with interest accordingly.

Application of money borrowed on mortgage of waterworks, &c.

**374.** All monies so to be borrowed by the Corporation on security of the waterworks and water rent shall be applied to the following purposes and in the following order; that is to say,

In paying and discharging such part of the costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, and obtaining and passing of this Act, as the Corporation shall determine:

In constructing the new waterworks authorized by this Act, and in extending and improving the existing waterworks vested in the Corporation, either absolutely or under the said indenture of lease.

Power to borrow money on other securities.

**375.** The Corporation may from time to time, in addition to any existing mortgage debt of the Corporation, borrow at interest on the security of the estates and property of the Corporation other than

the waterworks and the borough fund any sum not exceeding in the whole one hundred thousand pounds, and may mortgage such estates and property and the borough fund to secure repayment thereof with interest accordingly.

Application of money borrowed on other security.

**376.** The money so to be borrowed by the Corporation as last aforesaid shall be applied for the following purposes and in the following order; that is to say,

In discharging the costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, and obtaining the said letters patent, and such part of the costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act, as the Corporation shall determine:

In discharging according to their several priorities the monies due and owing by the local board of Sutton on mortgage or bond:

In discharging all simple contract debts and liabilities of the local boards of Sutton and Parr now outstanding:

In discharging the purchase money payable for the undertaking of the water company:

In discharging the purchase money payable for the undertaking of the gas company:

In carrying into execution the several improvements authorized by this Act.

Limitation of expenditure of money borrowed.

**377.** The sum to be expended by the Corporation in connexion with the following purposes shall not exceed the following sum; namely,

In connexion with new waterworks and improvement of existing waterworks thirty thousand pounds:

In connexion with the purchase of the water and gas undertakings and the several improvements authorized by this Act one hundred thousand pounds.

Protection to lenders from inquiry as to application of money.

**378.** Any person lending money to the Corporation shall not be bound or entitled to inquire as to the observance by them of any provision of this Act, or be bound to see to the application, or be answerable for any loss, misapplication, or non-application of such money or any part thereof.

Money borrowed to be applied for authorized purposes.

**379.** All money borrowed by the Corporation under this Act shall be carried to separate accounts, and shall be applied for the purposes for which it is by this Act expressly authorized to be borrowed.

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Power to reborrow.

**380.** If the Corporation pay off any part of any money borrowed by them under this Act, or by the commissioners under any former Act, and remaining owing on the commencement of this Act, otherwise than by means of a sinking fund, they may reborrow the same, and so from time to time, but nothing herein contained shall enable the Corporation to reborrow any money paid off by means of a sinking fund.

Priorities of existing mortgages of Corporation and local board.

**381.** All mortgages and bonds granted by the Corporation or by the said commissioners in pursuance of the powers of any Act of Parliament, and subsisting at the passing of this Act, shall during the continuance of such mortgages and bonds have priority over any mortgages to be granted by virtue of this Act; and all mortgages and bonds granted by the said local board of Sutton in pursuance of the powers of any Act of Parliament, and subsisting at the passing of this Act, shall have priority next after the mortgages and bonds of the Corporation and commissioners so subsisting at the commencement of this Act, but before those granted by the Corporation under the powers of this Act.

Sinking fund for discharge of monies borrowed by the said commissioners on security of water rates.

**382.** In order to discharge the principal money borrowed by the said commissioners on security of the water rates and charges for water and the waterworks, the Corporation shall every year appropriate and set apart out of the water rent a sum equal to one fortieth part of the sums so borrowed respectively, as a sinking fund to be applied in paying off the respective principal monies so borrowed, and shall from time to time cause such sinking fund to be invested in the purchase of exchequer bills or other Government securities, and to be increased by accumulation in the way of compound interest or otherwise, until the same respectively shall be of sufficient amount to pay the principal debts respectively to which such sinking fund shall be applicable, or some part thereof which the Corporation shall think ought then to be paid off.

Sinking fund for discharge of monies borrowed by the said commissioners on security of other rates.

**383.** In order to discharge the principal monies borrowed by the said commissioners on the credit of the rates to be received by them (other than water rates and charges for water and the waterworks) the Corporation shall every year set apart out of the borough fund one thirtieth part of the sums so borrowed as a sinking fund, to be applied in paying off the respective principal monies so borrowed, and shall from time to time cause such sinking fund to be invested in the purchase of exchequer bills or other Government securities, and to be increased by accumulation in the way of compound interest or otherwise until the same respectively shall be of sufficient amount to pay off the principal debts respectively to which

such sinking fund shall be applicable, or some part thereof which the Corporation shall think ought then to be paid off.

Certain provisions as to repayment o monies borrowed by Commissioners.

**384.** Such of the provisions herein contained with respect to the repayment of money borrowed on mortgages made under this Act as are applicable to the repayment of monies borrowed by the said commissioners shall apply thereto mutatis mutandis.

Regulations as to mortgages.

**385.** With respect to mortgages made under this Act the following provisions shall take effect; namely,

(1.) Every mortgage shall be by deed duly stamped and truly stating the consideration:

(2.) The mortgagees and their respective representatives and assigns shall, in proportion to the sums secured, be creditors on the property mortgaged to them respectively equally one with another, without preference by reason of priority of date or otherwise:

(3.) A register of the mortgages shall be kept by the town clerk, and within fourteen days after the date of each mortgage an entry of the number and date thereof, and the name of the parties thereto, with their additions, shall be made in the register, which may be perused at all reasonable times by any person interested in any mortgage without payment.

Transfers of mortgages.

**386.** With respect to transfers of mortgages made under this Act the following provisions shall take effect; namely,

(1.) Any person entitled to a mortgage may transfer his interest therein to any other person by deed duly stamped and truly stating the consideration:

(2.) Within thirty days after the date of every such deed of transfer it shall be produced to the town clerk, who shall cause an entry thereof to be made in a registry of transfers of mortgages, on payment of a sum not exceeding five shillings; and after such entry every such transfer shall entitle the transferee, his representatives and assigns, to the full benefit of the original mortgage in all respects (including the power of transfer), and any person having made such a transfer shall not have power to release or discharge the mortgage transferred or any money thereby secured.

Repayment of money borrowed on mortgage.

**387.** With respect to the repayment of money borrowed on mortgages made under this Act the following provisions shall take effect; namely,

(1.) The Corporation may if they think proper fix a period for such repayment, and in that case they shall cause such

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period to be inserted in the mortgage, and on the expiration thereof the principal sum with the interest accrued thereon shall on demand be paid to the person entitled to receive the same, and if a place of payment is not inserted in the deed the payment shall be made at the offices of the Corporation:

(2.) If a time is not fixed in the mortgage deed for such repayment the person entitled to receive such money may at any time after the expiration of twelve months from the date of such deed demand payment of the principal money thereby secured, and interest, on giving six months previous notice for that purpose; and in the like case the Corporation may at any time pay off the money borrowed, on giving the like notice, and every such notice shall be in writing or print, or partly in writing and partly in print, and if given by the Corporation shall be given personally to the person entitled as aforesaid, or left at his residence; or if he is unknown to the Corporation, or cannot be found after diligent inquiry, such notice shall be given by advertisement in the "London Gazette:"

(3.) If the Corporation give notice of their intention to pay off any mortgage at a time when the same may be lawfully paid off by them, then, at the expiration of such notice all further interest shall cease to be payable thereon, unless on demand of payment made pursuant to such notice or at any time thereafter the Corporation fail to pay the principal and interest due at the expiration of the notice:

(4.) In order to discharge the principal money borrowed under this Act the Corporation shall every year appropriate out of the borough fund a sum equal to one fortieth part of the sums borrowed for a sinking fund, to be from time to time invested on such security as the Corporation think fit, and to be increased by accumulation in the way of compound interest or otherwise until the same is of sufficient amount to pay off the principal debts, or some part thereof which the Corporation think ought then to be paid off, at which time the same shall be so applied in paying off the same:

(5.) Whenever the Corporation are enabled to pay off one or more of the mortgages payable, but are not able to pay off the whole of the same class, they shall decide by lot the order of payment among that class, and shall cause a notice signed by the town clerk to be given to the persons entitled to the money to be paid off according to such decision, and such notice shall express the principal sum

proposed to be paid off, and that the same will be paid together with the interest due thereon at a place therein named at the expiration of six months from the date of such notice.

Power to mortgagees to obtain a receiver.

**388.** With respect to a receiver the following provisions shall take effect; (namely,)

(1.) If within thirty days after the interest accruing upon any mortgage made under any of the before-mentioned Acts for the improvement of the town of Saint Helens or this Act has become payable, and after demand thereof in writing, the same is not paid, the mortgagee may (without prejudice to his right to sue for the same) require the appointment of a receiver:

(2.) If within six months after the principal money owing upon any such mortgage has become payable, and after demand thereof in writing, the same is not paid, with all interest due in respect thereof, the mortgagee (without prejudice to his right to sue for such principal money and interest) may, if his debt amounts to one tenth of the whole amount for the time being due on mortgages made under this Act alone, or if his debt does not amount to the said one tenth, then in conjunction with other mortgagees whose debts being so in arrear after demand as aforesaid together with his amount to the said one tenth, require the appointment of a receiver:

(3.) Every application for such a receiver shall be made to two justices, who may by order in writing after hearing the parties appoint some person to receive the whole or a competent part of the income producing the fund upon which such mortgage is secured until such interest or until such principal and interest (as the case may be), with all costs (including the charges of receiving the income), be fully paid, and thenceforth all such income, or such part thereof as the justices order, shall be paid to the receiver so appointed, and the money so paid shall be so much money received to the use of the person on whose behalf the receiver is appointed, and after such interest and costs or such principal, interest, and costs have been fully paid the powers of the receiver shall cease.

Accounts open to mortgagees.

**389.** The books of account of the Corporation shall be open at all reasonable times to the inspection of the mortgagees of the Corporation, with liberty to take extracts therefrom without payment.

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As to Execution of Works.

Power to execute works, &c. in default of persons liable.

**390.** Whenever by this Act or any byelaw thereunder, or any notice or order of the Corporation, any work, act, or thing is required to be done by any owner, occupier, or other persons, and default is made therein, or if any such work, act, or thing is improperly or insufficiently done, the Corporation may cause such work, act, or thing to be executed, re-executed, or done (as the case may require); and also whenever any work, act, or thing is by this Act or by any such byelaw, notice, or order as aforesaid prohibited being done, and nevertheless is done, the Corporation may remove, abate, or alter the work, act, or thing so done, and the expenses incurred by the Corporation in any such case shall be repaid to them by the person making default in the execution or doing of, or improperly or insufficiently or unlawfully executing or doing, such work, act, or thing, as the case may be, notwithstanding any penalty may be imposed upon such person by this Act or any such byelaw.

Power to enter and inspect.

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

Penalty on occupiers opposing execution of Act.

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

Occupier in default of owner may execute works, and deduct expenses from his rent.

**393.** Whenever default is made by the owner of any building or lands in the execution of any work by or by virtue of this Act or any byelaw thereunder required to be executed by him, the occupier of such building or lands may, with the approval of the Corporation, cause such work to be executed, and the expense thereof shall be repaid to the occupier by the owner, and the occupier may deduct the amount of such expense out of the rent from time to time becoming due from him to the owner.

AS TO RECOVERY OF NEW STREET AND OTHER EXPENSES.

Recovery of new street expenses from owners and others.

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

Saving for special contracts as to expenses of works.

**395.** Nothing in this Act shall alter the liabilities respecting the payment of any expenses made payable or recoverable by this Act or any byelaw thereunder of any owner and occupier as between themselves under any special contract relative thereto.

Power to allow time for repayment of new street expenses, &c.

**396.** When any new street or other expenses are to be repaid by the owners or occupiers of buildings or lands the Corporation may by resolution allow to the owners or occupiers, or any of them, time for the repayment thereof or any part thereof, and may order the same or any part thereof to be repaid either in one sum or by such instalments as the Corporation think fit, with interest for the principal money from time to time remaining unpaid after such rate as the Corporation determine; but all sums so remaining due, notwithstanding that the Corporation agree so to allow time, shall from time to time at the expiration of the several times allowed be recoverable from the respective owners and occupiers for the time being, both present and future, in succession one after another, as the same would have been recoverable from the original owner or occupier if no such time had been allowed; and with respect to any such instalment the time limited by this Act or otherwise for the recovery of expenses shall be deemed to run only from the time when such instalment becomes due.

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Persons having partial interests may raise expenses by mortgage.

**397.** All owners of buildings or lands being tenants for life only, and all committees of lunatics, and all trustees seised, possessed of, or entitled to any estate or interest either at law or equity in any buildings or lands for or on behalf of any person or charity, may charge such buildings or lands with such sum as may be necessary to defray the whole or any part of any new street or other expenses which the owners of such buildings or lands for the time being are liable to pay, and the expenses of making such charge, and for securing the repayment of such sum with interest may mortgage such buildings or lands to any person advancing such sum.

Sinking fund to be created in that case.

**398.** In every such case every such tenant for life or other the owner of such buildings or lands for the time being and all such committees or trustees shall, out of the rents and profits to arise from such buildings or lands, set apart every year during the period of twenty-one years, to be computed from the date of such mortgage, such annual sum of money as will be sufficient by the accumulation thereof in the way of compound interest after the rate of three pounds per centum per annum during such period to repay at the end of such period of twenty-one years the sum so secured, and shall annually invest the sum set apart in some or one of the parliamentary stocks or public funds of Great Britain, or at interest upon Government or real securities in England or Wales, and annually lay out the income of such investments upon the like investments, so that the said annual sum and investments and the resulting income thereof shall during the aforesaid period of twenty-one years accumulate in the way of compound interest, and at the expiration of the said period the money so accumulated shall be applied by such tenant for life or other the owner of such buildings or lands for the time being, and by all such committees and trustees, in payment of the principal sum so borrowed on mortgage.

Same rules to apply as to works previous to Act.

**399.** With respect to any new street or work begun or executed by the Corporation or the commissioners before the commencement of this Act, the provisions of this Act relative to new street and other expenses shall apply in every such case as if such new street or work was begun after the commencement of this Act, and all notices given and proceedings taken before the commencement of this Act, with a view to the beginning or execution of any such street or work, or to the recovery of the expenses thereof, shall be as effectual to all intents as if the same had been given or taken in accordance with the provisions of this Act, and all such notices and proceedings may after the commencement of this Act be acted on and continued as if they had been given and taken under this Act.

As to Settlement of Disputes touching Compensation, &c. A.D. 1869.

Settlement of disputes as to compensation, &c. not otherwise provided for.

**400.** Where any compensation, damages, costs, charges, or expenses is or are by this Act directed to be paid, and the method of ascertaining the amount thereof is not provided for, such amount shall in case of dispute be ascertained and determined as provided by "The Lands Clauses Consolidation Act, 1845," for settling cases of disputed compensation.

As to Arbitration.

Mode of arbitration.

**401.** For the determining of any question by this Act directed to be referred to arbitration the sections numbered 25 to 37 (both inclusive) of "The Lands Clauses Consolidation Act, 1845" (incorporated with this Act), shall apply.

As to Appeal to Quarter Sessions.

Appeal in cases of summary conviction against orders of justices or against rates.

**402.** In any of the following cases; (namely),

(1.) Where on any summary conviction or adjudication under this Act in respect of an offence punishable by pecuniary penalty, or by imprisonment, the penalty adjudged to be paid (inclusive of any costs) exceeds forty shillings or the term of imprisonment adjudged exceeds one month, or the conviction or adjudication is had before or made by one justice only;

(2.) Where any adjudication under this Act other than such an adjudication as aforesaid, or any order or determination under this Act is made by any justice or justices, or any order or determination is made by the Council;

(3.) Where any rate is made by the Council, but in cases where application for relief is authorized to be made to the Council, then only after such application;

any person who thinks himself aggrieved by any such conviction, adjudication, order, or determination, or by any rate or anything included in or omitted from any rate, may appeal to the next court of quarter sessions holden not less than twenty-one days after the day whereon such conviction, adjudication, order, determination, or rate is made, subject and according to the following provisions; (that is to say,)

(1.) Within seven days after the last-mentioned day, and twelve clear days at least before such sessions, the appellant shall give notice in writing of the appeal and of the matter and ground thereof to the complainant or the party in whose favour the adjudication, order, or determination is made

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or whose interest is immediately affected thereby, as the case may be, and also (in case such appeal be against a rate) to the Council:

(2.) Within three days after giving such notice the appellant shall enter into a recognizance, with two sufficient sureties, before a justice, in such sum as the justice thinks fit, conditioned to try the appeal and abide the judgment of the court thereon, and pay any costs awarded by the court, and in case he is in custody to appear personally at the sessions; or

(3.) Where the appeal is against a conviction imposing only a pecuniary penalty, or against an adjudication for the payment of money, the appellant may deposit with the clerk of the justice before or by whom the conviction or adjudication is had or made such sum of money as the justice thinks sufficient to cover the amount of the penalty or money adjudged to be paid, with the costs of the conviction or adjudication and of the appeal:

(4.) On such notice being given and such recognizance being entered into or such deposit being made the appellant shall be liberated if in custody:

(5.) The court of quarter sessions, on proof of such notice and recognizance or deposit, may in a summary way hear and determine the appeal, or (if they think fit) adjourn the hearing thereof to a subsequent session:

(6.) The court by their order on the appeal may affirm or quash the conviction, adjudication, order, or determination appealed against, or may mitigate any forfeiture or penalty, or may order any money paid or levied to be returned, or may dismiss the appeal, or make such other order therein, with or without costs to either party, as seems just, and may (if necessary) issue process for enforcing their judgment:

(7.) Where any such deposit as aforesaid is made and the conviction or adjudication is affirmed, or the appeal is dismissed, the court may order the amount of the penalty or money adjudged to be paid, together with the costs of the conviction or adjudication and of the appeal, to be paid out of the deposit, and the residue thereof, if any, to be returned to the appellant, and in any other case shall order the deposit to be returned to the appellant:

(8.) Where on appeal a conviction is quashed the proper officer shall forthwith endorse on the conviction a memorandum that it has been so quashed, and whenever any copy or

certificate of such conviction is made a copy of the memorandum shall be added thereto, which shall be sufficient evidence of the conviction having been quashed in all cases where a copy or certificate would be sufficient evidence of the conviction:

(9.) In an appeal against a rate the court by their order may affirm the rate, or may amend the rate, or may give relief to any person rated, by inserting therein or striking out therefrom any name or altering any sum therein without quashing the rate, or may quash the rate and order a new rate to be made, and in any such appeal the court shall have the like power of awarding costs to be paid by or to any party, and of compelling payment thereof as they for the time being have for awarding and compelling payment of costs in an appeal against a rate for the relief of the poor.

Appeal provisions to apply to Corporation.

**403.** The foregoing provision relative to appeal shall extend and apply to the Corporation when they think themselves aggrieved by any such conviction, adjudication, order, or determination as aforesaid under this Act, and shall extend and apply to the Corporation when appellants, save only that it shall not be requisite for the Corporation to enter into any recognizance or make any deposit of money.

## Miscellaneous Provisions touching Legal Proceedings, &c.

Provisions of 11 & 12 Vict. c. 43. applicable to this Act.

**404.** Except as by this Act provided, all the provisions of the Act of the session of the eleventh and twelfth years of Her Majesty (chapter forty-three) "to facilitate the performance of the duties of "the justices of the peace out of sessions within England and Wales "with respect to summary convictions and orders," and of any Act for the time being in force amending or substituted for the same, relating to proceedings for the recovery of penalties by summary conviction, and to appeals against such convictions, and the levying and enforcing of penalties, and all subsequent proceedings which may be taken on nonpayment thereof, or in default of distress, including the commitment to prison of the defaulter, and enforcing payment of sums of money ordered or awarded to be paid by justices, and the costs of such proceedings, shall be applied and put in force in relation to the penalties by this Act imposed.

Power to order prosecutions, &c.

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

Punishment of abettors, &c.

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

Penalties on repetition of offences.

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

Proceedings when offender refuses to state his name.

**408.** If any person charged with any offence against this Act or any byelaw thereunder refuses 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 by the description of his person and of the offence committed, without stating his name, or if one only of his names is known all such necessary proceedings may be had and carried on against him by such name only.

Evidence of previous conviction.

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

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

**410.** Where any damages or charges are directed or authorized to be paid or recovered in addition to any penalty for any offence in this Act mentioned, the amount of such damages or charges in case of dispute respecting the same may be settled and determined by the justice before whom any offender is convicted, and may be levied by distress.

Saving for indictments, &c.

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

Application of penalties.

**412.** The justice or justices by whom any penalty is imposed under this Act, or any other Act in force within the borough, and

whether the penalty is for any damage to the Corporation or not, shall, except where such penalty is imposed on the Corporation, award the whole thereof to be paid to the Corporation. A.D. 1869.

Application of penalties inflicted on Corporation.

**413.** Where any penalty or forfeiture is inflicted on the Corporation the amount thereof shall (except where otherwise provided or ordered by the] justice or justices before whom the same is recovered) be paid to the overseers of the poor of the township in which the offence is committed for which the penalty is inflicted or in which the forfeiture arises.

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

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

Proceedings not to be quashed for want of form or removed by certiorari.

**415.** Any order, verdict, rate, assessment, judgment, conviction, or any proceeding touching or concerning any offence against this Act or against any byelaw thereunder shall not be quashed or vacated for want of form only, or be removable by certiorari or otherwise into any of the superior courts.

Justices, &c. not disqualified from acting.

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

Penalty on occupier refusing to give name of owner.

**417.** If on request made on behalf of the Corporation the occupier of any property refuses or wilfully omits to disclose or wilfully misstates the name of the owner of such property, any justice may summon such occupier to appear at the time and place mentioned in such summons before such justice, or before some other justice, and if such occupier refuses or neglects to attend at the time and place mentioned in the summons, or if he attends and does not show good cause or excuse to the justice for his refusal, omission, or misstatement, such justice may, on proof (in case of the neglect or refusal to attend as aforesaid) of the due service of the summons or on such attendance, impose a penalty upon such occupier not exceeding five pounds.

Regulations as to distress.

**418.** With respect to distress the following provisions shall take effect; (namely,)

(1.) Any number of names and sums may be included in any warrant of distress obtained by the Corporation for any of the purposes of this Act, and may be stated either in the body of the warrant or in a schedule thereto:

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(2.) Any justice who issues a warrant of distress may order that the costs of the proceedings for the recovery of the sum or sums for which the distress is ordered be paid by the person or persons liable to pay such sum or sums, and such costs shall be ascertained, and where there are more persons than one shall be apportioned by the justice, and shall be included in the warrant of distress for the recovery of such sum or sums:

(3.) Every constable shall upon being required by a collector or other officer of the Corporation aid in making a distress or sale pursuant to any such warrant, and in default of so doing shall be liable to a penalty not exceeding five pounds:

(4.) Any distress under this Act shall not be deemed unlawful, nor shall the party making the same be deemed a trespasser, on the ground of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser ab initio on account of any subsequent irregularity in the prosecuting of such distress.

Plaintiff not to recover without notice or after tender of amends.

**419.** A plaintiff shall not recover in any action to be commenced against the Corporation or any officer of the Corporation or other person aiding or assisting them or him for anything done or intended to be done in pursuance or under the authority of this Act, if tender of sufficient amends has been made to him or to his attorney by or on behalf of the defendant before the commencing of such action; and in case no such tender has been made the defendant in any such action may, by leave of the court after action brought at any time before issue joined, pay into court such sum of money as he thinks fit; whereupon such proceeding, order, and judgment shall be had, made, and given in and by such court as in actions where the defendant is allowed to pay money into court.

Proof of debt in bankruptcy.

**420.** If any person against whom the Corporation have any claim or demand becomes bankrupt, the town clerk in all proceedings in relation to the estate of such bankrupt may represent the Corporation, and act in their behalf in all respects as if such claim or demand had been the claim or demand of the town clerk and not of the Corporation.

### General Provisions as to Byelaws.

Regulations as to byelaws.

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

(1.) Nothing in this Act shall authorize the Corporation to make any byelaw repugnant to law or to this Act:

(2.) All byelaws shall be reduced into writing and be under the common seal of the Corporation:

(3.) The Corporation may by any byelaw impose penalties for offences against the same, not exceeding in respect of any offence five pounds, so that all byelaws be so framed as to allow of part only of the maximum penalty being inflicted:

(4.) Penalties under byelaws shall be recoverable as penalties under this Act are recoverable:

(5.) Any byelaw shall not take effect until it is allowed by one of Her Majesty's Principal Secretaries of State (who may allow or disallow the same as he thinks proper); and any such byelaw shall not be allowed unless notice of intention to apply for allowance of the same is given by placards posted outside the town hall, and a notice of such intention is left at one of the stations within the borough of the London and North-western Railway Company not less than one month before the making of such application, and for one month at least before such application a copy of the proposed byelaw shall be kept at the office of the town clerk and be open during office hours thereat to the inspection of the ratepayers of the borough without payment, and the town clerk shall furnish a copy thereof or of any part thereof to every ratepayer applying for the same on payment of sixpence for every hundred words in such copy; or if the proposed byelaw has been printed by the Corporation, then at such reasonable price not exceeding twopence for each copy as the Corporation direct:

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

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

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

Existing byelaws continued for a time.

**422.** Any byelaws made under any enactment repealed or discontinued by this Act shall remain in force until repealed by any byelaw made under this Act, but no longer.

AS TO NOTICES AND THEIR SERVICE.

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

**423.** Any notice, order, resolution, declaration, requisition, demand, or other instrument made, given, delivered, or served under this or any other Act or any byelaw by the Corporation may be either in print or in writing, or partly in print and partly in writing, and shall be sufficiently authenticated by the name of the town clerk or of the surveyor or other proper officer, according to the subject of the particular document, being affixed thereto in print or writing on behalf of the Corporation; and it shall be sufficient in all cases where any such notice, order, resolution, declaration, requisition, demand, or other instrument is required to be given to or served upon the owner or occupier of any property to address such notice, order, resolution, declaration, requisition, demand, or other instrument to such owner or occupier by his description as owner or occupier (as the case may be) of the property (naming it) in respect of which the notice, order, resolution, declaration, requisition, demand, or other instrument is given or served, without further name or description; and any such notice, order, resolution, declaration, requisition, demand, or other instrument may be served upon any owner, occupier, or other person either personally or by sending the same through the post in a registered letter addressed to him by name at his last known place of abode or business, or by delivering the same to some inmate at his last known or usual place of abode or business, or in case of an occupier to any inmate of the building in respect of which such notice, order, resolution, declaration, requisition, demand, or instrument is given or served; or if the building is unoccupied, and the place of abode of the person to be served is after due inquiry unknown, it shall be sufficient to affix such notice, order, resolution, declaration, requisition, demand, or instrument, or a copy thereof, upon some conspicuous part of such building.

Service of notice upon Corporation.

**424.** Any notice to or demand on the Corporation under this Act may be served on the Corporation by being delivered to the town clerk, or by being sent through the post in a registered letter directed

to the town clerk, in which latter case service shall be deemed to be effected on the Corporation on the day on which such letter would be delivered in the ordinary course of post.

As to continuing and appointing of Officers, &c.

Continuance of and power to appoint officers and servants.

**425.** All the officers and servants of the Corporation in office at the passing of this Act shall continue to be the officers and servants of the Corporation according to the nature and tenure of their appointments and employments respectively; and the Corporation may from time to time appoint such officers and servants for the execution of this Act, and take such security for the performance of their duties, as the Corporation think proper (including, if the Corporation think fit, in lieu of or in addition to any other security the security of any guarantee society established by charter or Act of Parliament, with power to the Corporation if they think fit to pay any premium or other money requisite for keeping up such security), and the Corporation may from time to time remove or suspend any of such officers and servants as the Corporation see occasion, and pay and make such salaries, wages, and other allowances to them and to any person assisting the Corporation in the execution of this Act as the Corporation think reasonable; and, mutatis mutandis, all such officers and servants shall be accountable to the Corporation, and the Corporation shall have the like remedies against them in relation to accounts, vouchers, bills, payments, books, papers, and writings, as if they had been appointed by virtue and for the purposes of the Municipal Corporation Acts.

Penalty on officer or servant taking unauthorized fees.

**426.** If any such officer or servant demands or takes on account of anything done by virtue of his office, or for forbearing to do anything that ought to be so done, or on any other account relative to his duty, any fee or reward whatsoever other than the salary or allowance allowed by the Corporation, or is in anywise concerned or interested in any bargain or contract made by the Corporation, he shall be liable to a penalty not exceeding fifty pounds.

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

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

A.D. 1869.

Power to grant retiring pensions to officers, &c. of Corporation.

**428.** Upon any officer or servant of the Corporation retiring from his office, service, or duty in consequence of an accident, or after ten years service, the Corporation may, if and during such term as they may think fit, grant by way of pension to such officer or servant any annual sum not exceeding two thirds of the salary enjoyed by him at the time of such retirement.

## Miscellaneous.

Extent to which occupier liable in default of owner.

**429.** Where under the provisions of this Act any money is in default of payment thereof by the owner of any building or lands recoverable from the occupier thereof, the occupier shall be liable from time to time to the extent of the amount of the rent for the time being due from him to such owner, or of the proportion of rent in respect of any current period (the burden of proving which amount shall be on the occupier), but only as from the service on the occupier of a demand of payment of rent to the Corporation and notice not to pay the same to the owner, and every such occupier shall be entitled to deduct any money paid by him (together with all costs, charges, and expenses incurred by him in respect of the payment thereof to the Corporation, or in respect of the recovery thereof by the Corporation,) out of the rent due or becoming due from him to such owner.

Persons are not to vote in Council in respect of any matters wherein they are interested.

**430.** No person, being the owner or occupier of any house within or adjoining or within fifty yards from any street, or being the owner of any chief or other rent issuing out of any such house, shall vote at any meeting of the Council touching the declaring of such street to be a highway, or touching the first paving, repairing, or sewering of such street, or any part thereof; and no person shall vote at any meeting of the Council touching the sale, purchase, or exchange of any land or thing in which he has any interest other than his interest in common with the other members of the Council or in common with the ratepayers at large.

Corporation may make compensation for accidental damage.

**431.** In all cases where either from accident or failure of works under the control of the Corporation damage or loss is occasioned to any person, the Corporation may where they think fit make such reasonable compensation as to them seems just for such damage and loss, although such compensation may not be recoverable at law against them.

Demand of payment by Corporation or their officers.

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

Forms in schedule authorized.

**433.** The forms given in Schedule (A.) of this Act may be used for or in respect of the purposes therein indicated, with such variations and additions as circumstances may require.

Accounts of receipts, &c.

**434.** The provisions of the Municipal Corporation Acts relative to the keeping of accounts and to the accounts kept of sums of money received and paid under those Acts, and to the auditing thereof, shall extend and apply to the keeping of accounts and to the accounts kept of sums of money received and paid under this Act and to the auditing thereof.

As to works affecting railway of London and North-western Railway Company.

**435.** Any works to be constructed by the Corporation under the powers of this Act in any way affecting the railway of the London and North-western Railway Company or its bridges or works shall be done under the superintendence and to the reasonable satisfaction of and according to plans to be reasonably approved by the principal engineer for the time being of that company, but in all things at the expense of the Corporation; and in case of any difference arising touching the mode of executing any such works the same shall be determined by a referee appointed by the Board of Trade on the application of either party, and all such works shall be so executed as to cause no injury to any such railway, bridges, or works, nor impede or obstruct the passage or conduct of traffic over any such railway, and if any such railway, bridges, or works shall be injured thereby the Corporation shall make full compensation to that company, to be recovered in any court of competent jurisdiction, with full costs.

Maintenance of such works.

**436.** All the works of the Corporation across or in any way affecting the said railway and canal or the respective works thereof shall be kept by the Corporation in good repair to the reasonable satisfaction of the engineer of the said railway company; and if for seven days after notice in writing from the said company to the Corporation of any of such works being out of repair the Corporation do not commence and with reasonable despatch complete such repairs, the company may execute such repairs, and if necessary enter on the lands of the Corporation for that purpose, and may recover the charges and expenses thereof against them with full costs.

Reference of difference to arbitration.

**437.** If any difference arise between the engineers of the Corporation and the London and North-western Railway Company with respect to any of the aforesaid matters, such difference shall be referred to the arbitration of an engineer to be appointed by the two engineers, or if they cannot agree by the Board of Trade on the application of the Corporation or the company.

A.D. 1869.

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

**438.** The Corporation shall not, without the consent of the London and North-western Railway Company in writing under their common seal, purchase, take, enter upon, or use either temporarily or permanently any lands or works belonging to that company, or which they have power to take, or any estate, right, easement, privilege, or authority in, over, or upon any such lands or works, or alter, vary, or interfere with their said railway and canal or any of the works thereof respectively, except that the company shall grant to the Corporation such easements respectively as may be necessary for the purposes of this Act, the Corporation paying for such easements only in cases where they are granted in respect of land not in the continuous line of a street, and in such case paying such sum as may be agreed upon, and in case of difference between the parties as to the amount of such sum such difference shall be referred to arbitration.

In case of injury to railway or canal Corporation to make compensation.

**439.** If by reason of any of the works or proceedings of the Corporation or the failure of such works the said railway or canal or any of the works thereof respectively shall be injured or damaged, or the water from the said canal shall be drawn off or escape, all injury or damage occasioned thereby shall be forthwith made good by the Corporation at their expense, or in the event of their failing to do so then the London and North-western Railway Company may make good the same, and recover the expense thereof with full costs against the Corporation; and if any interruption shall be occasioned to the traffic of the said railway or of the said canal by reason of any of the operations or the failure of any of the works of the Corporation, they shall immediately thereupon pay to the company all the costs and expenses to which the company may be put, as well as full compensation for the loss and inconvenience sustained by the company by reason of any such interruption, or loss, or diminution of water, such costs and expenses and compensation to be recovered against the Corporation with full costs.

Railway and canal not to be obstructed.

**440.** The Corporation shall not in any manner obstruct, hinder, or interfere with the free, uninterrupted, and safe user of the said railway and canal.

Saving rights of Her Majesty.

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

Saving rights of London and

**442.** Except as by this Act expressly provided this Act or anything therein shall not take away, lessen, prejudice, or alter any of

the estates, rights, privileges, powers, or authorities of the London and North-western Railway Company, or of the Saint Helens Waterworks Company under the said Act of the sixth year of Her present Majesty for better supplying with water the town of Saint Helens; or of the Saint Helens Gas Company under the said Act of the thirteenth year of Her present Majesty relative to that company, or of the lord of the manor of Windle, or of the lord of the manor of the hamlet of Hardshaw, or of the lord of the manor of Sutton, or of the lord of the manor of Eccleston; or prejudice, diminish, or affect any of the rights of the mayor, aldermen, and burgesses of the borough of Liverpool.

North-western Railway Company, water company, gas company, &c.

**443.** Nothing in this Act contained shall in any way affect or vary the rights or liabilities as between themselves with respect to the payment of any rates, taxes, charges, assessments, impositions, contributions, or expenses payable or recoverable under this Act or otherwise of the British Plate Glass Company or their assignees, and the tenants or occupiers of any property of the said company under any lease or agreement subsisting at the time of the passing of this Act, or their executors, administrators, or assigns, but such rights and liabilities shall in all respects continue and remain in force according to the tenure of the provisions and covenants of such lease or agreement notwithstanding anything herein contained.

Saving rights of British Plate Glass Company.

**444.** That in the event of the waters or springs of water heretofore enjoyed by the British Plate Glass Company being in anywise interfered with or injuriously affected by the exercise of any of the powers of "The Saint Helens Improvement Act, 1855," which have been heretofore exercised, or of this Act, the British Plate Glass Company shall be entitled to compensation for the same, the amount thereof to be settled in case of any difference by arbitration in the manner provided by "The Lands Clauses Consolidation Act, 1845."

Further saving rights of British Plate Glass Company.

**445.** After the expiration of two months from the passing of this Act the Corporation shall always keep in the office of the town clerk a copy of this Act, printed by the printers to Her Majesty or some of them, with an index thereto, and permit all inhabitants of the borough and all other persons interested to inspect the same and make extracts or copies therefrom between the hours of ten and four every day except Sundays and holidays; and the Corporation shall also at the request of any such inhabitant or person as aforesaid sell to him at the said office a copy of this Act for a sum not exceeding the price charged for the same by the said printers; and if the Corporation shall fail to comply with any of the require-

As to inspection, copies, and sale of special Act, as printed by Queen's printers.

A.D. 1869.

ments of this section they shall forfeit for every such offence a sum not exceeding five pounds.

Expenses of Act.

**446.** All the costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be borne by the Corporation, and shall be paid by them out of the monies borrowed under the powers of this Act.

# The SCHEDULES referred to in the foregoing Act.

## SCHEDULE (A.)

### No. 1.

### Form of Order for Sewering, Paving, &c.

Saint Helens Improvement Act, 1869.

[ ] day of [ ] 18 .

It is resolved and ordered by the Council of the borough of St. Helens that on or before the day of 18 , the following streets [*A.* Street] [*B.* Street] *be freed from obstruction, sewered, drained, levelled, flagged, paved [*or* macadamized], and otherwise completed* at such levels, with such inclinations, and with such sewers and drains of such dimensions as are shown on the plans and sections deposited in the office of the borough surveyor, and with the materials and in the manner herein-after specified; namely,

[*Here specify nature of materials, &c.*]

[*J.P.*] Town clerk.

* *If the order is for sewering, draining, and levelling only, omit the words between the asterisks * *, and insert instead thereof the following, namely,* "be sewered, drained, and levelled."

### No. 2.

### Form of Notice for Execution of Works, &c.

Saint Helens Improvement Act, 1869.

The Corporation of the borough of Saint Helens hereby give you notice that you are ordered and required, on or before the day of 18 ,* to execute and do the works and things hereunder specified.

Dated this day of

*A.B.*, Borough surveyor.

To *X.Y.*, of

[*Here specify the works, &c. required.*]

* *Insert here, where the nature of the notice so requires,* "not later than the hour of [ ] o'clock in the [fore]noon."

A.D. 1869.

No. 10.

FORM OF WARRANT OF DISTRESS FOR RECOVERY OF WATER RENTS, BOROUGH RATES, &c.

Borough of St. Helens (to wit).

To the mayor, aldermen, and burgesses of the borough of St. Helens in the county palatine of Lancaster [and to their collectors of water rents, or borough rates, or highway rates, or watch rates, *as the case may be*], and to the constables [of the said borough *or*] of the county of Lancaster.

These are in Her Majesty's name to command you to levy the sum of by distress of the goods and chattels of *A.B.*, of , and if the same is not paid within the space of days next after such distress by you taken, together with the reasonable charges of taking or keeping the same, that then you do sell the goods and chattels by you distrained, and out of the money arising out of such sale, that you do detain the said sum, and also your reasonable charges of taking, keeping, and selling the said distress, rendering to the said *A.B.* the overplus on demand; and if sufficient distress cannot be found of the goods and chattels of the said *A.B.* whereon to levy the said sum that then you do certify the same to me, together with this warrant, to the end that such further proceedings may be had thereon as to the law doth appertain.

Given under my hand and seal, the day of one thousand eight hundred and .

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No. 11.

FORM OF MORTGAGE.

St. Helens Improvement Act, 1869.

Mortgage, No. pounds.

By virtue of the above-mentioned Act the mayor, aldermen, and burgesses of the borough of St. Helens, in consideration of pounds paid to them by *A.B.*, of , grant to him, his executors, administrators, and assigns, the water rents and waterworks, or the corporate estates other than the waterworks, and the borough fund of the borough, to hold until the said sum of pounds be repaid to him or them, with interest at the yearly rate of pounds in the hundred, by equal half-yearly payments, on the day of and the day of in every year from the day of the date hereof [the principal to be repaid on the day of ], at the option of either party, and all payments to be made at the office in St. Helens of the treasurer of that borough.

Given under the seal of the mayor, aldermen, and burgesses, this day of one thousand eight hundred and .

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No. 12. A.D. 1869.

FORM OF TRANSFER OF MORTGAGE.

Saint Helens Improvement Act, 1869.

I, *A.B.*, of , in consideration of pounds paid to me by *C.D.*, of , transfer to him, his executors, administrators, and assigns, the mortgage No. , of the water rent and waterworks or corporate estates other than the waterworks and borough fund of the borough of Saint Helens, for pounds and interest, at the yearly rent of pounds in the hundred, granted on the day of by the mayor, aldermen, and burgesses of that borough [*if the transfer be by endorsement*, the within written security], and all my right and interest in and under the same.

As witness my hand and seal this day of one thousand eight hundred and

## SCHEDULE (B.)

MARKET TOLLS PAYABLE.

For every covered or uncovered shed, stall, bulk, block, trestle, handcart, standing place or station used by any person for exposing to sale flesh meat, cheese, bacon, pickled pork, fish, or any other live or dead victuals, vegetables, fruit, glass, earthenware, or other goods, article, commodity, or thing whatsoever (except as herein otherwise specifically charged), the following tolls per day shall be taken:

Not exceeding six feet by five feet, sixpence;
Not exceeding nine feet by five feet, ninepence;
Not exceeding twelve feet by five feet, one shilling;
And for every additional three feet of length for stations only, one penny halfpenny in addition.
On uncovered stalls the same excess of tolls for an increase of width beyond five feet as in the case of covered stalls.

CARTS.

For every cart having more than two wheels used by any person for exposing or in which shall be exposed for sale any article, commodity, or thing, one shilling and ninepence per day;

For every other cart used for the like purpose, the following tolls per day; that is to say,

If drawn by one horse or mule, ninepence;
If drawn by two horses or mules, one shilling;
If drawn by one ass, sixpence;
If drawn by two asses, ninepence.

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### Butter.

For every basket, parcel, or quantity of butter not exceeding twelve pounds weight, one penny per day;

For each additional six pounds weight, one penny per day.

### Poultry and Pigs.

For poultry, including fowls, chickens, and ducks, wild fowls, pigeons, and rabbits; (videlicet),

Not exceeding three couple, one penny per day;

For each additional three couple, one penny per day;

For every turkey, goose, hog, or pig, one penny per day.

### Eggs.

For every basket, parcel, or quantity of eggs, under two dozen, one halfpenny;

For each additional dozen or part of a dozen, one halfpenny.

### Weighing and Measuring.

For weighing every piece of meat or thing weighing not more than twenty pounds avoirdupois, one halfpenny;

For weighing every piece of meat or thing weighing more than twenty pounds and not exceeding one hundred pounds, one penny;

And so in proportion for any greater or smaller quantity than one hundred pounds weight over and above one hundred pounds weight.

For measuring any quantity of goods and things sold by measure not exceeding one bushel, one halfpenny;

For measuring every quantity more than a bushel and not exceeding two bushels, one penny;

And for every bushel beyond two bushels, one halfpenny.

### Weighing Machines.

For weighing any cart, waggon, or other carriage not exceeding one ton, threepence.

And so in proportion for any greater or smaller weight than one ton.

### General Tolls.

For every basket, hamper, parcel, or quantity of any other goods, commodity, article, or thing exposed or offered for sale there not before specifically charged or enumerated or falling within any of the preceding heads; (that is to say,)

Not containing more than one bushel, one penny;

Every additional half bushel, one halfpenny.

## SCHEDULE (C.)



TOLLS TO BE TAKEN FOR THE USE OF SLAUGHTER-HOUSE.

| | *s.* | *d.* |
|---|---|---|
| For every bull, or cow, or bullock the sum of - - - | 1 | 0 |
| For every calf the sum of - - - - - | 0 | 6 |
| For every sheep or lamb the sum of - - - - | 0 | 3 |
| For every head of swine the sum of - - - - | 0 | 4 |
| For every other beast the sum of - - - - | 1 | 0 |

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1869.