



ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

Cap. xcii.

An Act for altering, amending, consolidating, and enlarging the Provisions of certain Acts relating to the Regulation of Buildings in the Borough of *Liverpool*. [29th July 1839.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better Regulation of Buildings in the Town of Liverpool in the County Palatine of Lancaster, and for authorizing the making of Bye Laws, Rules, and Regulations for Vessels frequenting the Docks, Basins, and Quays belonging to the Corporation there*: And whereas an Act was passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for altering, amending, and extending the Powers and Provisions of an Act of the Sixth Year of His late Majesty King George the Fourth, for the Regulation of Buildings in the Town of Liverpool, and for the other Purposes therein mentioned; and for granting further and additional Powers for the Improvement and Regulation of the said Town, and the Preservation of Property therein from Fires and otherwise*:

[Local.] 6 G. 4. c. 75.
5 & 6 W. 4. c. 54.
And

7 W. 4. &
1 Vict. c. 98.

Recited Acts
in part re-
pealed.

And whereas an Act was passed in the First Year of the Reign of Her present Majesty, intituled *An Act for altering, amending, improving, and extending the Provisions of certain Acts of Parliament relating to the Town of Liverpool in the County Palatine of Lancaster*, whereby the said Acts of the Sixth Year of the Reign of King *George* the Fourth and Fifth and Sixth Years of the Reign of King *William* the Fourth were extended to the whole of the present Municipal Borough of *Liverpool*: And whereas the Provisions of the said recited Acts relating to the Regulation of Buildings have been found to be in some respects inexpedient, and in other Instances insufficient for the Purposes thereby intended: And whereas it would tend to the general Benefit of the Inhabitants of the said Borough, and prevent great Inconvenience to Architects, Builders, and others employed in erecting Buildings therein, if the Provisions and Regulations contained in the said recited Acts relating to Buildings were repealed, and other Regulations and Provisions were enacted and made in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Sixth Year of the Reign of King *George* the Fourth, (except so much thereof as relates to the authorizing the making of Bye Laws, Rules, and Regulations for Vessels frequenting the Docks, Basins, and Quays belonging to the Corporation there,) and also so much of the said recited Act of the Fifth and Sixth Years of the Reign of King *William* the Fourth as relates to the Regulation of Buildings in the Town of *Liverpool*, (which Provisions are comprised in the Second and following Sections of the same Act up to the Twenty-sixth Section inclusive, with the Schedules (A.) and (B.) therein referred to,) and also so much of the said recited Act of the First Year of Her present Majesty as relates to amending the Power of the Council to appoint Building Surveyors, the empowering the Corporation to take down such Buildings as shall be presented as Nuisances, the relieving in certain Cases the Owners of Sheds or Buildings roofed with Boards from Penalties for having Fire therein, the requiring Persons taking down and repairing Buildings to set up a sufficient Fence with Platforms for Foot Passengers, and a Light during the Night, and the requiring Persons to place a Light and sufficient Fence when through Necessity Materials are laid or any Opening made in the Streets, and to prevent the casting of Slates or other Things from the Roof of Buildings, and for imposing Penalties in Cases of Neglect of these Provisions, which Enactments are comprised in the Eighth, Ninth, Twentieth, Eighty-sixth, Eighty-seventh, and Eighty-eighth Sections of the same Act, shall from and after the First Day of *August* One thousand eight hundred and thirty-nine be and the same are hereby repealed, except as to any Building, Erections, or Alterations, Matters or Things, made or done before or upon the said First Day of *August* One thousand eight hundred and thirty-nine, and any Offences committed before or upon the same Day, all which Buildings, Erections, and Alterations, Matters and Things, and Offences, shall be dealt and proceeded with and the Offences punished as if this Act

Act had not been passed, save only so far as herein-after is expressly provided concerning the same.

II. And be it enacted, That it shall be lawful for the Council of the Borough of *Liverpool* to nominate and appoint so many fit and proper Persons (not being Surveyors of the Mayor, Aldermen, and Burgesses of *Liverpool*) as they the said Council shall think fit to be Surveyors of Buildings in the said Borough, and to see that the several Provisions and Regulations of this Act are well and truly observed in and throughout the said Borough; and each of the said Surveyors so to be appointed shall have in his special Charge such District of the said Borough as the Council shall in that Behalf appoint; and the said Surveyors shall hold their several Offices during the Pleasure of the said Council, and shall, if the said Council shall so think fit, but not otherwise, be at liberty to have Assistants under them (such Assistants being in all Cases appointed by and holding their Situations during the Pleasure of the Council); and the said Council shall have Power and Authority to fix the Districts in which the said Surveyors are to act within the said Borough, and to do all Matters and Things relating in anywise to the Appointment and Direction of such Surveyors; and the said Council are hereby authorized and required to provide an Office for the Use of the said Surveyors in some central Place within the said Borough, and to give due Notice thereof in Two or more Newspapers of the said Town; and every such Surveyor and Assistant Surveyor, upon his Appointment, shall make and subscribe before the Mayor of the said Borough a Declaration to the Effect following:

Power for the Council of the Borough to appoint Surveyors, and provide an Office for their Use.

Surveyors to make a Declaration.

‘ I *A. B.*, one of the Surveyors [or one of the Assistant Surveyors or the Surveyor or the Assistant Surveyor] of Buildings appointed in pursuance of an Act of Parliament passed in the Year of the Reign of Queen *Victoria*, intituled *An Act [here set forth the Title of this Act]*, do declare, That I will diligently, impartially, and faithfully perform the Duties of my Office, and to the utmost of my Power and Ability endeavour to cause the Provisions and Regulations prescribed in the same Act, for the Regulation of Buildings in the Borough of *Liverpool*, to be strictly observed, and that without Favour or Affection, Prejudice or Malice, to any Person whomsoever.’

Form of Declaration.

III. And be it enacted, That each Surveyor and Assistant Surveyor shall be paid by the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* aforesaid such Salary as the Council of the said Borough shall from Time to Time think proper.

Salary of Surveyors.

IV. And be it enacted, That before any Buildings shall be begun to be erected, or any Addition thereto or Alteration therein shall be made, or before any Party or external Wall or Chimney Back of any such Building shall be begun to be pulled down, rebuilt, or altered, One clear Day's previous Notice thereof in Writing shall be left at the Surveyors Office, signed by the Master Builder or Workman or other Person who shall be employed or shall be about to erect such Building, or to make any Addition to or Alteration therein, or

Notice of building or altering Premises to be left at the Surveyors Office.

to

to rebuild or alter such external or Party Wall or Chimney Back, or by the Owner of the Property or other Person for whom or by whose Order such Works shall be directed to be done, stating in general Terms the Nature of the intended Work, and the Place where the same is to be done or carried on, and the Name and Place of Abode of the Owner of the Property or other Person for whom or by whose Order such Work shall be directed to be done, and the Name and Place of Abode of the Master Builder or Workman or other Person who shall be employed or shall be intended to be employed therein; and the Surveyor within whose District the same shall be shall view and inspect the said Building and Alterations from Time to Time, and shall cause all the Rules and Regulations of this Act relative to the proper Construction of the Building to be well and truly observed: Provided that in case the intended Alteration shall only relate to the opening of any Doorway or Window in any Dwelling House, no such Notice shall be requisite unless such Window or Doorway shall be opened or made through any Party Wall.

Proviso as to opening a Doorway.

Builders proceeding without Notice liable to Penalties.

V. And be it enacted, That in all Cases wherein by this Act any Notice is required to be given of any Work to be done in compliance therewith, no Builder or Workman shall begin or proceed with any such Work without such previous Notice having been given as aforesaid; and in case any Builder or Workman shall begin or proceed with any such Work without such previous Notice having been so given as aforesaid, every such Builder or Workman so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in the same Manner as other Penalties are by this Act directed to be levied and recovered.

Surveyors to act although Notice has not been given.

VI. And whereas it sometimes happens that Buildings may be begun to be built and proceeded with without any Notice having been given; be it therefore enacted, That the Surveyor of the District wherein such Buildings may be situated shall, immediately on the same becoming known to him, proceed to cause all the Rules and Regulations of this Act to be observed; and if any such Buildings, or any Parts thereof, are irregularly built, he shall give immediate Information thereof to any Justice of the Peace for the said Borough, who shall cause the Irregularities to be amended, or the Building demolished, in the Manner herein-after directed,

In case the Surveyor of the District cannot attend, another Surveyor to do so.

VII. And be it enacted, That in case the Surveyor for the District within which any Building requiring to be viewed and inspected under this Act may be situated shall be prevented by Illness or other unavoidable Accident from viewing and inspecting the same, or in case such Surveyor shall happen to be interested directly or indirectly therein, then and in such Case such Surveyor shall cause Notice thereof to be transmitted to some other Surveyor appointed under this Act, or in case of the other Surveyor or Surveyors being prevented by like Impediment, then to some Assistant Surveyor not subject to such Objection; and such last-mentioned Surveyor or Assistant Surveyor, upon the Receipt of such Notice as aforesaid from the Surveyor of the District in which such Building may be situate, or from any Person on his Behalf, shall and he is hereby required to view and inspect the Building in regard to which such Notice shall have been given,

given, and see that the Provisions and Regulations of this Act are well and truly observed.

VIII. And be it enacted, That in case the several Provisions and Regulations in this Act contained shall not from Time to Time be well and truly observed in regard to any Building, the Surveyor within whose District the same may be situated, or the Surveyor or Assistant Surveyor who shall in his Stead view and inspect the same, shall immediately on the Discovery thereof give Notice in Writing of such Default to the Owner or Occupier thereof or to the Master Builder, Workman, or other Person employed in or about such Building; and unless such Parts of the said Building as shall be contrary to the Provisions of this Act shall, within Forty-eight Hours from the Delivery of such Notice, be altered or amended, then and in such Case the said Surveyor shall and he is hereby required to give immediate Information thereof to any Justice of the Peace of the said Borough; and the said Justice shall inquire into the Truth of such Information by Examination of Witnesses, or by such other Means as he shall think proper, and if any Breach of or Deviation from the Provisions and Regulations in this Act contained shall be found to have been committed, the said Justice shall cause such Building to be taken down or amended in manner herein-after directed.

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

IX. And be it enacted, That in case any Owner or Occupier of any Building, or other Person interested therein, shall begin to build or rebuild or make any Alterations therein, and any such Owner or Occupier, or any other Person, shall refuse such Surveyor, or any other Surveyor or Assistant Surveyor appointed under this Act, Admittance from Time to Time, at reasonable Hours in the Day-time, for the Purpose of viewing and examining the said Building or Alterations, or shall in anywise interrupt or prevent any of such Surveyors, or any Assistant Surveyor, from viewing and examining the same, then such Owner or Occupier, or any other Person, so refusing such Admittance or interrupting or preventing such View and Examination as aforesaid, shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds, to be recovered in manner herein-after directed; and every Building built or begun to be built, or altered or begun to be altered as aforesaid, without such Admittance as aforesaid being allowed, in case the same be not built or altered in every respect agreeably to the Provisions and Regulations of this Act, shall and may be taken down or amended, by Order of any Justice of the Peace of the said Borough, in the Manner herein-after directed.

Penalty on Persons refusing Inspection.

X. And be it enacted, That every Master Builder, Workman, or other Person by whom any Building shall be built or altered shall, within One Calendar Month after such Building shall have been covered in or such Alteration completed, cause Notice thereof in Writing to be left at the Surveyors Office, and the Surveyor within whose District the same may be situated shall forthwith proceed to view and inspect such Building, or in case he shall by Illness or otherwise be prevented from surveying such Building, or shall be interested therein as aforesaid, then the same shall be surveyed

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

[Local.]

27 Y

by

by any other Surveyor appointed under and by virtue of this Act, or by some Assistant Surveyor; and if upon such Survey the said Building shall be found to be built or altered agreeably to the several Provisions and Regulations in this Act contained, then such Surveyor or Assistant Surveyor shall and he is hereby required, on or before the First Day of *January*, First Day of *April*, First Day of *July*, or First Day of *October*, which shall happen next after Fourteen Days from the Time of surveying the same, to make a Declaration thereof in Writing before the Mayor or some Justice of the Peace of the said Borough; and the said Declaration shall be entered in Books to be provided for that Purpose, and kept in the Custody of the said Surveyors in their Office, and which Books shall be from Time to Time produced to the Mayor or any Justice of the Peace, or the Town Clerk of the said Borough, whenever required by any of them respectively; and if any Master Builder, Workman, or other Person by whom such Building or Alteration as aforesaid shall be erected or made, or by whom the same shall be completed, shall make default in the Premises by neglecting to give such Notice as aforesaid, he shall for every such Neglect forfeit and pay a Sum not exceeding Five Pounds, to be recovered and levied as herein-after directed.

Penalty on
Builder neg-
lecting to
give Notice.

Future Build-
ings to be
according to
this Act.

XI. And be it enacted, That all Buildings to be erected or rebuilt in the Borough of *Liverpool* shall, after the First Day of *August* One thousand eight hundred and thirty-nine, be erected and rebuilt according to the Regulations in this Act contained; and the external Walls, Party Walls, separate Side or End Walls, and Chimney Backs, shall be so erected and built according to the Schedule (A.) to this Act annexed, and in compliance therewith, and the Timbers in the Floors and Roofs shall be of the Strength and Dimensions specified in the Schedule (B.) to this Act annexed, and in compliance therewith, and the Mortar and other Materials to be used in building external, Party, and Side Walls shall be of the Quality and Description in this Act mentioned.

to be dis-
tinguished
as in Sche-
dule (A.)

XII. And be it enacted, That Buildings of all Kinds, (not being Buildings underground, Bridges, or Walls to be used as Fences only,) whether upon old or new Foundations, or on Foundations partly new and partly old, shall be divided and distinguished into the several Rates of Buildings described in the said Schedule (A.) to this Act annexed, and shall be built under the Rules and Regulations therein contained concerning the same respectively; and the Word Building throughout this Act shall extend to and comprise all Buildings, of what Nature and Kind soever, not being Buildings or Structures wholly under Ground, or Bridges, or Walls to be used as Fences only, now built or hereafter to be built within the Limits of the said Borough, and every Part of such Building respectively.

Sizes of
Joists, Pur-
lins, and
Rafters.

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

or greater Bearing than is specified in the said Schedule (B.), nor shall any Pans or Purlins in any Roof be of less Dimensions, according to the Bearing thereof, or more, apart than are specified in the said Schedule (B.)

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

What shall be held to be an external Wall.

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

Regulations as to external Walls

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

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

Walls

Walls as are required by the said Schedule for the Rate to which such additional Building may belong.

Openings in external Walls of Shops or Warehouses to be supported according to Directions of the Surveyor.

XVII. And be it enacted, That in the Cases of Doorways, Windows, or Openings in the external Walls of any Buildings intended to be used as Shops or Warehouses, and of any Alterations in the same, the superincumbent Building shall, to the Satisfaction of the Surveyor who shall view and inspect the same, be supported with Lintels or Bressummers of sufficient Strength, and where the Doorways, Windows, or Openings shall exceed Ten Feet in Width, with Story Posts of the Description herein-before provided, in such Manner as shall be satisfactory to the Surveyor who shall view and inspect the same; and in every Case in which any such Building shall not be so supported to the Satisfaction of the said Surveyor, the same shall be considered as erected or altered (as the Case may be) contrary to the Provisions and Regulations of this Act, and shall and may be taken down or amended, by Order of any Justice of the Peace of the said Borough, in manner herein-after authorized.

As to the Mode of building Party Walls and separate Side and End Walls.

XVIII. And be it enacted, That every Party Wall shall be of the Thickness specified in the said Schedule (A.), according to the Rate of the Building to be erected on either Side thereof, or the larger of them, but where by Want of Agreement between the Parties interested, or otherwise, a Party Wall cannot be the Division Wall between the Side or End of any Building and any other Building, then each Building to be erected shall have a separate Side or End Wall of the Thickness in the said Schedule (A.) specified: Provided always, that after the building of any such separate Side or End Wall, the same shall in no Case be considered as or made to form a Part of any Party Wall upon the Erection of any adjoining Building at any Time afterwards, unless the same shall be of sufficient Thickness for such Party Wall, according to the Provisions herein contained, and the Party interested therein shall consent to the same being used as such Party Wall, but otherwise every such subsequent Building shall have a separate Side or End Wall of the Thickness required by this Act; and all separate Side or End Walls or Party Walls shall be well and closely lined up to the under Side of the Slates upon the Roof of the Building; provided also, that nothing herein-before contained shall prevent any Person building from carrying up any Wall above the Slates of the Roof in order to form a Parapet, so that the same does not exceed in Elevation Two Feet above the Slates of the Roof of such Building.

Provision as to Buildings of the Third Class in Schedule (A.).

XIX. Provided always, and be it enacted, That as to all Buildings of the Third Class in the said Schedule (A.); not only any separate Side Wall which shall be One Brick Length in Thickness, but any Party Wall of the like Thickness, (such Walls respectively having been actually erected prior to the First Day of *May* last,) shall after the passing of this Act be exempt from the said recited Acts, or any of them; and notwithstanding any of the Provisions herein contained, either such separate Side Wall or such Party Wall shall and may be used as a Party Wall between Buildings of the said Third Class at all Times hereafter, with the Consent of the proper Parties

Parties interested therein, provided that such Walls respectively, in the Judgment of the Surveyor who shall view and inspect the same, shall have been well and sufficiently built, and be sufficient and in good Order and Repair, and that all Chimneys belonging thereto shall be or be made to be conformable to the Provisions of this Act, to the Satisfaction of the Surveyor who shall view and inspect the same.

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

Ovens and
Furnaces to
have protect-
ing Walls.

XXI. And be it enacted, That every Party Wall and separate Side or End Wall shall be entirely constructed of the like good and sound Materials as are herein-before directed to be provided for external Walls, except such Wood Work as may be necessary for the Ends of Girders, Joists, or Trimming Joists, or the Ends of Bressummers; but the Ends of any Joist, Beam, or other Timber shall not be nearer than Four Inches and a Half to the Ends of any other Joist, Beam, or other Timber inserted on the other Side of any such Wall.

Party and
separate Side
Walls to be
constructed
of certain
Materials.

XXII. And be it enacted, That no Person shall cut into any Party Wall now built or hereafter to be built except as herein-after specified; that is to say, when any Building shall be required to be erected or altered adjoining any such Party Wall, or any Part thereof, it shall be lawful, for the Purpose of such Building to be erected or altered, to cut into such Party Wall not more than Four Inches and a Half deep from the Face of the same to insert or tie in the Front or Back Wall of such intended or altered Building, or any intended Wall thereof; and in all Cases where any Front Wall of such intended or altered Building shall be or be made lineable with the Front Wall of the Building to which such Party Wall shall belong, it shall be lawful, in order to insert into such Party Wall any Bressummer or Beam End over any Shop Front, to cut into such Party Wall to the Extent of Four Inches and a Half, not cutting beyond the Centre of such Party Wall; and in case of Buildings belonging to the same Party, or by Agreement between the respective proper Parties interested, One Bressummer or Beam may be allowed to extend over Two Shop Fronts, each such Shop Front belonging to a Building immediately adjoining the other, and in continuation of the same lineable Street Front; provided always, that all the Spaces so left between any Timber so inserted on the respective Sides of such Party Walls shall be well and sufficiently filled up with good Brick or Stone and Mortar or Cement; and any such Party Walls may be cut into the Centre thereof for the

Regulations
for and Mode
of cutting
into Party
Walls.

Purpose of building in any Stone or Iron Steps or Landings; and every such Party Wall may also be cut into for the Purpose of inserting Wood Trimmers, Joists, or Bearers for each Flight of Wood Stairs, but no Trimmer, Joist, or Bearer, or any other Timber, in any such Party Wall shall be laid nearer than Four Inches and a Half to any Flue or Chimney in any such Wall; and further, that any such Wall may be cut into for the Purpose of building in Stone Corbels for the Support of Joists of any Chimney required to be built against any such Wall, or for the Purpose of laying therein Stone or Brick Trusses to support the Ends of any Joist, Beam, or bearing Timber, the same being done to the Satisfaction of the Surveyor who shall view and inspect the same; and every Person who shall cut into any Party Wall, for any of the Purposes aforesaid shall immediately make good and well and effectually repair the same to the Satisfaction of the said Surveyor: Provided that no Party Wall shall be cut for any of the aforesaid Purposes if such cutting will endanger the said Wall, or displace any of the Timbers, Chimneys, or Flues, or internal Finishings of the adjoining Building; and provided that no Corbels shall be allowed in support of Roof Timbers.

Penalty for cutting into Party Wall.

XXIII. And be it enacted, That in case any Person shall cut into or maim any Party Wall, or cause or procure the same to be so cut into or maimed, contrary to the Provisions aforesaid, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Twenty Pounds, to be recovered and applied as any Penalty is by this Act directed to be recovered and applied.

Openings through Party Walls how to be made.

XXIV. And be it enacted, That no Opening shall be cut or made through any Party Wall for any Purpose whatever other than and except for Communication from one Building to another, with the Consent of all Parties interested; and such Openings shall be properly secured with Iron Doors and Frames: Provided always, that before any such Opening shall be begun to be made One clear Day's Notice in Writing shall be given to or left at the Surveyors Office of the Opening so intended to be made, signed by the Owner of the Building in which or other Person by whose Direction the same is to be made, or by the Builder or other Person employed to make the same, stating in general Terms the Nature of the intended Work, and the Place at which the same is to be done, and the Name and Place of Abode of the Owner of the Property or other Person for whom or by whose Direction such Work shall be to be done, and the Name of the Master Builder or Workman or other Person who shall be employed or be intended to be employed therein; and in case any Builder or other Person shall begin or proceed with any such Work without such previous Notice having been given as aforesaid, he shall be subject to the Penalty in such Case hereinbefore provided.

Penalty for Fraud in erecting Party Walls.

XXV. And be it enacted, That if between Two Dwelling Houses or other Buildings Two Walls shall be erected, which together may be of the Thickness or Substance of the Party Wall required by this Act according to the Rate of Building in the said Schedule (A.), or be deemed by the Surveyor who shall view and inspect the same to be such Party Wall, and if the Owner or Occupier, or any Builder

Builder or other Person, shall, in evasion of this Act, afterwards take down or cause to be taken down One of the said Walls, or any Part thereof, so that the Division Wall between the said Houses or Buildings shall not be conformable to the Provisions hereof, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding One hundred Pounds, to be recovered and applied as any Penalty by this Act is directed to be recovered and applied, and shall also reinstate and rebuild such Wall according to the Provisions of this Act.

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

Flues to be painted on Buildings adjoining on vacant Land.

XXVII. And be it enacted, That no Flue or Fireplace shall be nearer than Four Inches and a Half to the Centre or Middle of the Thickness of any Party Wall, nor shall the Substance of Brick Work at the Back of any Fireplace or Chimney be less in Thickness than is required by the said Schedule (A.), nor shall any Timber be laid over the Opening of any Fireplace, or underneath the Jaumbs or Opening in any Chimney Breast to support the same, and no Timber shall be laid nearer than Nine Inches from any Chimney Opening or Back, but the same, if requiring to be supported, shall be supported by Iron or Stone, according to the Directions of the Surveyor appointed under this Act, but in no Case shall the same be supported by or rest upon Timber.

Regulations as to Flues and Fireplaces.

XXVIII. And be it enacted, That no Chimney Shaft of any Dwelling House or other Building already built or hereafter to be built shall exceed the Height of Four Feet above the Outside of the Roof of such Building, measuring upwards from the Centre of the Chimney immediately above the Roof, unless the same be secured by sufficient Iron Stays of such Strength and Dimensions, and to be fixed in such Manner, as shall be approved of by the Surveyor who shall view and inspect the Building, or unless the same be built with another Chimney Shaft, Back to Back, of such Height and of such Strength and Dimensions as shall be approved by the said Surveyor; nor shall any such Chimney Shaft above such Roof be of less Dimensions than Two Feet in any One Side thereof, unless built as aforesaid, Back to Back with another Shaft in manner aforesaid: Provided that these Provisions shall not extend to the Chimney Shafts of detached Villas or other detached Buildings standing at a Distance of not less than Eighteen Feet from any public Street, Road, Path, Passage, or Thoroughfare, the Chimney Shaft of which may be erected of such Strength and Dimensions and in such Manner as shall be satisfactory to the said Surveyor; provided always, that this Provision shall not extend to such Chimneys as are erected for any Steam Engines or Manufactories.

Heights of Chimney Shafts.

XXIX. And be it enacted, That every Chimney Place, and the Inside of any Flue, to be built within the said Town after the First Day

Chimneys and Flues to be pargetted.

Day of *August* One thousand eight hundred and thirty-nine, shall be rendered or pargetted with Mortar properly prepared for such Purpose; and every Person erecting any Chimney or Flue without causing the same to be so rendered or pargetted shall for every Offence forfeit and pay a Sum not exceeding Five Pounds, to be recovered and applied as any Penalty by this Act is directed to be recovered and applied.

Notice to
be given of
Intention to
rebuild old
Party Walls
or Party
Arches.

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

Form of
Notice.

‘ APPREHENDING the Party Wall [*or* Party Arch, or some Part thereof,] between the Building or Ground situate
‘ inhabited or occupied by _____ and my House [*or* Building *or* Ground] adjoining thereto, to be so far out of repair or insufficient as to render it necessary to repair or pull down and rebuild the same, or some Part thereof, take Notice, That I intend
‘ to have the said Party Wall [*or* Party Arch] surveyed pursuant to an Act made in the _____ Reign of Her Majesty Queen
‘ *Victoria*, intituled [*here set out the Title of this Act*], and that I have appointed _____ of _____ and
‘ of _____ my Surveyors, to meet at _____ in
‘ _____ on my Behalf, on the _____ Day of _____ and
‘ at _____ of the Clock in the _____ noon of the same Day;
‘ and I do hereby require and call upon you to appoint Two other Surveyors or other able Workmen on your Part to meet them at the Time and Place aforesaid to view the said Party Wall [*or* Party Arch], and to certify the State and Condition thereof, and whether the same or any Part thereof ought to be repaired or pulled down and rebuilt. Dated this _____ Day of _____ One
‘ thousand eight hundred _____

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

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

And every such Owner or Occupier to or for whom such Notice shall be so given or left as aforesaid, or, in case of any such Notice being so affixed as aforesaid, the Owner or other Person interested in such adjoining Building or Ground, shall appoint Two Surveyors or

or able Workmen to meet at the Time and Place in such Notice mentioned; and they, together with the Two Surveyors or Workmen named by the Party giving such Notice, and whose Names shall be expressed in such Notice, shall view such Party Wall or Party Arch, and they, or the major Part of them, shall certify in Writing under their Hands, to the Council of the said Borough, the State and Condition thereof, and whether the same or any Part thereof ought to be repaired or pulled down and rebuilt; and such Surveyors so respectively named as aforesaid, or in case the Owner or Occupier of any adjoining Building, or such other Person as aforesaid, having Notice as aforesaid, shall refuse or neglect to name such Two Surveyors or able Workmen according to such Notice, then the Two Surveyors and Workmen named in such Notice, together with Two other Surveyors or able Workmen, also to be named by the Party giving such Notice as aforesaid, shall and may, within Six Days after the Time appointed in such Notice, view the Party Wall or Party Arch required or intended to be repaired or pulled down, and they, or the major Part of them, shall certify in Writing under their Hands, to the Council of the said Borough, the State and Condition of such Party Wall or Party Arch, and whether the same or any Part thereof ought to be repaired or pulled down and rebuilt; and in case the major Part of the Surveyors or Workmen appointed in manner aforesaid to view such Party Wall or Party Arch so proposed to be repaired or pulled down shall not, within the Space of Three Weeks next after such Appointment, sign such Certificate in Writing, then and in every such Case it shall and may be lawful to and for the said Council, and such Council are hereby authorized and required, upon Application to them for that Purpose by the Party giving such Notice as aforesaid, to name and appoint One other able Surveyor or Workmen to be added to the Surveyors or Workmen appointed as aforesaid, and all the said Surveyors or Workmen so appointed, or the major Part of them, shall meet for that Purpose (Six Days Notice having been given to or left at the Dwelling House of each and every of them of such intended Meeting), and shall view the Party Wall or Party Arch so proposed to be repaired or pulled down; and in case the major Part of such Surveyors or Workmen appointed in manner aforesaid shall certify in Writing under their Hands to the said Council that the Party Wall or Party Arch described in such Notice, or any Part thereof, is decayed and ruinous, or is not sufficiently secure against Fire if any should happen, and that the same ought to be pulled down and rebuilt, then, within Three Days next after such Certificate made by such major Part of the said Surveyors and Workmen as aforesaid, a Copy thereof shall be delivered to the Owner or Occupier of or left at such adjoining Building, or fixed on the Door or other conspicuous Part thereof in case the same be unoccupied; and such Certificate shall be immediately filed at the Office of the Clerk of the Peace for the Borough, paying such Clerk One Shilling for filing thereof, and no more; and such last-mentioned Owner or Occupier shall and may (if he think fit) appeal from or against such Certificate to the next General or Quarter Sessions to be holden for the said Borough; and the Court of General or Quarter

If the major Part of the Surveyors do not certify within Three Weeks, another Surveyor to be named by the Council.

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

Owners or Occupiers thinking themselves aggrieved may appeal

to the General Quarter Sessions, whose Determination shall be final.

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

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

As to Payment of Surveyors of Party Walls if not condemned.

Sessions at which such Appeal shall be made shall summon before the said Court One or more of such Surveyors or Workmen, and such other Persons as such Court shall think fit, and such Court shall examine the Matter upon Oath, which Oath such Court is hereby empowered to administer, and upon such Examination the said Court is hereby authorized and required to make such Order or Orders in the Premises as in its Discretion such Court shall think to be just and reasonable, which Order or Orders shall be entered and filed of Record by the Clerk of the Peace of the said Borough, for entering and filing whereof, and for any Order of Court and Copy thereof, the said Clerk of the Peace shall be paid after the Rate of One Shilling for every One hundred Words; and the Determination of the said Court shall be final and conclusive to all Parties, without any Appeal from the same; and on default of appealing to such next General or Quarter Sessions as aforesaid, or if upon any Appeal there be no Order made to the contrary, then and in every such Case, and not otherwise, it shall be lawful for the Party intending to repair or pull down and rebuild such Party Wall or Party Arch as aforesaid, after the Expiration of Four Weeks after the delivering or leaving the Copy of such Certificate as aforesaid, to cause such Party Wall or Party Arch, or any Parts thereof, to be repaired or pulled down, and to that End shall and may, in the Presence of a Constable or other Officer of the Peace, enter into and upon the adjoining Building at any Time between the Hour of Six in the Morning and Seven in the Afternoon, (*Sundays, Christmas Day, Good Friday, and any Day of Public Fast or Thanksgiving excepted,*) and if the outer Door of such Building be shut, and the Person therein refuse to open the same, being thereunto required, or if the same be unoccupied, shall and may break open such outer Door, and remove to some other Part of the Premises, or in case there be no Room in the Premises sufficient for that Purpose, to remove to any other Place, any Wainscot, Shelves, Furniture, and other Things obstructing the building of such Party Wall or Arch, and shall and may shore up the adjoining Building, and pull down any Wall, Partition, or other Thing necessary to be pulled down or removed, and shall and may erect and build a new Party Wall or Party Arch, or any Part thereof, of such Materials and of such Thickness and Height, and in such Manner, and subject to such Restrictions and Directions, as are in and by this Act prescribed: Provided always, that no Party Wall which has been built since the passing of the said Act of the Sixth Year of His Majesty King *George* the Fourth according to the Regulations thereof, or which may hereafter be legally built, and which is sound and in sufficient Repair, shall be liable to be condemned to be taken down by any thing herein contained for the Purpose of building a Party Wall for a larger Rate of Building: Provided also, that in the event of the Surveyors or Workmen, or the major Part of them, not certifying that the Party Wall surveyed by them as required in such Notice is damaged or ruinous, or not sufficiently secure against Fire if any should happen, and that the same ought to be repaired or pulled down, then the Person who has given the Notice shall pay such reasonable Expence of surveying the same as any Justice of the Peace for the said Borough shall appoint, the said Expences to be recovered in like Manner in which

any Poor's Rates of the Parish or Township in which the Wall or Party Arch is situated are recoverable.

XXXI. And be it enacted, That the Person at whose Expence any Party Wall or Party Arch shall be rebuilt agreeably to the Directions of this Act shall be reimbursed by the Owner who shall be entitled to the improved Rent of the adjoining Building or Ground, and who shall at any Time make use of such Party Wall or Party Arch, a Part of the Expence of building the same, in the Proportions after mentioned; (that is to say,) if the adjoining Building then erected or afterwards to be erected be of the same Rate or Class of Building as or of a Rate or Class of Building superior to the Building belonging to the Person at whose Expence the said Party Wall was rebuilt, then such Owner of such adjoining Building or Ground shall pay One Moiety of the Expence of rebuilding so much of the said Party Wall or Party Arch as such Owner shall make use of; and if the adjoining Building then erected or afterwards to be erected be of an inferior Rate or Class of Building, then such Owner of such adjoining Building or Ground shall pay a Sum of Money equal to One Moiety of the Expence of rebuilding a Party Wall or Party Arch of the Thickness by this Act required for the Rate or Class of Building whereof such adjoining Building shall be, and of the Height and Breadth of so much of the said Party Wall or Party Arch as such Owner shall make use of; and in the meantime, and until such Moiety or other proportionate Part of the Expence of rebuilding such Party Wall or Party Arch be so paid, the sole Property of the whole of such Party Wall or Party Arch, and of the whole Ground whereon the said Party Wall shall stand, shall be vested entirely in the Person at whose Expence the same shall be built; and such Moiety or other proportional Part of the Expence of rebuilding such Party Wall or Party Arch shall be so paid to the Person at whose Expence the same shall be built, or in whom the Property thereof shall be vested, at the Times herein-after mentioned; (that is to say,) in respect of every such Party Wall to any House or Building whereunto at the Time of building the same no other House or Building was adjoining, so soon as such Party Wall shall be cut into or made use of, and in respect of every such Party Wall or Party Arch as shall be built against or adjoining to any other Building, so soon as such Party Wall or Party Arch shall be completely built and finished; and in respect of such last-mentioned Party Wall or Party Arch such Owner of such adjoining Building shall, together with such proportional Part of the Expence of rebuilding such Party Wall or Party Arch, also pay a like proportional Part of all other Expences which shall be necessary to the pulling down the old Party Wall, and the whole of the reasonable Expences of shoring up such adjoining Building, and of removing any Goods, Furniture, or other Things, and of pulling down any Wainscot or Partition, and also all such Costs, if any, as may have been awarded by any Justice of the Peace for the said Borough in respect thereof, together with the Expence of pulling down and clearing away any such old Party Wall or Party Arch, but with the Benefit of reasonable Deduction on account of the old Materials of any such Party Wall or Party Arch;

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

Arch, and in default of Payment the same may be recovered; together with full Costs of Suit, of and from such respective Owners, by Action of Debt or on the Case, in any of Her Majesty's Courts of Record; provided that such respective Owners shall be entitled to Contribution in the Cases herein-after mentioned as herein-after is provided.

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

XXXII. And be it enacted, That the Person about to erect any Building, or requiring any Party Wall of a larger Rate than the one existing, shall, unless he can agree with the Owner of any adjoining Building, build a separate Side or End Wall against the same, according to the Rate of such Building, as herein directed for separate Side or End Walls.

Regulations as to building over Passages, &c.

XXXIII. And whereas it frequently happens that many Buildings are erected in some Parts thereof over public or private Ways, Roads, or Passages, and the Walls dividing separate Properties or separate Buildings over such Ways, Roads, or Passages, with the Chimney Breasts or Flues, are not arched under or supported by Brick or Stone, but rest upon Wood; for Remedy whereof be it enacted, That when any such Buildings erected in any Part thereof over any such Ways, Roads, or Passages shall be taken down and rebuilt, the said dividing Walls and Chimney Breasts and Flues (if any) in such dividing Walls shall be arched under with Arches not less than One Brick Length in Thickness over such Ways, Roads, or Passages, with good sound Brick or Stone Arches, or supported with Stone or Iron Supports of sufficient Strength, and according to the Directions to be obtained from and given from Time to Time by the Surveyors who may view or inspect the same; but in no Case shall any such dividing Walls or Chimney Breasts and Flues (if any) in such dividing Walls rest upon or be supported by Timber; and all such Brick or Stone Arches or Stone or Iron Supports shall be supported from the Foundations by Walls not of less Thickness than required by the said Schedule (A.) for external Walls, agreeable to the Rate of Building on either Side of such public Way, Road, or Passage.

Regulations as to raising Buildings.

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

Adjoining Chimneys and Flues to be raised.

XXXV. And be it enacted, That in case any Building so raised shall be of a greater Height than the adjoining Buildings, and the Flues or Chimneys of such adjoining Building over the Party Walls or separate Side or End Walls adjoining such Building so raised, the Party raising such Building shall at his own Expence build up such

such Flues and Chimneys belonging to the adjoining Property so that the Top thereof may be carried up to the same Height, as regards the Building so raised, as before the same had been raised, but if the Wall between the said Building so raised and any adjoining Building shall be a Party Wall common to both Buildings, then in the event of the Owner of such adjoining Building making use of any Portion of such Party Wall as shall have been raised, the Party raising such Party Wall shall be paid by and shall receive from the Owner who shall be entitled to the improved Rent of such adjoining Buildings a fair Proportion of the Expence of so much of the said Party Wall as may be made use of at any Time after the Erection thereof, but in no Case shall any Demand be made for raising such Wall, or such Chimneys or Flues, if no other Use is made of them than before the same were raised; which said Proportion of the Expence shall be paid within One Calendar Month after Demand thereof in Writing delivered to such Owner, or left for him at his usual or last known Place of his Abode in *England*, and in default thereof may be recovered by Action of Debt or on the Case, as herein-before provided in relation to the Expences of Party Walls.

XXXVI. And be it enacted, That every Flat, Gutter, and Roof of every Building which shall be erected after the First Day of *August* One thousand eight hundred and thirty-nine, and also every Turret, Dormer, and Lantern Light, or other similar Erection, which shall be placed in or on the Flat or Roof of any such Building, and every external Part of every Flat, Gutter, Roof, Turret, Dormer, and Lantern Light or other similar Erection, in or on any Building now built, which shall at any Time after the Time aforesaid be uncovered, shall be covered or renewed with Slate, Tile, Glass, Copper, Lead, Tin, Zinc, or artificial Stone, or Stucco or other incombustible Material, except such Wood Work as may be necessary for the Doors, Door Frames, Windows, and Window Frames of such Dormers, Turrets, Lantern Light, or other similar Erection.

Of what
Materials
Houses shall
be roofed.

XXXVII. And be it enacted, That no Projection of any Kind shall be made in front of any Building over or upon the Pavement of any public Way, except for Shop Fronts or for Doorways; and no Part of such Shop Front or Doorway in Streets under Ten Yards wide (measuring from House to House at Right Angles with the Front Brick or Stone Work of the said Buildings) shall project more than Six Inches, except the Cornice, which may project Fifteen Inches; and in Streets more than Ten Yards wide, measuring as aforesaid, no Shop Front or Doorway shall project more than Twelve Inches, except the Cornice, which may project Eighteen Inches; the Tops of such projecting Cornices in no Case to exceed in Height more than Three Feet above the Ceiling of such Shop, and being in all Cases covered with Lead, Copper, Zinc, Iron, Slate, Stone, or other incombustible Material: Provided always, that it shall be lawful for any Person, with the Consent in Writing of the Council of the said Borough, testified by a Copy of some Resolution in Writing of the said Council certified under the Hand of the Town Clerk of the

Projections
in front of
Buildings
how to be
made.

[Local.]

28 B

said

said Borough, and also with the Consent of the Commissioners for the better paving and Sewerage of the Town of *Liverpool*, testified by a Copy of some Resolution in Writing of the said Commissioners certified under the Hand of their Clerk, to build with or add to, or cause or allow to be built with or added to, any Building fronting any public Way, any projecting Pilaster which shall not project more than Six Inches, or in Streets more than Ten Yards wide, measuring as aforesaid, more than Twelve Inches, from the perpendicular Line of the Front Brick or Stone Work of the Building where it fronts such public Way: Provided also, that the Erection of such Pilaster shall not entitle the Owner of such Building at any future Period to bring forward or advance the Front Wall of such Building in a Line with the Front of such Pilaster; and in the Absence of any Evidence to the contrary on the Part of the Owner, the Presumption shall be, that, save as hereby expressly allowed, the Right of such Owner was limited to the Line of such Front Wall without such Pilaster or Cornice.

Water from Buildings to be conveyed into Drains.

XXXVIII. And be it enacted, That no Water shall be permitted to flow from any Building upon the Footway of any Street, Road, Square, or public Highway, but all such Buildings shall be drained by Pipes or Tunnels, where practicable, below the Surface of the Pavement or Flagging of the Footway, and where impracticable on account of the Level of the Street by Channels formed in the Pavement or Flagging of the Footway; nor shall any Water be pumped up or discharged from any Building upon the Footway of any Street, Road, Square, or public Highway, but the same, when necessary to be so pumped up and discharged in consequence of any Tempest or Flood, may be conveyed over or under the Footway by Spouts or Trunks to the Drain or Channel of the Street; nor shall any Smoke or Steam be discharged from the Front, Side, or End of any Building, into any Street, Road, Square, or public Highway; nor shall any Goods, Wares, or Merchandize be hung up or exposed to Sale on the Outside of any Building to the Front of any Street, Square, or public Highway; under the Penalty or Forfeiture for each Offence of any Sum not exceeding Forty Shillings, to be recovered as herein-after directed.

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

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

XXXIX. And be it enacted, That for the Purpose of laying or forming such Pipes, Tunnels, or Channels as aforesaid it shall and may be lawful for the Owner or Occupier of any Building, at his Expence, upon Two Days Notice in Writing given to the Commissioners for the better paving and Sewerage of the Town of *Liverpool* in regard to Pipes, Tunnels, and Channels in Streets or public Highways within that Part of the said Borough of *Liverpool* which is under their Jurisdiction, and to the Surveyor of the Highways of the Township wherein such Streets or public Highways are situated in regard to Pipes, Tunnels, or Channels in Streets or public Highways in other Parts of the Borough not being within the Jurisdiction of the said Commissioners, to take up so much of the Pavement or Flagging of any Footpath or Carriageway as may be requisite; and that the said Pipes, Tunnels, or Channels shall be laid and formed under the

Directions of the Surveyor of the said Commissioners or the said Surveyor, as the Case may require; and that all Damages which may be thereby occasioned to the Flagging or Pavement of the Footpath or Carriageway shall be made good and shall be paid by the said Owner or Occupier to the Treasurer of the said Commissioners, or to the said Surveyor, as the Case may be; and in the event of any Neglect or Refusal to make good or pay the Amount of such Damages, such Amount shall and may be recovered as Penalties are by this Act authorized to be recovered.

XL. And be it enacted, That the Cellar Entrances, Windows, or Openings of all Buildings to the Front of any Street, Square, or public Highway within the said Borough, and the Coal and other Vaults under the Footway of any such Highway, and the Entrances or Openings thereto from the Footway, shall be covered over, fastened down, or guarded in such Manner and according to such Directions as shall be given in Writing to the Owner or Occupier thereof by the Commissioners for Paving and Sewerage, or by the Surveyor of the Mayor, Aldermen, and Burgesses for the Time being as to Part of the Borough not under the Jurisdiction of the said Commissioners, or by some Person authorized by them for that Purpose; and in case the Owner or Occupier of any such Building shall not cover over, fasten down, or guard, or cause the Cellar Entrances and Windows or Openings of the same, and the said Coal or other Vaults, and the Entrances or Openings thereto, to be covered over, fastened down, or guarded in such Manner and according to such Directions as shall be given respecting the same by or on behalf of the said Commissioners, or Surveyor of the Mayor, Aldermen, and Burgesses, (as the Case may be,) he shall forfeit and pay for each Offence the Sum of Forty Shillings, to be levied and recovered as herein-after directed.

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

XLI. And be it enacted, That every Building and Projection, and every Party and other Wall, which shall after the First Day of *August* One thousand eight hundred and thirty-nine be erected within the said Borough, shall be built according to such Rules and Regulations, and with such Materials, as are in this Act particularly appointed; and if any Person shall build or begin building, or alter or make any Projection to any Building or Wall already erected, in any respect contrary thereunto, and be thereof convicted on Oath before any Justice of the Peace in and for the said Borough, then the Owner of the said Building or Projection or Wall so irregularly built or begun to be built, or so irregularly altered or begun to be altered, or other Person for whom or by whose Order the said Building, Projection, or Wall shall be made, and the Builder employed, or One of them, as the said Justice shall require, shall enter into a Recognizance, in such Sum as the said Justice shall appoint, to take down the same within such convenient Time as the said Justice shall appoint, or otherwise to amend the same according to the Rules and Regulations in this Act contained, as well as to pay the Costs, Charges, and Expences attending the laying the Information and obtaining the Conviction; and in default of entering into such Recognizance it shall be lawful for

All Buildings erected contrary to this Act to be abated.

for the said Justice to order, by Warrant under his Hand and Seal, any Building, Projection, or Wall so built or begun to be built, or so altered or begun to be altered, contrary to the Provisions and Regulations of this Act, to be taken down or altered, and to order the Person or Persons by him authorized to take down the same to sell and dispose of the Materials thereof, and out of the Monies arising from the Sale thereof to pay themselves, and all Persons by them employed for the Purposes aforesaid, the reasonable Charges of taking down such Buildings, and also the Costs, Charges, and Expences attending the laying the Information and obtaining a Conviction, and to pay the Surplus of the Monies arising by such Sale (if any be) to the Owner of such Materials, or to such Person as the said Justices shall order and direct for and on behalf of such Owner; and if the Monies arising by such Sale be not sufficient to pay such Charges, the Deficiency shall and may be recovered from and levied on the Owner or other Person for whom or by whose Order or Direction such Building, Projection, or Wall shall be erected or altered, in like Manner as Penalties are by this Act directed to be recovered and levied; or in case such Justice shall think it more expedient so to proceed, the Person so making default shall be committed to the Common Gaol of the said Borough, there to remain for such Time as the said Justice shall fix and determine, not exceeding Three Calendar Months, such Imprisonment to cease and determine whenever the said Building, Projection, or Wall shall be abated, taken down, or otherwise amended, according to the Directions of the said Justice and the Provisions of this Act: Provided always, that the Proceedings for every such Conviction shall be commenced within Three Months after the Building shall have been finished or the Alterations completed.

As to Persons inadvertently making default in conforming to Regulations.

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

Penalty on Workmen offending.

XLIII. And be it enacted, That if any Workman, Labourer, Servant, or other Person employed in any Building, or the Alteration of any Building, shall wilfully, carelessly, or negligently, and against the Orders of any Master or other Person causing such Building to be erected or altered, or superintending the erecting or altering thereof, do any thing in or about any Building or Alteration of any Building

Building contrary to the Provisions and Regulations of this Act, every such Workman, Labourer, Servant, or other Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Fifty Shillings, to be recovered as herein-after directed.

XLIV. And whereas it is expedient to make further Provision for the Detection of any Neglect or the wilful Evasion of the Provisions in this Act; be it therefore enacted, That it shall be lawful for any Surveyor appointed by virtue of this Act, and all other Persons, to commence and prosecute Proceedings for the Recovery of any Penalty or Forfeiture, or for the pulling down or Alteration of any Building, against any Owner, Occupier, Builder, Workman, or other Person, for or in respect of any Default made in complying with the Provisions of this Act, at any Time within Three Calendar Months after such Default shall have been made; and that in case any Person, having duly commenced any Building or other Erection within the Limits of this Act requiring a Compliance within the Provisions of this Act, shall suspend the Progress and Completion of such Building or other Erection for any Period exceeding Two Calendar Months, and shall again resume the same, or in case the Builder or other Person employed by such Owner or other Person in such Building or other Erection shall be changed during the Progress thereof, Notice in Writing of the intended Resumption of the Erection of the said Building, and of the Name of the Person or Persons to be employed to proceed with such Building or other Erection, shall be given to the said Surveyor, or left at the Surveyor's Office, in like Manner as is required upon the Commencement of any new Building or other Erection in the said Town; and every Person making default, or neglecting to give or leave such Notice, shall for every Offence forfeit and pay a Sum not exceeding Twenty Pounds.

For Prevention of Neglect or Evasion of this Act.

XLV. And be it enacted, That if the Owner or Occupier or any other Person in the Charge or Management of any Shed or other Building in the said Borough, roofed or covered with Boards or Timber, shall cause or make or permit or suffer any Fire to be lighted or burn in any such Shed or Building, every Person so offending shall forfeit and pay a Sum not exceeding Ten Pounds for every such Offence; Provided that no such Owner, Occupier, or other Person shall be liable to the said Penalty in any Case in which the Shed or other Building shall be surrounded by substantial Brick or Stone Walls, with the Exception of necessary Gates or Doorways therein, such Walls being of sufficient Height, and the Shed or other Building being so placed within the same as that any Fire in such Shed or other Building would not endanger any neighbouring Property; and no such Owner, Occupier, or other Person shall be liable to the said Penalty in any Case in which such Shed or other Building shall be distant from the Property of any other Person Twenty Yards at the least, without computing in such Distance any Property besides such Shed or other Building belonging to the Owner in the Holding of the Occupier, or under the Charge or Management of the Person having the Charge or Management of such Shed or other Building as aforesaid.

Regulations respecting Fires in Sheds.

[Local.]

28 C

XLVI. And

Casting
Slates, &c.
from Roof,
&c.

XLVI. And be it enacted, That if any Person shall throw or cast from the Roof or any other Part of any House or other Building within the said Borough, into any of the Streets within the said Borough, any Slate, Brick or Part of any Brick, Wood, Rubbish, or other Material or Thing, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

The Corpora-
tion empow-
ered to take
down such
Buildings as
shall be pre-
sented as
Nuisances,
and to reim-
burse them-
selves the
Expence.

XLVII. And whereas it hath happened and may happen that some of the Buildings and Walls in several Parts of the said Borough are sometimes in so ruinous a Condition that Passengers passing by the same, or Persons dwelling near the same, are in danger of their Lives or some bodily Harm from the falling thereof, or of Bricks, Stones, Timber, or other Materials therefrom; be it there- enacted, That if any Presentment shall be made by any Inquest or Grand Jury at any General or Quarter Sessions to be held in and for the said Borough, or if any Four or more Householders living near any such Building or Wall shall by Writing under their Hands present to the Council of the said Borough, that any Building or Wall in the said Borough is in a ruinous, neglected, or dangerous Condition, it shall be lawful for the Council of the said Borough, and they are hereby required, on Notice of any such Presentment being given, and on the same or a Copy thereof being laid before them, to cause with all convenient Speed a Survey to be made by their Surveyor of the said Building or Wall; and if upon such Survey it shall be certified that the said Building or Wall is dangerous and ruinous the said Council shall immediately cause a proper and sufficient Hoard or Fence to be put up for the Safety of Her Majesty's Subjects, and shall cause Notice in Writing (or partly written and partly printed) to be given to the Owner or other Person interested therein, if he can be found in the said Borough, and if not shall cause such Notice to be affixed upon the Door or other conspicuous Part of the said Premises so presented to be ruinous or dangerous, or upon the said Board or Fence, to take down, secure, or repair such Building or Wall, as the Case shall require, within the Space of Fourteen Days then next ensuing; and if such Owner or other Person so interested as aforesaid shall not begin to repair, take down, or secure the Building or Wall so presented to be ruinous or dangerous as aforesaid within the Space of Fourteen Days after any such Notice as aforesaid shall be so given or affixed as aforesaid, and complete such Repairs or taking down as soon as the Nature of the Case will admit, then and in such Case the Council are hereby authorized and required, with all convenient Speed, to order and cause such Building or Wall, or so much thereof as shall be in such ruinous Condition and likely to be dangerous to Passengers passing by the same, to be taken down and secured, in such Manner as shall from Time to Time be thought requisite, and to sell and dispose of such of the old Materials as may be expedient, and out of the Money arising therefrom to satisfy and reimburse themselves, and every Person by them employed, all the Charges of putting up any such Hoard or Fence, and of taking down or securing such Building or Wall, and of selling the Materials, or so much thereof as the Monies arising from any such Sale will extend to pay, and shall account for and pay

pay over the Surplus, if any, to the Owner or other Person interested in such Building or Wall, upon Demand thereof made, and if no Demand be made then such Surplus shall go to the Borough Fund of the said Borough; or otherwise all the Charges of putting up every such Fence, and of taking down and securing all or so much of such ruinous Building or Wall as shall be necessary to be taken down or made secure, for the Safety of Passengers passing that Way, shall from Time to Time be paid by the Owner of such Building or Wall, if known, and he can be met with within the said Borough; and if such Owner shall, on Demand thereof, neglect or refuse to pay the same, then such Charges may, by Warrant under the Hands and Seals of any Justice for the said Borough, be levied by Distress and Sale of the Goods and Chattels of such Owner if any such can be found in the said Borough; and if no such Owner can be met with in the said Borough, or sufficient Distress of his Goods or Chattels cannot be met with wherefrom such Costs and Charges may be levied, then and in every such Case the Person who shall at any Time hereafter occupy any such Building, or the Ground whereon such Building or Wall stood, is hereby required and authorized to pay the same, and to deduct the same out of the Rent thereof; provided that no Occupier shall be liable to pay more than what he can lawfully deduct from such Rent; and if he shall neglect or refuse to pay such Charges, then the same shall, by Warrant under the Hand and Seal of any such Justice as aforesaid, be levied by Distress of the Goods and Chattels of any such Occupier, in the same Manner as Penalties are by this Act directed to be levied, together with the Costs of every such Distress and Sale; and the Landlord of the Premises, or other Person entitled to the Rent thereof, is hereby required to allow every such Occupier all such Charges which he shall so pay, or which shall be levied by Distress from him as aforesaid, upon Receipt of the Rent; and every Occupier paying any Charges shall be acquitted and discharged for so much Money as he shall so pay, in the same Manner as if the same had been actually paid to the Person to whom his Rent may be payable; and such Money as shall from Time to Time be received and levied shall be paid to the Treasurer of the said Corporation, and be by him from Time to Time placed to the Credit of the said Corporation, to reimburse their Costs and Charges in the Premises.

XLVIII. And be it enacted, That every Person who shall take down or begin to take down any House or other Building whatever within the said Borough, or cause the same to be so done, or who shall alter or repair or begin to alter or repair the outward or external Part of any House or other such Building, or cause the same to be so done, shall, in order to guard all such Houses and other Buildings, and the Foundations of the same from the Street in which the same may be situate, cause to be erected and put up a more proper and sufficient Hoard or Fence in all Cases in which the Footway shall be thereby obstructed or rendered inconvenient, together with a convenient Platform and Hand-rail, if there shall be sufficient Space for the same, to serve as a Footway for Passengers outside of such Hoard

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

Penalty for
Neglect.

Hoard or Fence, and shall continue such Hoard or Fence in such Cases as aforesaid, with such Platform and Hand-rail as aforesaid, standing in good Condition during such Time as may be necessary for the public Safety or Convenience, and shall in all Cases in which the same shall be necessary, to prevent Accidents, light or cause the same to be well and sufficiently lighted during the Night; and if any such Person shall refuse or neglect to erect and set up any such Fence or Hoard or Platform, with such Hand-rail as aforesaid, or to continue the same respectively standing and in good Condition during the Time aforesaid, or shall not whilst the said Hoard or Fence is standing keep the same sufficiently lighted in the Night, then and in any of the said Cases every Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Persons to
place a Light
and sufficient
Fence when
through
Necessity the
Materials are
laid or any
Opening
made in any
Streets.

XLIX. And be it enacted, That when through Necessity or otherwise any Bricks, Stones, Timber, Mortar, Rubbish, Materials, or other Things shall be laid or placed, or any Hole, Opening, or Excavation, of any Nature or Kind soever, shall be made, in any of the Streets within the said Borough, the Person placing or causing the said Articles, Materials, or other Things to be so laid or placed, or the said Hole, Opening, or Excavation to be so made, shall, at his own Expence, cause a proper and sufficient Light to be placed and fixed in a proper Place in, upon, or near the same, and continue such Light every Night from Sunsetting to Sunrising during the Time such Articles, Materials, Hole, Opening, or Excavation shall remain; and such Person shall, at his own Expence, cause such Articles, Materials, or other Things, and such Hole, Opening, or Excavation, to be well and sufficiently fenced and inclosed until the said Articles, Materials, or other Things shall be removed, or the Hole, Opening, or Excavation filled up or otherwise made secure; and in case such Person shall refuse or neglect so to light, fence, or inclose such Articles, Materials, or other Things, or Hole, Opening, or Excavation as aforesaid, every Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds: Provided always, that such Articles, Materials, or other Things, or Hole, Opening, or Excavation, shall not be permitted to remain for a Length of Time which a Justice of the Peace for the said Borough shall consider unnecessary, under a Penalty not exceeding Five Pounds for every such Offence; and in every such Case Proof of the Necessity of such Continuance shall be upon the Person so placing or causing to be placed the said Articles, Materials, or other Things, or making or causing to be made the said Hole, Opening, or Excavation.

Penalty for
Neglect.

Materials or
Openings
not to remain
longer than
necessary,
under a
Penalty.

If Chimneys,
&c. are ruin-
ous, and
Occupier
neglect to
secure them
after Notice,
summary
Proceedings

L. And be it enacted, That if the Chimney or Roof or Parapet or other Wall, or any other Part of any Building, or any Chimney Pot or other Thing thereon, shall be deemed or considered by any Surveyor acting under the Authority of this Act to be in a ruinous, dangerous, or defective State, or in danger of falling, it shall be lawful for such Surveyor and he is hereby required immediately to give Notice thereof under his Hand to the Occupier of such

such Building, either personally or by leaving the same at or affixed to some conspicuous Part of the said Building, requiring such Occupier or other Person interested therein forthwith to take down, repair, build, or otherwise reinstate or secure the same to the Satisfaction of such Surveyor; and if such Occupier or other Person interested in such Building shall not begin to take down, repair, rebuild, reinstate, or secure the same, within the Space of Two clear Days after such Notice as aforesaid shall have been given, left, or affixed, and complete such taking down, repairing, rebuilding, reinstating, or otherwise securing the same, to the Satisfaction of such Surveyor, so soon as the Nature of the Case will admit, then and in such Case it shall be lawful for the said Surveyor to give Information thereof to any Justice of the Peace for the Borough of *Liverpool*, who shall proceed thereupon to hear the Matter, and if any immediate Danger is apprehended shall cause such Chimney or Parapet or other Wall, or other Part of such Building, or such Chimney Pot or other Thing thereon, as shall be considered to be in a dangerous State, to be forthwith taken down, shored up, or otherwise secured at the Costs and Expence of the Occupier or other Person interested in the said Building, and in case no immediate Danger is apprehended shall direct the Occupier or other Person interested in the said Building to take down, repair, rebuild, reinstate, or otherwise secure the same, to the Satisfaction of such Surveyor, within a Time to be fixed by such Justice; and in case the same shall not be taken down, repaired, reinstated, or otherwise secured within the Time so to be limited as aforesaid, the Occupier of such Building shall forfeit and pay the Sum of Five Pounds for every Day during which the same shall so remain unrepaired or not sufficiently secured, such Penalty to be levied, recovered, and applied in the same Manner as any other Penalty is by this Act directed to be levied, recovered, and applied: Provided always, that it shall be lawful for any Justice of the Peace for the said Borough at any Time to cause such Chimney, Parapet or other Wall, or Part of such Building, or such Chimney Pot or other Thing, to be taken down, repaired, rebuilt, reinstated, or otherwise secured to the Satisfaction of such Surveyor, and the Occupier of such Building shall, over and above the aforesaid Penalty, pay all the Costs, Charges, and Expences attendant upon the taking down, repairing, rebuilding, reinstating, or otherwise securing such Chimney, Parapet or other Wall, or other Part of such Building, or such Chimney Pot or other Thing; and such Costs, Charges, and Expences may be recovered and levied in the same Manner as such Penalty.

may be had
before a
Justice.

LI. And be it enacted, That any Occupier of any Building who shall pay any Costs, Charges, or Expences for the taking down, repairing, rebuilding, reinstating, and effectually securing any Chimney, Parapet Wall or other Wall, or any Part of any Building, or any Chimney Pot or other Thing thereon, or upon whose Goods and Chattels such Costs, Charges, or Expences may be levied in pursuance of this Act, shall and may deduct the Amount of such Costs, Charges, and Expences, and the Costs, Charges, and Expences of such Distress and Sale, out of the Rent due to his Landlord or Lessor, unless there

Occupier
may deduct
the Expences
from his
Rent, un-
less there
be any Agree-
ment to the
contrary.

[*Local.*]

28 D

shall

shall be some Agreement to the contrary between the Parties; and the Receipt for such Payment shall be a sufficient Discharge to any Occupier for so much Money as he shall have so paid, or which shall have been levied on his Goods or Chattels, in pursuance of this Act, and shall be allowed by such Lessor or Landlord in part or full Payment (as the Case may be) of the Rent due to him from such Occupier as aforesaid, or otherwise the same shall be repaid to such Occupier by such Lessor or Landlord, and in default thereof may be recovered by such Occupier from such Lessor or Landlord by Action or Suit in any of Her Majesty's Courts of Record, unless in any such Case there shall be an Agreement between the Parties, either express or implied, to the contrary.

Where the greater Part of a Street is paved, Three Fourths of the Owners on both Sides may apply to Two Justices respecting the Completion thereof.

11 G. 4. & 1 W. 4. c. 15. 5 & 6 W. 4. c. 76.

Proceedings thereupon.

LII. And whereas by an Act passed in the Eleventh Year of the Reign of His Majesty King George the Fourth, intituled *An Act for the better paving and Sewerage of the Town of Liverpool in the County Palatine of Lancaster, and for settling the Boundaries between the said Town and the Township of Kirkdale and Parts of the Townships of Everton and West Derby*, the Repairs of the Streets and public Passages and Places within the then Boundaries of the said Borough of *Liverpool*, and the making and Disposition of the Common Sewers therein, were placed under the Management and Direction of certain Commissioners: And whereas by an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, the Boundaries of the said Borough were greatly enlarged, so as to comprise new Parts in adjacent Townships which are not within the said recited Act of the Eleventh Year of King George the Fourth, or any Extension thereof: And whereas it would be of great public Advantage if the Council of the said Borough were enabled to exercise over the said new Parts the Powers and Authorities as to new or unfinished Streets hereinafter contained; be it therefore enacted, That whenever the greater Part of any Street within or of such Portion of any Street as lies within the said new Parts of the said Borough, which shall have been laid out or intended for a public or common Highway, and shall be of the Width required for Highways by the Laws for the Time being enforced relative to Highways, but which shall not have been adopted and repaired by the Township, shall have been sufficiently paved, made, and completed, but some Part or Parts thereof immediately fronting or adjoining to some House, Building, or the Curtilage thereof, which shall communicate with the said Street or Portion of Street, shall not be sufficiently paved, made, and completed, it shall be lawful for the Owners or Persons who, as Lessors or Occupants themselves, may be in the actual Receipt or Enjoyment of the immediate Rents or Profits of Three Fourths in Length to the said Street or Portion of Street, of the Buildings or Land fronting or abutting thereon, to make Application in Writing to Two of the Justices of the Borough to view the State of the said Street or Portion of Street; and such Justices shall appoint a Time to view the same, whereof Seven Days Notice shall be given to the Surveyor of the Highways of the Township in which the same may be situated, or left at his Dwelling House or Place of Abode;

Abode; and the said Justices shall accordingly view the said Street or Portion of Street; and if such Justices shall find that the Parties applying to them are the Owners or Persons who, as Lessors or Occupants themselves, are in the actual Receipt or Enjoyment of the immediate Rents and Profits of Three Fourths in Length to such Street or Portion of Street, of the Buildings or Land lying on either Side thereof, and that such Street or Portion of Street has been laid out or intended for a public or common Highway, and is of the Width required as aforesaid, but has not been adopted and repaired by the Township, and that the greater Part thereof is in their Estimation, sufficiently paved, made, and completed, but that in their Estimation some Part or Parts thereof immediately fronting or adjoining to some House, Building, or the Curtilage thereof, communicating with the said Street or Portion of Street, shall not be sufficiently paved, made, and completed, and that if the said Street or Portion of Streets was sufficiently paved, made, and completed it would be of sufficient Utility to the Inhabitants of the Township to justify its being thereafter kept in repair at the Expence of the Township, then and in such Case the said Justices shall in Writing under their Hands certify all the Facts aforesaid to the Council of the Borough, and, subject only to the Appeal herein-after provided, such Certificate shall be final and conclusive as to all the Facts aforesaid thereby found and certified; and upon all the Facts aforesaid being so found and certified, in case the said Council or any Committee thereof shall deem it reasonable and expedient that such Part or Parts of the said Street or Portion of Street as aforesaid, not paved, made, and completed as aforesaid, should be paved, made, and completed, then and in every such Case (subject nevertheless to any Appeal against the said Certificate) One Half of the Carriageway and the Whole of the Footway of such Path or Paths of the said Street or Portion of Street shall, upon Notice in Writing under the Hand of the Surveyor for the Time being of the said Council or Committee, to be given to or left with or for each Owner or Occupier or Person in Possession of any House, Building, or Curtilage fronting or adjoining thereto, be paved, made, and completed sufficiently, and in a substantial and workmanlike Manner, by and at the Expence of the Owner of such House, Building, or Curtilage, within Three Calendar Months from the Service of such Notice; and in case the Owner of any such House, Building, or Curtilage, or the Person to or for whom any such Notice as aforesaid may be given or left, shall not to the Satisfaction of the said Surveyor so pave, make, and complete One Half of the Carriageway and the Whole of the Footway of so much and such Part of the said Street respecting which such Notice as aforesaid may be given, within the Time required by such Notice, then it shall be lawful for the said Council, or any Committee thereof, and they are hereby authorized, to cause such Half of the Carriageway and the Whole of the Footway, or so much and such Part thereof respectively as they may think necessary, to be well and sufficiently paved, made, and completed; and the whole of the Costs and Expences attending the same shall be paid to and reimbursed the said Council or Committee by the Owner of the House, Building, or Curtilage thereof respectively
fronting

fronting or adjoining thereto as aforesaid; and in case of Nonpayment by any such Person, on Demand made by the said Surveyor upon the Premises, of the Money so hereby made payable to the said Council or Committee, the same shall and may be recovered by Sale and Distress of the Goods and Chattels of the Owner, Occupier, or Person in Possession of such House, Building, or Curtilage respectively, by Warrant under the Hands and Seals of Two of the Justices of the Peace for the said Borough, and in all other respects in like Manner as Penalties are by this Act directed and required to be recovered, but by Distress and Sale only: Provided always, that upon the passing of any general Act relating to Highways, whereby Powers shall be vested in any Board of Waywardens or Surveyor of Highways, which shall comprise and regulate the Matters aforesaid, the Powers aforesaid hereby vested in the said Council and Committee in respect to such Streets and Portions of Streets as aforesaid shall end and determine, save and except as to any Street or a Portion of a Street as to which the same may have been begun to be put in execution, and as to the Recovery of all Costs and Expences.

This Act not to authorize the Council to cut into public or private Sewers without Consent of proper Authorities or Parties.

LIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize and empower the said Council, or any Committee thereof, or any Person whomsoever, for any of the Purposes aforesaid or otherwise, to cut into or communicate with any public Sewer, Ditch, Sough, or Watercourse into or through any Lands or Grounds adjoining or lying near to such Street without the Consent in Writing of the proper Surveyor, District Surveyor, or Assistant Surveyor, or proper Commissioners or Board of Waywardens, or for Repair of Highways, or into or with any private Sewer, Ditch, Sough, or Watercourse, wheresoever the same may be, without the Consent in Writing of the Owner thereof for that Purpose first had and obtained: Provided that nothing herein contained shall be construed to abridge, prejudice, or affect any Right now existing in any Person or Persons whomsoever to cut into or communicate with any such public or private Sewer, Ditch, or Watercourse whatsoever.

In order to secure Adoption by the Township, the Council may cause the Street to be kept in repair for the Time required by the Highways Act, and give the Notices under it.

LIV. And be it further enacted, That in order to secure the Adoption by the Township of any Street or Part thereof within the new Parts of the Borough which may have been or which may at any Time hereafter be laid out as a public Street or Thoroughfare, and of which any Part may have been caused to be paved, made, and completed by or under the Direction of the said Council or Committee as aforesaid, and which in all other respects shall, in the Estimation of the said Council or Committee, be sufficiently paved, made, and completed, it shall be lawful for the said Council, or any Committee thereof, if they shall deem the same proper and expedient, to cause the same to be duly repaired and kept in repair for the Space of Twelve Calendar Months, or for such longer Period as may be required for that Purpose by the Laws for the Time being in force relative to Highways, and also for the said Council or Committee to give or cause to be given under the Hand of their

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

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

The Expences of keeping such Streets in repair shall be paid by the Owners according to their Frontage; and in case of Default may be recovered by Distress and Sale.

LVI. Provided always, and be it further enacted, That the Goods and Chattels of any Occupier at Rent of the Premises, or any Part thereof, shall be at all Times liable to be distrained and sold for all such Charges and Expences as may for the Time being be unpaid, whether the same may have become due previously to or during the Time of the Occupancy of such Person, but no such Occupier at Rent shall be liable to the Payment at any one and the same Time of a greater Sum for or towards the Discharge of such Charges and Expences, or any of them, than the Amount of the Rent which may be at that Time actually due and payable, or, after Notice thereof, may become due or payable, by such Person to the Landlord, Lessor, or Owner of such Premises; and every such Occupier at

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

[Local.]

28 E

a Rent

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

Arrangement
of Expences
between all
Parties.

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

If Parties
cannot agree
a Justice of
the Borough
to award the
Amount.

Appeal may
be made to
the Quarter
Sessions
against the
Award.

LVIII. Povidèd always, and be it enacted, That after such Award shall have been made by the said Justices a Copy thereof shall be delivered to the several Parties interested therein, or left at such adjoining Building, or fixed on the Door or other conspicuous Part thereof in case the same be unoccupied, and such Award shall be immediately filed at the Office of the Clerk of the Peace for the Borough, such Clerk being paid One Shilling for filing thereof, and no more; and any Party interested in such Award shall and may (if he think

fit) appeal from or against the same to the next General or Quarter Sessions to be holden for the said Borough; and the Court of General or Quarter Sessions at which such Appeal shall be made shall examine the Matter upon Oath, which Oath such Court is hereby empowered to administer; and upon such Examination the said Court is hereby authorized and required to make such Order or Orders in the Premises as in its Discretion such Court shall think to be just and reasonable, which Order or Orders shall be entered and filed of Record by the Clerk of the Peace of the said Borough, for entering and filing whereof, and for any Order of Court and Copy thereof, the said Clerk of the Peace shall be paid after the Rate of One Shilling for every One hundred Words; and the Determination of the said Court shall be final and conclusive to all Parties, without any Appeal from the same.

LIX. And be it enacted, That every Offence whatsoever which by virtue or under the Authority of this Act is or shall be subject to or punishable with any pecuniary Penalty, Fine, or Forfeiture, shall and may in every Case be heard, adjudged, and determined by or before any One Justice of the Peace for the said Borough in a summary Way, upon Information given or exhibited, and which shall in every Case be given or exhibited, within Three Calendar Months at the furthest next after committing such Offence, and not afterwards; and upon every such Information as aforesaid the said Justice shall examine into the Matter thereof; and if upon Confession of the Party accused, or on the Oath of any One credible Witness, the Party accused shall be convicted of having committed such Offence, then and in every such Case the Penalty hereby made payable in respect of such Offence, together with the Costs of Conviction, to be ascertained by such Justice, shall be forthwith paid by the Party so convicted as aforesaid; and all Penalties and Forfeitures inflicted or imposed by this Act, the Manner of levying and recovering whereof is not herein otherwise particularly directed, may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any Justice of the Peace for the said Borough, on Complaint to him for that Purpose made, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice; and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalty or Forfeiture, and the Costs and Expences as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained; all which Penalties and Forfeitures, not herein directed to be otherwise applied, shall be paid to the Treasurer of the Borough; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice and he is hereby required to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender shall give sufficient Security, to the Satisfaction of such Justice, for his Appearance before such Justice, or before some other Justice of the Peace for the said Borough, at such Time as shall be appointed

Recovery of Penalties.

appointed for the Return of such Warrant of Distress, such Return not being more than Seven Days from the Time of such Detention, and which Security such Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear no sufficient Distress could be had whereupon to levy the said Penalty or Forfeiture, and such Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, upon the Confession of the Offender or otherwise, that he had not sufficient Goods and Chattels whereupon such Penalty, Forfeiture, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justice is required, by Warrant under his Hand and Seal, to commit such Offender to some Common Gaol or House of Correction for the said Borough, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty and Forfeiture shall be paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, or until such Offender shall otherwise be discharged by due Course of Law.

Justices may proceed by Summons in the Recovery of Penalties.

LX. And be it enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information or Complaint before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons without Information in Writing or in Print shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

Justices may proceed if Party summoned does not appear, or may issue Warrant.

LXI. And be it enacted, That upon any Information or Complaint under and by virtue of this Act the said Justice shall summon the Party charged in manner before mentioned, and if such Party shall not appear accordingly the Justice (upon due Proof of the Service of the Summons by delivering the same or a Copy thereof to the Party, or by delivering the same or a Copy thereof at the Party's usual Abode or Place of Business,) may either proceed to hear and determine the Case in the Absence of the Party, or may issue his Warrant for apprehending and bringing such Party before him, or some other Justice of the Peace for the said Borough, in order that the said Information or Complaint may be heard and determined.

Informations and Convictions to be drawn up in the following Form:

LXII. And be it enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act may cause the Information, whenever an Information shall be taken in Writing or in Print, and the Conviction respectively, to be drawn up according to the following Forms,
or

or any other Forms to the same Effect, as the Case may require; (that is to say,)

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

Form of Information.

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

Form of Conviction.

LXIII. And be it enacted, That in all Cases in which any Justice of the Peace is authorized by this Act to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to or to receive the Affirmation (if a Quaker or Moravian or other Person whose Affirmation is admitted by Law) of any Person before he shall be examined by or before such Justice.

General Power to Justices to administer Oaths.

LXIV. And be it enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter or Fact contained or involved in or affecting any Information, Order, or Complaint laid in pursuance of or for any Offence committed against this Act, or any Matter which is hereby referred to any Justice of the Peace, either on the Part of the Prosecutor or on the Part of the Party summoned or accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed (having been tendered or paid a
[Local.] _____ 28 F _____ reasonable

For compelling Witnesses to attend.

reasonable Sum for his Costs and Expences) without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath or Affirmation, as the Case may require, to give Evidence before such Justice, then and in either of the said Cases every Person so offending shall for every such Offence forfeit a Sum not exceeding Ten Pounds.

Persons
aggrieved
may appeal
to Quarter
Sessions.

LXV. And be it enacted, That all Persons who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace relating to any Matter or Thing in this Act mentioned or contained, and for which no Power of Appeal is by this Act specifically given, may appeal to the General or Quarter Sessions to be held for the said Borough of *Liverpool* after such Order, Judgment, or Determination shall have been made or given, the Appellant first giving Ten Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Party against whom such Appeal is intended to be made, or whose Interest shall be affected thereby, and within Three Days after such Notice, in the Case of an Individual appealing, entering into Recognizance before some Justice of the Peace for the said Borough, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon, and to pay such Costs as shall be awarded; and the said Court shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or, if such Court shall think fit, may adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for the said Borough; and the said Court may, if such Court see cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Order, Judgment, or Determination, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they shall think reasonable.

Costs in
certain Cases
of Appeal.

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

Proceedings
where Offender
will not
disclose his
Name.

LXVII. And be it enacted, That if any Person charged with any Offence against this Act shall refuse to disclose his Name, all the necessary Proceedings may be had and carried on against him for the Recovery of any Penalty, Forfeiture, or Damage imposed or incurred

curred under this Act, by the Description of his Person and of the Offence committed, without stating his Name, or if One only of his Names be known all such necessary Proceedings may be had and carried on against him by such Name only.

LXVIII. And be it enacted, That it shall be lawful for any Justice of the Peace for the said Borough, in all Cases where Persons shall be convicted before him of any Offence under this Act, to mitigate the Costs payable in all such Cases to One Half, or to any less Proportion thereof, if such Justice shall (considering the Circumstances of the Parties convicted) think it right so to do.

Power to mitigate Penalties.

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

Persons giving false Evidence to be guilty of Perjury.

LXX. And be it enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress shall not be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage by an Action on the Case.

Distress not unlawful for Want of Form.

LXXI. And be it enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari or by any other Writ or Proceeding whatsoever into any of Her Majesty's Courts of Record at *Westminster* or Court of Common Pleas at *Lancaster*, or elsewhere, any Law or Statute to the contrary notwithstanding.

Proceeding not to be quashed for Want of Form.

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

Plaintiff not to recover after Tender of Amends.

Order,

Order, and Adjudication shall be had and made in and by such Court as in other Actions, where Defendants are allowed to pay Money into Court.

Damages and Charges, in case of Dispute, to be settled by Justices.

LXXIII. And be it enacted, That where any Damage, Satisfaction, 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, Satisfaction, or Charges shall be settled and determined by the Justice of the Peace by or before whom any Offender shall be convicted of any such Offence; and such Justice is hereby authorized and required, on Nonpayment thereof, to levy or cause to be levied such Damages, Satisfaction, or Charges by Distress and Sale of the Offender's Goods and Chattels, and to commit him in default of Payment, in manner by this Act directed in Cases of Nonpayment of pecuniary Penalties or Forfeitures.

For the Protection of the Commissioners of Paving and Sewerage.

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

Not to prejudice the Powers of the *Liverpool* Waterworks Companies or of the Gas Light Companies.

39 G. 3. c. 36.
50 G. 3. c. 165.

53 G. 3. c. 122.

3 G. 4. c. 77.

7 & 8 G. 4.
c. 36.

LXXV. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to take away, prejudice, lessen, or affect any of the Powers, Privileges, or Authorities now belonging to the Company of Proprietors of the *Liverpool* Waterworks granted by Three several Acts of Parliament, passed in the Thirty-ninth, Fiftieth, and Fifty-third Years of the Reign of His Majesty King George the Third, the First intituled *An Act for better supplying the Town and Port of Liverpool with Water from certain Springs in the Township of Bootle in the County Palatine of Lancaster*, the Second intituled *An Act to alter, amend, and enlarge the Powers of an Act passed in the Thirty-ninth Year of His present Majesty, for better supplying the Town and Port of Liverpool with Water from certain Springs in the Township of Bootle in the County Palatine of Lancaster*; and the Third intituled *An Act for enlarging the Powers of Two Acts of His present Majesty, for better supplying the Town and Port of Liverpool with Water*; and to the Company of Proprietors of the *Liverpool* Corporation Waterworks, and the *Liverpool* and *Harrington* Waterworks, granted by Two several Acts made in the Third and Seventh and Eighth Years of the Reign of His Majesty King George the Fourth, the First intituled *An Act to repeal so much of an Act of the Twenty-sixth Year of His late Majesty King George the Third as relates to the supplying the Town of Liverpool with Water, and to grant other Powers for supplying the said Town and Port and the Shipping resorting thereto with Water*; and the Second intituled *An Act to extend the Powers of an Act of His present Majesty, for supplying the Town of Liverpool in the County Palatine of Lancaster with Water, to Harrington and Toxteth Park in the said County*; and to the *Liverpool* Gas Light Company, granted by an Act made in the Fifty-eighth Year of the Reign of His Majesty

King

King George the Third, intituled *An Act for lighting with Gas the Town and Port of Liverpool and Township of Toxteth Park in the County of Lancaster*; and to the *Liverpool* new Gas and Coke Company, granted by Two several Acts of Parliament, the First passed in the Fourth Year of the Reign of His Majesty King George the Fourth, intituled *An Act for lighting with Oil Gas the Town of Liverpool, and certain Places adjacent thereto*; and the Second passed in the Fourth Year of the Reign of His late Majesty King William the Fourth, intituled *An Act to empower the Liverpool Oil Gas Light Company to produce Gas from Coal and other Materials, and to amend the Act relating to the said Company*.

58 G. 3. c. 66.

4 G. 4. c. 39.

4 & 5 W. 4.

c. 1.

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

Not to prejudice the Rights, &c. of the Devises of the late Duke of Bridgewater.

LXXVII. And whereas various Agreements in Writing for the Erection of Houses and other Buildings, or Parts thereof, may have been made and entered into previously to the passing of this Act, which had for their Guidance and Rule the Provisions contained in the said recited Acts, or some or One of them, either specified or implied, and which Agreements, or some Part thereof respectively, may remain to be performed on the said First Day of *August* One thousand eight hundred and thirty-nine, when this Act is come into operation; be it therefore enacted, That nothing herein contained shall extend or be construed to extend to rescind any Agreement in Writing entered into as last aforesaid, but that the same shall be performed, with all the Alterations and Variations of the Building or Erection comprised therein which may be rendered necessary by this Act, and as if such Alterations and Variations had been stipulated for in such Agreement: Provided always, that the Difference between the Cost and Expences of the Work, when performed according to the Provisions of this Act, shall be ascertained by the Parties to the respective Agreements, and paid for or deducted accordingly if such Difference shall amount to the Sum of Twenty Pounds, but not otherwise; and if the said Parties shall not agree upon the Amount of such Difference, the same shall, on the Request of either Party (Notice being given to the other), be decided upon by the Surveyor to the Mayor, Aldermen, and Burgesses of *Liverpool* for the Time being, who shall adjudge the Amount of such Difference (not being less than Twenty Pounds) to the Increase or Diminution of the Money to be paid under the respective Agreements, and as Part thereof, and for which Adjudication the Party requiring the same shall pay to the said Surveyor so making the Adjudication not less than One Pound nor more than Five Pounds, according to the Amount of the Difference awarded and the Trouble occasioned upon the Award.

Respecting existing Contracts for building.

Respecting
Contracts for
Leases.

LXXVIII. And whereas various Persons may have taken Ground for Building Purposes, or may be bound to erect and build various Buildings under or by virtue of Leases or Agreementss for Leases : And whereas, to prevent any Doubts which might arise as to this Act operating on any such Leases or Agreements for Leases, or to the Conditions, Stipulations, and Agreements therein contained or referred to ; be it enacted, That nothing herein contained shall extend, or be deemed, construed, or taken to extend, to alter, vary, affect, or make void or voidable any such Lease or Agreement, but that the various Buildings agreed to be erected and built by such Lease or Agreement shall be erected and built, according to the Stipulations and Conditions which may be rendered necessary by this Act, in the same or like Manner as if this Act had been passed and in operation at the Time of the entering into or making such Lease or Agreement, and without the Lessee or Tenant being entitled to any Compensation, either by Payment of Money, Reduction of Rent, or otherwise.

Meaning
of certain
Words in
this Act.

LXXIX. And be it enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons, Matters, or Things, as well as one Person, Matter, or Thing ; and every Word importing the Plural Number shall extend and be applied to one Person, Matter, or Thing, as well as several Persons, Matters, or Things ; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male ; and the Word Person shall extend to any Corporation as well as to an Individual ; and whenever any Forfeiture, Penalty, or Damage is payable to a Party aggrieved it shall be payable to a Body Corporate in like Manner as to an Individual ; and where the doing of any Act or Thing is made punishable by this Act with any Penalty, Fine, or Forfeiture, the causing, permitting, or suffering such Act or Thing to be done shall be punishable in like Manner ; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Commence-
ment of Act.

LXXX. And be it enacted, That this Act shall commence and come into operation on the First Day of *August* One thousand eight hundred and thirty-nine.

Limits of
Act.

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

Costs of Act.

LXXXII. And be it enacted, That the Costs, Charges, and Expences attending or incident to the obtaining and passing of this Act shall

shall be paid by the Council out of the Borough Fund of the said Borough.

LXXXIII. And be it enacted, That this Act shall be deemed and Public Act.
taken to be a Public Act, and shall be judicially taken notice of as
such by all Judges, Justices, and others.

SCHEDULE (A.) to which

—	RATES of BUILDING.	Height of Front from Pavement to Top of Cornice, and the extreme Frontage.	THICKNESS of EXTERNAL WALLS.		
			In Cellar Story to under Side of Ground Story Floor.	In Ground Story to the Top Side of Joist in Floor above Ground Story.	Above to under Side of Cornice.
1st Rate	Every Church, Chapel, or Place of Worship, Brewery, Distillery, Manufactory, or Warehouse.	- - - -	2½ Bricks Length.	2 Bricks Length	1½ Brick Length.
Ditto -	Every Dwelling House or other Building or Erec- tion, except as above.	Exceeding 44 Feet in Height, or 27 Feet in Front, and not within the Limits specified below.	2 Ditto -	2 Ditto -	1½ Ditto -
2d Ditto -	Every Dwelling House or other Building or Erec- tion.	Not exceeding 44 Feet in Height, or 27 Feet in Front; or exceed- ing 27 Feet in Front, and not exceeding 32 Feet in Height, and not within the Limits below.	2 Ditto -	1½ Ditto -	1½ Ditto -
3d Ditto -	Ditto Ditto -	Not exceeding 36 Feet in Height, or 21 Feet in Front; or exceed- ing 21 Feet and not exceeding 39 Feet in Front, and not ex- ceeding 28 Feet in Height; or exceeding 39 Feet in Front, and not exceeding 18 Feet in Height, and not within the Limits below.	1½ Ditto -	1½ Ditto -	1½ Ditto -
4th Ditto -	Ditto Ditto -	Not exceeding 32 Feet in Height, or 15 Feet in Front; or exceed- ing 15 Feet but not exceeding 27 Feet in Front, and not ex- ceeding 16 Feet in Height, and not within the 5th or last Class.	1 Ditto -	1 Ditto -	1 Ditto -
5th Ditto -	Buildings detached not less than 3 Yards from public Streets or from other Buildings.	Not exceeding 14 Feet in Height, and of any Frontage.	Not restricted to any Mode of building.		

Separate Side or End Walls between Buildings shall for every Building, except any Church, Chapel, or Place of Worship, Brewery, Distillery, Manufactory, or Warehouse, where such Wall shall exceed 24 Feet in Height, be not less than One Brick Length in Thickness, and for every Church, Chapel, or Place of Worship, Brewery, Distillery, Manufactory, or Warehouse, where such Wall shall exceed 24 Feet in Height, be not less than 1½ Brick Length in Thickness.

Buildings attached to the Back of 1st, 2d, and 3d Rate Buildings, not exceeding 16 Feet Projection from the main Building, to be under the Regulations of a 4th Rate Building. If exceeding 16 Feet Projection, to be under the Regulations of a Third Rate Building.

Churches, Chapels, or Places of Worship, and Breweries, Distilleries, Manufactories, and Warehouses,

the foregoing Act refers.

THICKNESS of PARTY WALLS [For separate Side or End Walls, see below.]				CHIMNEY BACKS in. PARTY WALLS.		CHIMNEY BACKS in EXTERNAL WALLS.
In Cellar Story to under Side of Ground Story Floor.	From Ground Story Floor to the Top Side of Joist in Floor next above.	From the Floor last mentioned to under Side of Ceiling of Top Story.	From the Ceiling of Top Story to under Side of Spars in Roof.	In the Cellar Story.	In Walls above.	
2 BricksLength	2 BricksLength	1½ BrickLength	1½ Brick Length.	1½ Brick Length.	1 Brick in Length.	1 Brick in Length.
2 Ditto	1½ Ditto	1½ Ditto	1 Ditto	1 Ditto	1 Ditto	1 Ditto.
1½ Ditto	1½ Ditto	1 Ditto	1 Ditto	1 Ditto	1 Ditto	1 Ditto.
1½ Ditto	1 Ditto	1 Ditto	1 Ditto	1 Ditto	1 Ditto	½ Ditto.
1 Ditto	1 Ditto	1 Ditto	1 Ditto	1 Ditto	1 Ditto	½ Ditto.

houses, not exceeding 32 Feet in Height, are to be considered as rated in like Manner as Dwelling Houses or other Buildings or Erections.

Wherever the Foundations of any Buildings shall not be upon Rock, every external Wall or Party Wall shall at least have Two footing Courses below the Level of the Cellar Floor, each Course projecting 2¼ Inches on each Side the Course or Wall immediately above it; and all internal Walls shall have at least One footing Course 4½ Inches wider than the Wall above it.

Wherever Buildings shall be detached more than Five Yards from any Street, the Height of Front shall be measured from the Level of the Ground at the Foot of the Steps at the principal Entrance, and not from the Level of the Pavement of the Street.

[Local.]

[28 H]

SCHE.

SCHEDULE (B.) to which the foregoing Act refers.

JOIST IN FLOORS:

- Joists exceeding 7 Feet clear Bearing, and not exceeding 10 Feet clear Bearing, not to be less than Six by 2 Inches, or of equal Area.
- Ditto exceeding 10 Feet and not exceeding 12 Feet clear Bearing, not to be less than 6 by 2½ Inches, or of equal Area.
- Ditto exceeding 12 Feet and not exceeding 14½ Feet clear Bearing, not to be less than 7 by 2½ Inches, or of equal Area.
- Ditto exceeding 14½ Feet and not exceeding 16 Feet clear Bearing, not to be less than 8 by 2½ Inches, or of equal Area.
- Ditto exceeding 16 Feet and not exceeding 18 Feet clear Bearing, not to be less than 9 by 2¾ Inches, or of equal Area.
- Ditto exceeding 18 Feet and not exceeding 20 Feet clear Bearing, not to be less than 10 by 2¾ Inches, or of equal Area.

All trimming Joists to be One Inch thicker than their respective Joists; and in all Cases where the Joists are supported by Beams, such Beams shall not be more than 10 Feet apart, nor of less than the following Dimensions; that is to say,

All Beams not exceeding 10 Feet Bearing to be 10 by 7 Inches.

All Beams ex-	}	10 Feet Bearing	}	12 Feet Bearing, to be 11 by 8 Inches.			
ceeding -		and not exceeding					
-		12		-	15	-	12 by 9
-		15		-	18	-	13 by 11
-	18	-	20	-	13 by 13		

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

PURLINS:

- Purlins not exceeding 10 Feet clear Bearing, and not more than 6 Feet apart, are not to be less than 7 by 5 Inches, or of equal Area; if more than 6 Feet apart, and not exceeding 7½ Feet, then 7½ Inches by 5½, or of equal Area; if more than 7½ Feet apart, and not exceeding 9 Feet, then 8½ Inches by 6½, or of equal Area.
- Ditto exceeding 10 Feet and not exceeding 12 Feet clear Bearing, and not more than 6 Feet apart, are not to be less than 7½ by 6 Inches, or of equal Area; if more than 6 Feet apart, and not exceeding 7½ Feet, then 8½ Inches by 6, or of equal Area; if more than 7½ Feet apart, and not exceeding 9 Feet, then 9 Inches by 6½, or of equal Area.
- Ditto exceeding 12 Feet and not exceeding 14½ Feet clear Bearing, and not more than 6 Feet apart, are not to be less than 8 by 7 Inches, or of equal Area; if more than 6 Feet apart, and not exceeding 7½ Feet, then 9 Inches by 7, or of equal Area; if more than 7½ Feet apart, and not exceeding 9, then 9 Inches by 8, or of equal Area.
- Ditto exceeding 14½ Feet and not exceeding 17½ Feet clear Bearing, and not more than 6 Feet apart, are not to be less than 9 by 8 Inches, or of equal Area; if more than 6 Feet apart, and not exceeding 7½ Feet, then 10 Inches by 8, or of equal Area.

No

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

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

RAFTERS:

Not to exceed 6 Feet Average clear Bearing, and to be 3 by $2\frac{1}{2}$ Inches.

Not to exceed $7\frac{1}{2}$ Feet Average clear Bearing, and to be $3\frac{1}{2}$ by $2\frac{1}{4}$ Inches.

Not to exceed 9 Feet Average clear Bearing, and to be $4\frac{1}{2}$ by $2\frac{1}{2}$ Inches.

N. B.—No Joist or Rafter to exceed 11 Inches apart.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1839.

