



ANNO QUINTO & SEXTO

# VICTORIÆ REGINÆ.

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## Cap. cv.

An Act for better paving and improving the Streets and Highways within the Extra-parochial Place of *Toxteth Park* in the County Palatine of *Lancaster*, and for the Sewerage of certain Parts of the said Place. [16th July 1842.]

**W**HEREAS it is expedient that Powers should be granted for paving, cleansing, and repairing the Streets, Highways, and public Passages in the Extra-parochial Place of *Toxteth Park* in the County Palatine of *Lancaster*, and for the Sewerage of that Part thereof which is contained within the Limits herein-after defined; but the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Joseph Brooks Yates* Esquire, *Alexander Ryan Limeburner*, *James Hall* Merchant, *William Kay* Gentleman, *John Sheppard* Gentleman, *Mathew Gregson* Merchant, *Francis Jordan* Esquire, *James Lawrence* Brewer, *Richard Harbord* Warehouse Keeper, *Joseph Harrison* Ironmonger, *Hugh Donaldson* Gentleman, *Alexander Smith* the younger, [Local.]

First Commissioners.

Merchant, *John Callin Gentleman, Thomas Harbridge Ship Bread Baker, and George Robinson Brewer*, shall be the First Commissioners for carrying this Act into execution, and shall continue in Office until other Commissioners shall be elected in their Place in manner herein-after mentioned.

Qualification of Commissioners.

II. And be it enacted, That every Commissioner under this Act shall be a resident Inhabitant of the said Extra-parochial Place of *Toxteth Park*, and shall either be rated to the Rate made for the Relief of the Poor thereof in the annual Sum of Thirty Pounds or upwards, or be seised or possessed or in the Enjoyment of the Rents and Profits of Lands and Hereditaments within the said Place of the annual Value of Fifty Pounds, for an Estate not less than a Life in being, for his own Use, or be possessed of a Personal Estate of not less than One thousand Pounds beyond what will satisfy all his Debts.

Same Property not to give 2 Qualifications.

III. Provided always, and be it enacted, That the same Property shall not give a Qualification to Two Commissioners at the same Time as Owner and Occupier thereof.

No Bankrupt or Insolvent to be a Commissioner.

IV. And be it enacted, That no Bankrupt or Insolvent, or Person not qualified as herein-before mentioned, shall be capable of being or continuing a Commissioner.

No Person holding Office or concerned in a Contract to be a Commissioner.

V. And be it enacted, That if at any Time subsequently to the Appointment or Election of any Commissioner he shall accept or continue to hold any Office or Place of Trust or Profit under this Act, or be concerned in any Contract, or participate in any Manner in any Work to be done under the Authority of this Act, such Person shall cease to be a Commissioner, and his Office shall thereupon become vacant.

Shareholders in Companies established under Act of Parliament not disqualified by reason of Contracts.

VI. Provided always, and be it enacted, That no Person, being a Shareholder or Member of any Joint Stock Company established by Act of Parliament, shall be prevented from acting as a Commissioner by reason of any Contract entered into between such Company and the Commissioners; but no such Commissioner, being a Member of such Company, shall vote on any Question relating to the Execution of this Act in which such Company may be interested.

Commissioner not incapable of acting as a Justice.

VII. And be it enacted, That a Person shall not be incapable of acting as a Justice of the Peace in any Matter relating to the Execution of this Act by reason of his being a Commissioner.

Declaration by Commissioners.

VIII. And be it enacted, That no Person shall be capable of acting as a Commissioner, except in administering the Declaration herein-after mentioned, until he shall have made and signed, before one of the Commissioners, a Declaration to the Effect following:

‘ I *A. B.* do solemnly declare, That I will faithfully and impartially, according to the best of my Skill and Judgment, execute all the Powers and Authorities reposed in me as a Commissioner by virtue

‘ of an Act of Parliament, intituled [*here insert the Title of this Act*],  
 ‘ and also that I am a resident Inhabitant of and am rated to the  
 ‘ Rates made for the Relief of the Poor of the said Extra-parochial  
 ‘ Place in the annual Sum of Thirty Pounds, [*or that I am a resident*  
 ‘ Inhabitant of and am seised or possessed, *or in the Enjoyment of,*  
 ‘ the Rents and Profits of Lands and Hereditaments within the said  
 ‘ Extra-parochial Place, of the annual Value of Fifty Pounds, for an  
 ‘ Estate not less than a Life in being, for my own Use, *or am a*  
 ‘ resident Inhabitant of the said Extra-parochial Place, and am in  
 ‘ possession of a Personal Estate of not less than One thousand  
 ‘ Pounds Value beyond what will satisfy all my Debts].’

IX. And be it enacted, That any Person who shall falsely or corruptly make and subscribe a Declaration under this Act, knowing the same to be untrue in any Particular, shall be deemed guilty of a Misdemeanor. False Declaration a Misdemeanor.

X. And be it enacted, That at the Meeting of Commissioners at which any Person shall first attend as one of such Commissioners such Person shall make and subscribe the Declaration herein required; and it shall be lawful for any Person attending as one of such Commissioners, whether he shall himself have made such Declaration or not, to administer such Declaration. Declaration to be taken at the First Meeting.

XI. And be it enacted, That if any Person shall act as a Commissioner, being incapacitated to act, or not being duly qualified, or before he shall have made or subscribed such Declaration as aforesaid, or after having become disqualified, he shall for every such Offence forfeit the Sum of Fifty Pounds; and such Penalty may be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by any Person who shall sue for the same, by Action of Debt or on the Case; and in every Action for the Recovery of such Penalty the Person so sued shall prove that he was qualified, and had made and subscribed the Declaration aforesaid, or he shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff than that such Person had acted as a Commissioner in the Execution of this Act; nevertheless all Acts and Proceedings of any Person acting as a Commissioner, being incapacitated, not duly qualified, or, being disqualified, done previously to the Recovery of the Penalty, shall be as valid as if such Person had been duly qualified. Penalty on Commissioner acting not being qualified.

XII. And be it enacted, That if any Commissioner fail to act in the Execution of this Act for One Year such Commissioner shall be deemed to have refused to act, and thereupon shall cease to be a Commissioner until he shall be re-elected as herein-after mentioned. Commissioner neglecting to act.

XIII. And be it enacted, That the Commissioners appointed by this Act shall go out of Office by Rotation as follows; (that is to say,) in the Month of *July* in the Year One thousand eight hundred and forty-three One Third of such Commissioners shall go out of Office, and at the same Time in the following Year One Half of the remaining Period of Service and Time of going out of Commissioners.

remaining Commissioners shall go out of Office, and at the same Time in the following Year the Remainder of the Commissioners shall go out of Office, and at the same Time in every subsequent Year One Third of the Commissioners, being those who have been longest in Office, shall go out of Office; and in each Instance the Places of the retiring Commissioners shall be supplied by the Election of a similar Number of Commissioners, as herein-after provided.

Commissioners re-eligible.

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

Rotation of Commissioners named by the Act.

XV. And in order to determine the Rotation by which the Commissioners are required to go out of Office, be it enacted, That within Two Months after the passing of this Act the Commissioners shall meet at the public Office in the said Extra-parochial Place, or some other convenient Place within the said Extra-parochial Place, for the Purpose of forming a Rotation List of the Commissioners; and at such Meeting the Clerk to the Commissioners, or some other Person to be previously appointed by the Commissioners for that Purpose, shall write the Names of all the then Commissioners on separate Slips of Paper, all as nearly as may be of equal Size; and having folded them up in the same Manner, he shall put them in a Box and shall draw out such Slips in succession; and the Names upon the Slips so drawn shall be inserted by such Clerk in a List in the Order in which they shall be so drawn, and such List shall be kept by such Clerk for the Purposes of the Act, and the Names in such List shall be numbered consecutively; and the Commissioners shall retire from Office in the Order in which their Names appear on such List according to the Proportion herein-before mentioned.

Qualification of Electors.

XVI. And be it enacted, That every Person who shall be rated under the Provisions of this Act, and who shall have paid all Rates due in respect thereof, shall be entitled to vote in the Election of Commissioners to supply the Places of those retiring by Rotation.

Manner of Election for supplying periodical Vacancies.

XVII. And be it enacted, That for the Purpose of such Election a Meeting of the Persons entitled to vote thereat shall be held at the public Office, or some other convenient Place within the said Extra-parochial Place to be appointed by the Commissioners, on the Third *Friday in July* in each Year, between the Hours of Ten of the Clock in the Morning and Four of the Clock in the Afternoon; and between the Hours aforesaid the Persons by whom such Election is to be made shall respectively deliver to the Clerk of the said Commissioners, or in his unavoidable Absence to some Person authorized for that Purpose by the Commissioners, a Paper containing the Names of the Persons for whom they respectively vote, to fill the Office of Commissioners; and the Persons, not exceeding the Number of Commissioners proper to be elected at such Meeting, having the Majority of Votes at such Election, shall be Commissioners for the Purpose of carrying this Act into execution; and if at any such Election

Election there be an Equality for Two or more Persons, the Clerk to the said Commissioners, or such Person as aforesaid, shall, if necessary to prevent an Excess in the Number of Commissioners, decide by Lot upon the Person to be elected.

XVIII. And be it enacted, That if any of the Commissioners die or resign, or be disqualified or cease to be a Commissioner from any other Cause than that of going out of Office by Rotation, it shall be lawful for the remaining Commissioners, if they think fit, to elect another Commissioner in his Place; and every Commissioner so elected shall continue in Office only so long as the Person in whose Place he shall be elected would have been entitled to continue had he remained in Office.

Mode of  
supplying  
occasional  
Vacancies.

XIX. Provided always, and be it enacted, That Notice shall be given by the Clerk to the Commissioners previously to the Election of any Commissioner under the last-mentioned Provision, by Advertisement in some *Liverpool* Newspaper for Three successive Weeks prior to such Election; and if previously to any such Election a Notice in Writing, signed by Fifteen Persons qualified to vote in the Election of Commissioners, shall be given to the Clerk to the Commissioners or left at his last or usual Place of Abode, requiring the remaining Commissioners not to proceed to the Election of a Commissioner in the Room of any Commissioner creating such Vacancy as aforesaid, then and in every such Case the Place of such Commissioner shall be supplied, at a Meeting to be convened for the Purpose, by Election, in the same Manner as is herein-before directed with respect to the Election of Commissioners in lieu of those retiring by Rotation.

Power for  
Electors to  
require  
occasional  
Vacancies to  
be supplied  
by Election,  
in the same  
Manner as  
periodical  
Vacancies.

XX. And be it enacted, That Seven Days Notice shall be given of every Meeting of the said Inhabitants for the Election of Commissioners for carrying this Act into execution or for any other Purpose relating to this Act; and such Notice shall specify the Object of such Meeting, and shall be published in Two or more of the *Liverpool* Newspapers.

Notice of  
Meetings of  
Electors.

XXI. And be it enacted, That the Commissioners for executing this Act shall hold their First General Meeting at the Public Office aforesaid, or some other convenient Place within the said Extra-parochial Place, on the Second *Friday* after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and proceed to put this Act into execution; and a Yearly General Meeting of the Commissioners shall be held on the Second *Friday* in *July*, at the Place and between the Hours aforesaid, unless some other Place shall be appointed by the Commissioners; and it shall be lawful for the Commissioners present at such first or any subsequent Meeting from Time to Time to adjourn such Meeting to the same or any other Place within the said Extra-parochial Place; and if at any such Meeting there shall not be Five Commissioners present within One Hour after the Time appointed for such Meeting, then it shall be lawful for the Commissioners present, or the major Part of them, or any One Commissioner,

First and  
other Meet-  
ings of Com-  
missioners.

missioner, if only One be present, to adjourn such Meeting to another Day, and if the Meeting shall not be adjourned then it shall be lawful for any Two of the Commissioners, or the Clerk, to appoint a Meeting to be held at any convenient Place within the said Extra-parochial Place, and not less than Seven Days Notice shall be given of such intended Meeting.

Special Meetings.

XXII. And be it enacted, That it shall be lawful for the Commissioners to hold Special Meetings, and any Three or more of the Commissioners may require a Special Meeting to be held, but no such Meeting shall be held unless Three Days Notice thereof at the least shall be given.

Quorum of Commissioners.

XXIII. And be it enacted, That all Powers of this Act may be exercised by any Five or more of the Commissioners present at any Meeting holden in pursuance of this Act; and no Business shall be transacted at any Meeting of the Commissioners unless Five or more Commissioners shall be present at such Meeting.

How Notices of Meetings of Commissioners are to be given.

XXIV. And be it enacted, That all Notices of any Meeting of the Commissioners to be held under the Authority of this Act shall be in Writing, and shall be delivered or sent by the Post to the usual Place of Abode or Place of Business of each of the Commissioners Three Days at least previous to such Meeting; and every Notice shall specify the Time and Place of Meeting, and, in case of a Special Meeting, shall specify the Object thereof, and no Business shall be transacted at any Special Meeting except such as is stated in the Notice thereof.

Expences at Meetings.

XXV. And be it enacted, That at all Meetings of the Commissioners they shall defray their own Expences, except for the Use of the Room in which the Meeting is held, and Books, Paper, and Fire.

General Meeting may appoint Committees.

XXVI. And be it enacted, That it shall be lawful for the Commissioners at any General Meeting to appoint a Committee, consisting of not more than Five of the Commissioners, for carrying into effect any of the Provisions of this Act, and at any General Meeting to continue, alter, or discontinue such Committee; but no such Committee shall be appointed to act for a longer Time than until the Annual General Meeting of the Commissioners next following its Appointment.

Duration of Committees.

Quorum of Committees.

XXVII. And be it enacted, That no Business shall be transacted at any Meeting of the Committee unless Three Members of the Committee are present.

Order of Business at Meetings of Commissioners and Committees.

XXVIII. And be it enacted, That at every Meeting of the Commissioners or Committee One of the Commissioners present shall be elected Chairman by the Majority of the Votes of the Commissioners present at such Meeting; and all Questions considered at any such Meeting shall be decided by the Votes of the Majority present, and if there be an equal Division of Votes, the Chairman, in addition to

his own Vote as a Commissioner or Member of the Committee, shall have a casting Vote: Provided always, that if at any such Meeting there shall be an Equality of Votes in the Election of the Chairman, that One of the Commissioners having an equal Number of Votes whose Name would stand first if the Names of the Commissioners present were alphabetically arranged shall be Chairman of such Meeting.

XXIX. And be it enacted, That no Resolution or other Act of any Meeting of the Commissioners shall be revoked or altered at any subsequent Meeting, unless such subsequent Meeting be called expressly for such Alteration or Revocation by Notice given Fourteen Days at least previous to the holding thereof, nor unless such Revocation or Alteration be determined upon by a Majority consisting of Two Thirds of the Commissioners present at such subsequent Meeting, if the Number of the Commissioners present at such subsequent Meeting be not greater than the Number present when such Resolution was made or such Act was done, or, if the Number of Commissioners present at such subsequent Meeting be greater than the Number present at such former Meeting, then by a simple Majority.

No Resolution of Commissioners to be revoked at a subsequent Meeting unless under certain Circumstances.

XXX. And be it enacted, That it shall be lawful for the Commissioners to enter into Contracts with any Persons for the Execution of any Works directed or authorized by this Act to be done by the Commissioners, and for furnishing any Materials for the same, or which may be required by the Commissioners; and every such Contract shall be in Writing, and shall specify the Works to be done, and the Materials to be furnished, and a Copy thereof shall be entered in a Book to be kept by the Clerk of the Commissioners for that Purpose.

For what Contracts may be made;

XXXI. And be it enacted, That every such Contract shall be signed by any Two of the Commissioners and the said Parties thereto, and such Contracts shall be binding on the Commissioners, and Actions and Suits may be maintained thereon, and Damages and Costs recovered, by or against the Commissioners or the other Parties failing in the Execution thereof.

how to be signed.

XXXII. And be it enacted, That during the Execution of any such Contract the Works in course of being done under such Contracts, and all the Materials of every Description brought upon or near such Works for the Purpose of being used in the Execution of such Contracts, shall, for the Purpose of protecting the same from Injury, by Indictment, as herein-after mentioned, be held to be the Property of the Commissioners.

Materials for Works contracted for to be considered the Property of the Commissioners.

XXXIII. And be it enacted, That it shall be lawful for the Commissioners, by their Clerk, to prefer any Bill of Indictment against any Person who shall steal, take, or carry away, deface or injure, any Property, Article, or Thing belonging to the Commissioners; and in any such Bill of Indictment it shall be sufficient to state generally the Property, Article, or Thing in respect of which such Bill of

Indictments how to be preferred.

Indictment

Indictment shall be preferred to be the Property of the Commissioners for executing this Act, without naming the Members thereof.

Commis-  
sioners not to  
be personally  
liable.

Liability of  
their Funds.

XXXIV. And be it enacted, That nothing in any Deed or Contract by this Act authorized to be made by or on the Behalf of the Commissioners for any of the Purposes of this Act shall extend to charge or affect the Persons of any of the Commissioners, or their Heirs, Executors, or Administrators, or their or any of their own proper Lands or Goods, with or for the Performance of any thing contained in any such Instrument, but the Amount of all Damages, Costs, and Charges recovered in any Action or Suit in consequence of any such Instrument, or which any such Commissioner shall otherwise be put to by virtue of this Act, shall respectively be discharged out of the Monies to arise by virtue of this Act, or other the Goods and Chattels vested in the Commissioners by virtue of their Office, unless such Action or Suit, or any such Damages or Charges, have arisen in consequence of wilful Neglect or Default on the Part of the Commissioners incurring the same, or unless such Action or Suit have been defended without the Order or Direction of the Commissioners.

Actions or  
Suits to be  
brought in  
the Name of  
any Two  
Commis-  
sioners or  
their Clerk.

XXXV. And be it enacted, That in all Actions and Suits in respect of any Matter or Thing relating to the Execution of this Act to be brought by or against the Commissioners, it shall be sufficient to state the Names of any Two of the Commissioners, or the Name of their Clerk, as the Party, Plaintiff or Defendant, representing the Commissioners in any such Action or Suit; and no such Action or Suit shall abate or be discontinued by the Death of any such Commissioner, or by the Death, Suspension, or Removal of such Clerk.

Execution  
against Goods  
of Commis-  
sioners.

XXXVI. And be it enacted, That Executions upon every Judgment or Decree against the Commissioners in any such Action or Suit shall be executed against the Goods and Chattels belonging to the Commissioners by virtue of their Office.

Indemnity  
to Commis-  
sioners and  
Clerk.

XXXVII. And be it enacted, That every such Commissioner or Clerk in whose Name any such legal Proceedings shall be carried on, either as Plaintiff or Defendant, on behalf of the Commissioners, shall be reimbursed, out of the Monies which shall come into the Hands of the Treasurer of the Commissioners by virtue of his Office, all Damages, Costs, Charges, and Expences to which any such Commissioner or Clerk may be put, or with which he may become chargeable, by reason of being so made Plaintiff or Defendant; and no such Commissioner or Clerk shall be personally liable for the Payment of the same unless such Action or Suit have arisen in consequence of his own wilful Neglect or Default, or unless, if such Action or Suit have been brought by the Clerk, or Two Commissioners, or more, as aforesaid, it have been so brought without the Order or Direction of the Commissioners.

XXXVIII. And



XXXVIII. And be it enacted, That the Commissioners shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by them, and of the Orders, and Proceedings of all Meetings, as well ordinary as special, of the Commissioners and of the Committees, to be duly entered in Books to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Commissioners; and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry is made was moved or discussed; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Commissioners or Members of Committee respectively, or of the Signature of the Chairman, all of which last-mentioned Matters shall be presumed; and all such Books shall at all reasonable Times be open to the Inspection of the Commissioners and any of the Creditors or Rate-payers or other Parties interested.

Proceedings to be entered in a Book, and be open for Inspection.

XXXIX. And be it enacted, That the Commissioners shall from Time to Time appoint a Treasurer and Clerk, Collector and Assessor, and such other Officers as they shall think fit, with such Salaries and Allowances as they think reasonable, and may remove such Clerk, Treasurer, Collector, Assessor, and Officers, and appoint others in their Stead.

Commissioners to appoint Treasurer and other Officers.

XL. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be Treasurer; and that neither the Person who shall be the Treasurer, nor the Partner of such Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall forfeit One hundred Pounds; (that is to say,)

Offices of Clerk and Treasurer to be separate.

If any Person accept both the Office of Clerk and Treasurer :

If any Person, being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer :

If any Person, being the Treasurer or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Clerk, or act as Deputy of such Clerk, or in any Manner officiate for such Clerk :

If any such Clerk or Treasurer hold any Place of Profit or Trust under the Commissioners other than that of Clerk or Treasurer (as the Case may be):

And any Person may sue for such Penalty, either by Action of Debt or on the Case in any of Her Majesty's Superior Courts of Record at *Westminster*, and shall on Recovery thereof be entitled to full Costs of Suit.

Officer taking  
Fees to lose  
his Office,  
and forfeit  
50*l.*

XLI. And be it enacted, That if any such Treasurer, Clerk, Collector, or other Officer employed by the Commissioners, exact, take, or accept, on account of any thing done by virtue of his Office or in relation to the Functions of the Commissioners, any Fee or Reward whatsoever, other than the Salaries, Rewards, or Allowances allowed by the Commissioners, or be in anywise concerned or interested in any Bargain or Contract made by the Commissioners, he shall be incapable of being afterwards employed by the Commissioners, and he shall forfeit Fifty Pounds to any Person who shall sue for the same as aforesaid.

Commissioners to take  
Security from  
all Officers  
intrusted  
with Money.

XLII. And be it enacted, That the Commissioners shall take from their Treasurer, and also from all other Officers in their Employ intrusted with the Receipt or Disbursement of Money, sufficient Security for the due Execution of their respective Offices, and for answering and paying, as the Commissioners shall from Time to Time require, all Sums of Money which shall be by them respectively received, and also for their giving and making respectively true Accounts in Writing from Time to Time, when required by the Commissioners so to do, of all Monies by them respectively received or collected for the Purposes of this Act, and when, of whom, and for what the same were so received or collected.

Officers to  
account.

XLIII. And be it enacted, That every Officer appointed or employed by the Commissioners by virtue of this Act shall from Time to Time, when required by the Commissioners, make out and deliver to them, or to any Person appointed by them for that Purpose, true and perfect Accounts, in Writing under his Hand, of all Monies received by him on behalf of the Commissioners; and such Account shall state how, and to whom, and for what Purpose such Monies have been disposed of; and, together with such Accounts, such Officers shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Commissioners, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Remedy  
against Officers  
failing  
to account.

XLIV. And be it enacted, That if any such Officer shall fail to render such Accounts, or to produce and deliver up all the Vouchers and the Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Three Days after being thereunto required he shall fail to deliver up to the Commissioners, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Commissioners, then, on Complaint thereof being made to any Justice acting within the Jurisdiction where such Officer may be found, such Justice shall, by Warrant under his Hand and Seal, cause such Officer to be brought before any Two or more Justices; or if such Officer cannot be found, then in his Absence such Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by  
such

such Officer; and if it appear, either upon Confession of such Officer or upon Evidence, or upon Inspection of the Account, that any Monies of the Commissioners are in the Hands of such Officer, or owing by him to the Commissioners, such Justices may order such Officer to pay the same forthwith, and if he shall fail to pay the Amount it shall be lawful for such Justices to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain without Bail for any Time not exceeding Three Calendar Months; and in any of the following Cases; (that is to say,)

If such Officer do not appear before such Justice at the Time appointed; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justice the several Vouchers and Receipts relating to such Account in his Possession or Power; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, relating to the Execution of this Act, or belonging to the Commissioners, in his Possession or Power,

Such Justice may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody without Bail until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power.

XLV. And be it enacted, That no such Proceedings against or Dealing with any such Officer as aforesaid shall deprive the Commissioners of any Remedy which they might otherwise have against any Surety of such Officer. Commitment not to discharge Sureties.

XLVI. And be it enacted, That the Commissioners shall cause a Book to be kept by their Clerk, in which such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received and expended for the Purposes of this Act, and of the several Matters for which such Sums of Money shall have been received or expended, and such Book shall at all seasonable Times be open to the Inspection of the Commissioners, and of every Creditor on the Rates and Assessments by this Act authorized to be made, and of every Person paying such Rates or Assessments, without any Fee being demanded for such Inspection; and it shall be lawful for any of the Commissioners, Creditors, or other Persons aforesaid, at seasonable Times, to take Copies of or Extracts from the said Book without paying any thing for the same; and if, on Request for that Purpose, the Clerk shall fail to permit any of the Commissioners, Creditors, or Persons aforesaid to inspect such Book, or to take Copies or Extracts as aforesaid, such Clerk shall for each such Default forfeit a Sum not exceeding Five Pounds. Books of Account to be kept, and to be open to Inspection.

XLVII. And

Accounts to be examined and settled at the Annual Meeting.

XLVII. And be it enacted, That the Accounts of the Monies received and expended by the Commissioners shall be produced at the Annual Meeting of the Commissioners which shall take place on the Second *Friday* in *July* in every Year, or at some Adjournment thereof, at which Meeting it shall be lawful for all Persons interested to be present; and the Accounts shall be examined and settled by the Commissioners, and if the same shall be found just and true they shall be allowed by the Commissioners, and certified accordingly, under the Hand of the Chairman of such Meeting; and after such Account shall have been so allowed and signed the same shall be final in regard to all Persons whomsoever, unless an Appeal be prosecuted against such Accounts at One of the Two then next General Quarter Sessions of the Peace for the County of *Lancaster*, which Appeal it shall be lawful for any Person interested in such Account to institute and prosecute, Notice in Writing of such Appeal having been given to the Clerk of the Commissioners Fourteen Days at least before the hearing of any such Appeal.

Statement of Accounts to be prepared, and to be open for Inspection.

XLVIII. Provided always, and be it enacted, That Ten Days at the least previously to such Examination and Settlement as aforesaid the Commissioners shall cause a full and true Statement and Account to be drawn out of all Rates or Assessments made, and of all Contracts entered into, and of all Monies received and expended by virtue of this Act during the preceding Year, and also of all Debts then owing by the Commissioners, and they shall allow such Statement and Account to remain for Inspection at the Office of the Commissioners; and every Creditor on the Rates and Assessments by this Act authorized to be made, and every Person paying any such Rate or Assessment, or any Person acting on behalf of any such Creditor or Rate-payer, may at all seasonable Times inspect such Statement and Account; and the said Statement and Account shall be printed, and the Clerk shall, on Demand, furnish a Copy thereof to every such Creditor and Rate-payer without Fee; and Fourteen Days at the least previously to the Meeting for examining and settling such Accounts the Commissioners shall give public Notice of such intended Meeting, stating in such Notice that the said Statement and Account are at the Office of the Commissioners ready for the Inspection of the Creditors or Rate-payers or other Parties interested.

Auditors may be appointed.

XLIX. And be it enacted, That at the Meeting so to be held for examining and passing the Accounts of the Commissioners it shall be lawful for the Persons by this Act authorized to appoint the Commissioners to nominate, if they think fit so to do, Two or more Persons, not being Commissioners, to be Auditors of the Accounts of the Commissioners; and the Persons so to be nominated Auditors shall have the like Qualification, and shall be subject to the like Disqualification or Disability, as the Commissioners, and before entering on their Office they shall make and sign, before one of Her Majesty's Justices of the Peace, a solemn Declaration of the like Purport and Effect to that hereby required to be signed by the Commissioners.

L. And

L. And be it enacted, That the Auditors so nominated shall meet forthwith, or as soon after their Appointment as conveniently may be, at the Office of the Commissioners, or at some other convenient Place, to be appointed by the Commissioners, and from Time to Time shall, in the Presence of the Clerk to the Commissioners, in case he should desire to be present, proceed to audit the Accounts of the Commissioners for the Year preceding the Appointment of such Auditors; and the Commissioners shall by their Clerk produce and lay before such Auditors at every such Meeting the Statement and Account herein-before mentioned, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings in their Custody or Power relating thereto; and if such Auditors think there is just Cause to disapprove of any Part of the said Accounts, it shall be lawful for such Auditors, or any other Person interested in the said Accounts, to appeal against any such Parts of the said Accounts as shall be so disapproved of, to One of the Two next General Quarter Sessions of the Peace for the County of *Lancaster*, to be held by Adjournment at *Kirkdale* in the said County, Notice in Writing of such Appeal being given to the Clerk of the Commissioners Fourteen Days at the least prior to the hearing of such Appeal.

Auditors to inspect Accounts, and to appeal, if they think fit.

LI. And be it enacted, That the Commissioners shall every Year cause an annual Account in abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Thirtieth Day of *June*, or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Clerk for the Time being of the Commissioners, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County of *Lancaster*, and also to the Clerk of the Peace for the Borough of *Liverpool*, on or before the Thirty-first Day of *January* then next, which Account shall be open to the Inspection of the Public at all reasonable Times: Provided always, that if the Commissioners shall omit to prepare and transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

An Annual Account to be prepared, and a Copy transmitted to Clerk of the Peace.

LII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to borrow at Interest, on the Credit of the several Rates or Assessments by this Act granted for the Purposes of Sewerage, any Sum of Money which shall not exceed the Sum of Five thousand Pounds, and in the event of any Part of such Sum of Money being repaid by the Commissioners, to re-borrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security aforesaid any more than the Sum of Five thousand Pounds in the whole at any One Time, such Money to be applied by the Commissioners in the making and constructing Sewers or Drains within the Limits to which the Provisions of this Act shall for the Purpose of Sewerage for the Time being extend; and for securing the Repayment of the Monies so borrowed, with Interest, the Commissioners, or any Five of them, may assign over the said Rates and Assessments, or any Part thereof, to the Person who shall advance or lend such Money, or his Trustee, as a Security for

Power to borrow on Mortgage.

the Payment of the Money so to be borrowed, together with Interest for the same.

Form of Mortgage.

LIII. And be it enacted, That every such Assignment or Mortgage shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be under the Hands and Seals of Five of the Commissioners, and may be according to the Form in Schedule (A.) to this Act annexed, or to the like Effect.

Mortgages to be without Preference.

LIV. And be it enacted, That all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums therein respectively mentioned, be Creditors on the said Rates or Assessments, equally one with another, without any Preference in respect of the Priority of advancing such Monies, or of the Dates of any such Assignments respectively.

Commissioners may raise Money by Annuity.

LV. And be it enacted, That it shall be lawful for the Commissioners to raise all or any Part of the Money to be borrowed for the Purposes aforesaid by granting Annuities for Lives, instead of Assignments, as aforesaid, and for that Purpose for the Commissioners, or any Five or more of them, to charge the Rates and Assessments granted by this Act with an Annuity, to determine on a Life or Lives in being, in favour of any Person who shall advance to the Commissioners any Sum of Money for the Purchase of the same.

Form of Grant of Annuity.

LVI. And be it enacted, That every such Grant of Annuity shall be by Deed, duly stamped, in which the Consideration shall be truly stated, and shall be made under the Hands and Seals of Five of the Commissioners, and may be in the Form in Schedule (B.) to this Act annexed, or to the like Effect.

For preventing improvident Grants of Annuities.

LVII. And for preventing improvident Grants of Annuities, be it enacted, That the Price to be paid for any such Annuity shall not be less than the Price of a similar Annuity paid by Law for such Annuity, granted by the Commissioners for the Reduction of the National Debt.

Annuities to rank after Mortgages.

LVIII. And be it enacted, That every Annuity so granted shall be paid out of the Rates or Assessments according to the Grant of such Annuity, and shall have Priority after any Mortgages or Assignments granted under this Act.

Expences of Mortgages and Annuities.

LIX. And be it enacted, That the Expences of every Assignment or Mortgage and Grant of Annuity shall from Time to Time be defrayed by the Commissioners out of the Money raised by the same.

Register of Mortgages to be kept, and be open to Inspection.

LX. And be it enacted, That a Register of such Mortgages or Assignments and Annuities shall be kept by the Clerk to the Commissioners, and within Fourteen Days after the Date of any such Mortgage or Assignment or Annuity an Entry or Memorial of the

Number

Number and Date thereof, and of the Names of the Parties thereto, with their proper Additions, shall be made in such Register, and such Register may be perused at all reasonable Times by any Person interested therein, without Fee or Reward.

LXI. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Assignment or Annuity may transfer his Right and Interest therein to any other Person, by Deed duly stamped, wherein the Consideration shall be truly stated; and any such Transfer may be according to the Form in the Schedule (C.) to this Act annexed, or to the like Effect.

Assignment  
of Mort-  
gages and  
Annuities.

LXII. And be it enacted, That within Thirty Days after the Date of every such Transfer it shall be produced to the Clerk to the Commissioners, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made, in the same Manner as in the Case of the original Mortgage or Assignment or Annuity, and for such Entry the Clerk may demand a Sum not exceeding Five Shillings; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Assignment or Annuity in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Mortgage or Assignment or Annuity so transferred, or any Money thereby secured.

Register of  
Transfers to  
be kept.

LXIII. And be it enacted, That, unless otherwise provided by any Mortgage or Assignment, the Interest of the Money borrowed upon every such Mortgage or Assignment shall be paid half-yearly to the several Parties entitled thereto.

Interest on  
Mortgages  
to be paid  
half-yearly.

LXIV. And be it enacted, That if the Commissioners can at any Time borrow or take up any Sums of Money at a lower Rate of Interest than any Securities given by them, and which shall then be in force, shall bear, then from Time to Time it shall be lawful for them to borrow such Sums of Money as they shall think proper, at such lower Rate as aforesaid, in order to pay off and discharge the Securities bearing such higher Rate of Interest, and to charge the Rates and Assessments, or any Part thereof, with Payment of such Sum, and such lower Rate of Interest, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed on Mortgage.

Power to  
take up  
Money at a  
less Rate of  
Interest.

LXV. And in order that no undue Preference may be given in paying off any Mortgages or Assignments, be it enacted, That when and as often as the Commissioners shall, under the Provisions of this Act, be enabled and think it expedient to pay off One or more out of the Number of such Mortgages upon which the same Rate of Interest shall be payable, or a Part of the Money secured on any such Mortgage, they shall cause the several Numbers of such Mortgages to be written upon distinct Slips of Paper of an equal Size, and all such Slips shall be rolled or folded up in a similar Form, and put into a Box, and the Clerk to the Commissioners shall, in the Presence of Five or more of the Commissioners, draw separately out of the

Mode of  
paying off  
Mortgages.

the said Box One of the said Slips, and thereupon the Mortgage corresponding with the Number so drawn, or the Part of the Money due thereon so proposed to be paid off, shall accordingly be paid off by the Commissioners; and after every such Ballot the Commissioners shall cause a Notice, signed by their Clerk, to be given to the Person entitled to the Money to be paid off pursuant to such Ballot, and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such Notice; and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid, on Demand, pursuant to such Notice, but such Principal Money, and the Interest thereof to the End of the said Six Months, shall nevertheless be payable, on Demand.

Commissioners may make Bye Laws to govern themselves and their Servants.

LXVI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to make such Bye Laws for regulating the carrying on of their Business and the Business of their Committees, and for the Government of the Officers, Servants, or other Persons in their Employ, as they shall think fit, and to repeal or alter any such Bye Laws as they shall think fit, so as no such Bye Law be contrary to the Laws of *England* or the Provisions of this Act, and so as the same be reduced into Writing, and signed by Three or more of the Commissioners.

Fines for Breach of such Bye Laws.

LXVII. And be it enacted, That it shall be lawful for the Commissioners by such Bye Laws to impose such reasonable Forfeitures and Fines upon their Officers and Servants, and other Persons in their Employ, offending against the same, as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Laws shall be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the Whole or a Part only of such Penalty to be paid.

Service of Notice on Commissioners.

LXVIII. And be it enacted, That any Summons, Notice, or Writ, or other Proceeding, at Law or in Equity, required to be served upon the Commissioners, may lawfully be served by delivering the same personally to the Clerk of the Commissioners, or to some Inmate at his usual Place of Abode, or by leaving the same at the Office of the Commissioners, or in case there be no Clerk, or his Place of Abode shall be unknown, then by delivering the same to any One Commissioner, or to some Inmate of the Place of Abode of any such Commissioner.

Authentication of Notices.

LXIX. And be it enacted, That every Summons, Demand, or Notice, or other such Document under this Act, may be in Writing or Print, or partly in Writing or Print; and if the same require Authentication by the Commissioners the Signature thereof by One Commissioner, or by the Clerk of the Commissioners, shall be a sufficient Authentication.

LXX. And



LXX. And be it enacted, That in all legal Proceedings under this Act it shall be lawful for any Three or more of the Commissioners, by Order of the Commissioners, to grant general or other Releases, for the Purpose of qualifying any Person in the Service of the Commissioners to give Evidence as a Witness; and every such Release or Discharge shall be under the Hands and Seals of the Parties giving the same. Releases to Witnesses.

LXXI. And with respect to Actions brought in respect of any Proceeding under the Provisions of this Act, be it enacted, That if before an Action be brought any Party, having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority thereby given, make sufficient Tender of Satisfaction, the Plaintiff shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made it shall be lawful for the Party offending, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court. Tender of Amends.

LXXII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to provide and maintain a fit and convenient public Office within the said Extra-parochial Place, for holding the Meetings and transacting the Business of the Commissioners, and for the holding of such other public Meetings and transacting such other public Business relating to the said Place as the Commissioners shall from Time to Time direct or allow to be held or transacted therein; and also to provide Land and Buildings fit and convenient for the Deposit of the Dirt, Dung, Ashes, and other Filth to be swept and collected under the Authority of this Act, for the depositing of Stone and other Materials for the Highways, and for the Accommodation of all Horses, Carts, Fire Engines, Tools, Implements, and other Articles, Matters, and Things, and for any of such Purposes to hire any Lands, Messuages, or Buildings, or any Part of any Messuages or Buildings, which shall by the Commissioners be considered necessary, of and from any Person who shall be willing to let the same, or otherwise to cause any new Erection or Building to be made upon any Land or Ground which shall be purchased or hired under the Provisions of this Act; and it shall be lawful for the Commissioners from Time to Time to make and establish such Rules, Orders, and Provisions for the Use and Management of such Public Office, and for airing, warming, lighting, cleansing, and repairing the same, and for the Use and Management of any such Lands and Buildings, and to make such Allowance to the Keeper of the same Public Office for his necessary Attendance and Trouble about the same, as shall from Time to Time appear expedient to the Commissioners. Commissioners may provide a public Office, &c.

LXXIII. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Commissioners to agree with the Owners of any Lands which they may require for the Purposes of this Act Power to purchase  
[Local.] 32 N for

for the absolute Purchase, for a Consideration in Money, of any such Lands, or such Part thereof as they shall think proper, and of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all commonable or other Rights to which such Lands may be subject, and all other Estates or Interests in such Lands, of what Kind soever.

Parties under Disability enabled to sell and convey.

LXXIV. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispose, and convey or release the same to the Commissioners, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in Trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femmes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Acceptance of Compensation for Price of or Damage to Lands.

LXXV. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept, Satisfaction for the Value of such Lands, or any Interest therein to which such Party shall be entitled; and in addition to Compensation for the Value of such Lands, or of the Interest therein to be so conveyed, such Parties shall be entitled to and may in like Manner accept Compensation for any Damage by them sustained, owing to the Exercise of the Powers of this Act.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

LXXVI. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey, except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not be less than shall be determined by the Valuation of Two able practical

practical Surveyors, one of whom shall be nominated by the Commissioners, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

LXXVII. And be it enacted, That all Conveyances of Lands so to be purchased as aforesaid may be according to the Form in the Schedule (D.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed in the Commissioners, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and to destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands comprised in such Conveyances as shall have been purchased or compensated for by the Consideration therein mentioned, but although Terms of Years be thereby merged they shall in Equity afford the same Protection as if they had been kept on foot, and assigned to a Trustee for the Commissioners to attend the Reversion and Inheritance. Form of Conveyances.

LXXVIII. And with respect to the Costs of the Conveyance of such Lands purchased or taken by the Commissioners, be it enacted, That all such Costs shall be borne by the Commissioners, and such Costs shall include all Charges and Expences incurred on the Part as well of the Seller as of the Purchaser of all Conveyances and Assurances of any such Lands, and of any outstanding Terms or Interests therein, and of deducing, evidencing, and verifying the Title to such Lands, Terms, or Interests, and of making out and furnishing such Abstracts and attested Copies as the Commissioners may require, and all other Expences incident to the Investigation, Deduction, and Verification of such Title, and before the Commissioners enter into possession of the Lands so purchased or taken they shall pay the Amount of such Costs, and if there be any Dispute about the same they shall obtain an Order for the Taxation thereof as herein-after provided; nevertheless, if within Seven Days after Notice in Writing from the Commissioners the Parties from whom such Lands shall have been purchased do not deliver a Bill of their Costs to the Commissioners, then the Commissioners shall not be prevented from entering into the Possession of such Lands by reason of the Nonpayment of such Costs, or by reason of such Order for Taxation thereof not having been obtained. Costs of Conveyances.

LXXIX. And be it enacted, That if the Commissioners and the Party entitled to any such Costs shall not agree as to the Amount thereof, such Costs shall be ascertained by the Court of Chancery, and for that Purpose either Party may apply to the Court by Petition; and thereupon the Court shall order such Costs to be referred to One Taxation of Costs.  
of

of the Masters, to be taxed in the usual Manner, and upon Proof of such Service the Master shall proceed to tax such Costs accordingly, Notice of such Taxation being given to the other Party, and after the Taxation thereof it shall be lawful to the Court to order the Amount at which the same shall be so taxed, together with the Costs of Taxation, or so much of the same as shall be payable by the Commissioners, to be paid to the Party entitled thereto, and the same shall be paid accordingly; and the Expence of taxing such Costs, and of obtaining the Order referring the same to be taxed, shall be borne by the Commissioners, unless on the Taxation One Sixth Part of the Costs be disallowed, in which Case the Expence shall be borne by the Party from whom the Lands shall have been purchased or taken.

Purchase Money payable to Parties under Disability, amounting to 200*l.*, to be deposited in the Bank of England.

LXXX. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall, under the Powers of this Act, be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* "The Commissioners for paving and sewerage *Toxteth Park* in the County of *Lancaster*," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His late Majesty King George the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds and Indorsements thereon, as likewise Indorsements on South Sea Bonds*, and pursuant to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King George the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of England belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest therefrom for answering the Charges of the Office of the Accountant General of the said Court*; and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

12 G.1. c.32.

12 G.2. c.24.

Application of Monies deposited.

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner,

Manner, as the Lands in respect of which such Money shall have been paid stood settled; or,

If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

LXXXI. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Chancery, made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold or converted into Money, for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands; and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds thereof may be made on the like Petition. Order for Application.

LXXXII. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Commissioners approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under the Hands of any Three of the Commissioners; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose. Sums from 20*l.* to 200*l.* to be deposited, or invested in Trustees.

LXXXIII. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; Sums not exceeding 20*l.* to be paid to Parties.

or in case of the Coverture, Infancy, Idiocy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Party in possession deemed to be the Owner.

LXXXIV. And be it enacted, That if any Question arise respecting the Title of the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in possession or receipt of the Rents of such Lands at the Time of such Lands being purchased or taken shall be deemed to have been lawfully entitled to such Lands until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid the Parties so in possession, and all Parties claiming under them or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Lands not wanted to be sold.

LXXXV. And for the Purpose of making Provision respecting the Sale of Lands acquired by the Commissioners under the Provisions of this Act, but which will not be required for the Purposes thereof, be it enacted, That the Commissioners shall sell all such superfluous Lands in such Manner and to such Persons as they may deem most advantageous, and convey the same to the Purchasers thereof, by Deed under the Hands and Seals of any Three or more of the Commissioners; and the Receipt of the Treasurer of the Commissioners shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received.

Effect of the Word "grant" in Conveyance.

LXXXVI. And be it enacted, That in every Conveyance of Lands to be made by the Commissioners under this Act the Word "grant" shall operate as express Covenants by the Commissioners, for themselves and their Successors, with the respective Grantees therein mentioned, and the Successors, Heirs, Executors, Administrators, and Assigns of such Grantees, according to the Quality or Nature of such Grants, and of the Estate or Interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express Words contained in any such Conveyance; that is to say,

A Covenant that, notwithstanding any Act or Default done by the Commissioners, they were, at the Time of the Execution of such Conveyance, seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them:

A Covenant that the Grantee of such Lands, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Commissioners and their Successors, and all other Persons claiming under them,

and be indemnified and saved harmless by the Commissioners and their Successors from all Incumbrances created by the Commissioners :

A Covenant for further Assurance of such Lands at the Expence of such Grantee, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Commissioners or their Successors, and all other Persons claiming under them :  
And all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest in such Conveyance expressed to be conveyed, may in all Actions brought by them assign Breaches of Covenants as they might do if such Covenants were expressly inserted in such Conveyances.

LXXXVII. And for the Purpose of providing against Deficiencies in the Assessment for the Land Tax occasioned by the Execution of the Powers of this Act within the said Extra-parochial Place, be it enacted, That if the Commissioners become possessed by virtue of this Act of any Lands charged with the Land Tax, they shall from Time to Time be liable to make good the Deficiency in the Assessment for Land Tax arising within the said Extra-parochial Place by reason of such Lands having been taken or used for the Purposes of this Act, and such Deficiency shall be computed according to the Rental at which such Lands, with any Building thereon, were valued or rated at the Time of the passing of this Act, and on Demand of such Deficiency the Treasurer of the Commissioners shall pay all such Deficiencies to the Collector of the said Assessment ; nevertheless, if at any Time the Commissioners think fit to redeem such Land Tax, they may do so in accordance with the Powers in that Behalf given for the Redemption of the Land Tax.

Land Tax  
to be made  
good.

LXXXVIII. And be it enacted, That from and after the passing of this Act the said Commissioners shall be and they are hereby declared to be Surveyors of the Highways within the said Extra-parochial Place of *Toxteth Park*, and shall have and they are hereby invested with all such Powers and Authorities as any Surveyors of Highways in that Part of the United Kingdom called *England* are or shall be invested with by virtue of the Laws now or hereafter to be in force (save and except such Powers and Authorities as relate to the compulsory Purchase or Taking of Lands by such Surveyors), and shall also be subject to all the Liabilities to which Surveyors of Highways are now by Law subject ; and the Management of all the present and future Streets within the said Extra-parochial Place, being public Highways, (save and except the Quays adjoining to the several Docks and Basins therein belonging to the Trustees of the *Liverpool Docks*,) and the Pavement and other Materials of such Streets and Ways (except the said Quays), and all Posts, Cesspools, Grates, Drains, Sewers, Tunnels, Gutters, Erections or Buildings, Materials, Implements, and other Things, provided by the Commissioners for the Purposes of this Act, and also the Dust, Ashes, and Filth to be collected from the said Streets, shall be the Property of and are hereby vested in the Commissioners, and the Commissioners shall have full Power to sell and dispose of for the Purposes of

Streets, &c.  
vested in the  
Commis-  
sioners.

of this Act any of the said Articles and Things as they shall think proper.

Power for the Commissioners to pave Streets.

LXXXIX. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause all or any of the Streets within the said Extra-parochial Place so vested in them as aforesaid, or any Part thereof, to be repaired, formed, paved, and flagged, and the Ground or Soil thereof to be raised, lowered, or altered, in such Manner and with such Materials as they shall think proper.

Alterations requisite for carrying the Act into execution to be made by Commissioners.

XC. Provided always, and be it enacted, That in case it shall happen that in consequence of carrying any of the Powers or Authorities of this Act into execution any Alteration of any Steps, Doors, or Entrances into any Houses or Buildings, or of any Pavement, Sewer, or Drain adjoining or belonging to any Property, shall be rendered necessary, such Alteration shall be made by the said Commissioners by and out of the Rates to be raised by virtue of this Act.

Penalty on Persons altering Pavements without Consent of Commissioners.

XCI. Provided always, and be it enacted, That if any Person shall take up or make any Alteration in the Pavement or Carriageway or Footway in any Street in the said Extra-parochial Place without the Consent in Writing of the Commissioners, except when it may be necessary for repairing any Vault or Drain under such Street, or other such Purpose, every Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds; and in case the Person so taking up or altering such Pavement or Carriageway or Footway shall not, within Three Days after Notice in Writing by the Surveyor of the Commissioners, cause the same to be reinstated as nearly as may be, the Commissioners shall cause the same to be done, and the Charges thereof shall be paid by the Person who shall have taken up or altered such Pavement or Carriageway or Footway.

Commissioners to reinstate Pavement if not done by Companies.

XCII. And be it enacted, That if any Company or Person authorized under any Act of Parliament to supply the said Extra-parochial Place with Gas or Water, and for such Purposes to take up any of the Pavement, Flagging, or Curb Stones of the said Streets so vested in the Commissioners as aforesaid, shall not cause the Ground and Rubbish to be filled in, and the Pavement and Flagging or Curb Stones to be reinstated in a proper and substantial Manner, and shall not in the meantime fence or guard and affix Lights during the Night near to the Places where any Ground shall be opened so as to prevent Accidents to Passengers, Cattle, and Carriages, it shall be lawful for the Commissioners to fill in such Ground, and to remove such Rubbish, and to repair and make good the Pavement, Flagging, or Curb Stone of any such Street so broken up, and properly to fence or guard any such Excavation, and to place and maintain Lights during the Night to prevent Accidents, as to them shall seem necessary, and the reasonable Costs and Charges thereof shall be paid by the said Companies or Persons respectively, and in default of Payment thereof for Thirty Days next after Demand made for the Payment thereof, Proof of such Demand being made by the Oath of One or more credible Witnesses before any Two or more Justices of the Peace, all such reasonable Costs, together with any Sum not exceeding



exceeding Five Pounds by way of Penalty, shall be levied and recovered by Distress and Sale of the Goods and Chattels of the said Companies or Persons respectively, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of any Justice, and which Warrant such Justice is hereby empowered to Grant, and such Penalties, Costs, Charges, and Expences shall be paid to the Treasurer of the Commissioners.

XCVI. Provided also, and be it enacted, That if any Question shall arise between any of the said Companies or Persons and the Commissioners relative to the proper Reinstatement, sufficient or insufficient Repair of the Pavement, Flagging, or Curb-stone, under the Provisions of this Act, of any of the said Streets, it shall be lawful for any Two Justices of the Peace, upon Information and Complaint before them, to summon the Clerk or Engineer or other Officer of the said Companies or Persons respectively, and to hear and determine the Matter in a summary Way, and to award and adjudge such Sum of Money by way of Damages against such Companies or Persons respectively, together with such Costs and Charges as to such Justices shall seem proper; and the Amount of such Damages so awarded and adjudged shall be recovered from such Companies or Persons respectively by Distress and Sale of the Goods and Chattels of the said Companies or Persons respectively, as any other Penalty is recoverable under this Act: Provided always, that it shall not be competent for any Justices of the Peace to hear and determine any Question as aforesaid, unless Two full Days Notice by the complaining Party shall have been given to the other Party of the intended Application to such Justices, with the Grounds of such Complaint: Provided always, that such Pavement, Flagging, or Curb-stone shall not be considered to have been reinstated in a proper and sufficient Manner by such Company, or any other Person having Authority to take up the same, unless the same shall have been reinstated with the same or similar Materials of the like Quality and Thickness, and cemented or bound together as those of which it was composed, provided such Materials can be procured in the Borough of *Liverpool*, but in case such Materials cannot be procured in the said Borough, then such Pavement, Flagging, or Curb-stone shall be restored with such other Materials as shall be satisfactory to the Commissioners.

Justices to settle Disputes as to Reinstatement of Pavement.

Persons disturbing Pavement to reinstate them with the same Materials.

XCVII. And be it enacted, That it shall be lawful for the Commissioners to contract and agree with the several Companies and Persons respectively for any Term of Years or otherwise, not exceeding Ten Years in any One Contract, for the filling in, paving, flagging, and repairing of such Parts of the said Streets as shall be from Time to Time taken up or opened for the Purpose of laying or repairing of any Mains or Branches as aforesaid.

Power for Commissioners to contract for Repair of Streets, &c.

XCVIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to place such Fences and Posts on the Sides of any Footways or Carriageways within the said Extra-parochial Place as may protect such Footways from any Carriage or Animal going on the same, and also to place any Posts in any

Power to set up Posts for guarding Footpaths.

Carriageways so as to make the Crossings thereof less dangerous for Foot Passengers, and also from Time to Time to repair any such Fences or Posts, or to remove the same or any other Obstructions to any Carriageway or Footway within the said Extra-parochial Place as they shall think fit.

Commissioners empowered to widen Roads.

XCVI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to widen, turn, divert, shorten, vary, alter, or otherwise improve any of the Streets within the said Extra-parochial Place of *Toxteth Park*, and to continue the same from the Ends thereof respectively, or to open new Streets, and for that Purpose to take and appropriate such Part of the adjoining Ground as they shall think fit, and which shall be purchased, whether the same shall be built upon or not, subject nevertheless to the Provisions in this Act contained with respect to the Purchase and taking of Lands for the Purposes hereof.

Commissioners to make Arrangements with Trustees of Docks relative to paving Dock Quays.

XCVII. And be it enacted, That it shall be lawful for the Commissioners to enter into such Contract or Agreement or to make such Arrangement with the Trustees of the *Liverpool Docks* for any Term for Years or other Period, relative to the paving and repairing of the Quays surrounding or adjoining the Docks and Basins of the said Trustees in the said Extra-parochial Place, or any Part of the same, as to the Commissioners shall seem advisable; and until such Contract, Agreement, or Arrangement shall be made and entered into the said Quays shall be repaired and repairable in the same Manner as they are at the Time of the passing of this Act.

Penalty for Damage of Materials.

XCVIII. And be it enacted, That if any Person shall wilfully or by Negligence break up, injure, destroy, or otherwise damage any of the Flagging or Pavement, or the Footways or Carriageways of the said Streets, or any of the Sewers, or any of the Articles or Things hereby vested in the Commissioners, or any of the Works done by the Commissioners in pursuance of this Act, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings.

Regulations as to new Streets laid out.

XCIX. And whereas from the increased Population and Commerce of the said Extra-parochial Place of *Toxteth Park* for a Number of Years past various Persons have been induced to lay out Streets in Lands belonging to them within the said Place, and have neglected to have such Streets properly levelled and paved; and from the still increasing Population and Commerce of the said Place it is probable that other Streets will be laid out by private Persons, and the levelling and paving of the same in like Manner neglected, to the great Inconvenience of the Public and Injury of the Inhabitants of the said Place; for Remedy whereof be it enacted, That whenever any Person shall intend to make or lay out any new Street to be used as a public Street within the said Place such Person shall give or cause Notice to be given of such Intention to the Commissioners, by Writing delivered to their Clerk or left at the Office of the Commissioners; and it shall be lawful for the Commissioners, if they shall think proper, to appoint a Surveyor to adjust, settle, and

fix the Level of such intended Street, and the same shall for ever thereafter be conformed to by all Persons erecting any House or other Building in such Street: Provided nevertheless, that in case the Commissioners shall not cause such Level to be fixed within the Space of Thirty Days from the Time of the Delivery of such Notice as aforesaid it shall be lawful for the Person causing such Street to be made or laid out to proceed with the same as if such Level had been fixed; and then and in such Case any subsequent Alteration of the said Level which the Commissioners may deem requisite, and the Works consequent thereon, shall be made by the Commissioners, and the Expences paid out of the Monies authorized to be raised by this Act; but in case such Person so intending to make or lay out any new Street as aforesaid shall neglect to cause such Notice to be given to the Commissioners as herein-before mentioned, then and in such Case all the Expences consequent upon the Alteration of any Level of the said Street which may be considered requisite by the Commissioners shall be defrayed by the Person causing such new Street to be made or laid out, and which Expences shall and may be recovered and levied by Distress and Sale of the Goods and Chattels of such Persons as aforesaid, in like Manner as the Rates hereby authorized to be raised are directed to be recovered and levied.

C. And be it enacted, That in all Streets already or hereafter to be made and laid out within the said Extra-parochial Place of *Toxteth Park* of the Space of Eight Yards or upwards there shall be made and laid out on each Side thereof good and sufficient Footways of the Width of not less than Six Inches for every Yard of the entire Width of the Street and in the same Proportion for every fractional Part of a Yard.

Width of Footways to be regulated by Breadth of Streets.

CI. And be it enacted, That the said several Streets shall, with respect to the making of such Footways as aforesaid, be computed from Side to Side and beyond and exclusive of the Limits of all Areas or Cellar Holes, Steps, Windows, and other Projections.

Breadth of Streets how to be ascertained.

CII. And be it enacted, That the Carriageways of the several Streets which have been already laid out by private Persons as public Streets within the said Extra-parochial Place for the Period of Twelve Months previous to the passing of this Act, and which are not yet paved, shall, upon Notice in Writing to be given by or by the Order of the Commissioners to the Person by whom the said Street or any Part thereof may have been so laid out, or to the Owners for the Time being of the Land and Buildings adjoining, be well and sufficiently, and in a substantial and workmanlike Manner, paved by and at the Expence of such Person or Owners of Land as aforesaid respectively, within Three Calendar-Months from the Time of Service of such Notice, and to the Satisfaction of the Commissioners; and in case the Person to whom such Notice shall be given shall neglect to comply with the same, and to pave the said Streets or such Part thereof respecting which such Notice as aforesaid may be given, within the Time required by such Notice, or in case any new Streets intended to be used as public Streets shall at any Time hereafter be laid out by any private Person within the said Place, and the

Carriageways not yet paved to be paved, upon Notice being given.

the Carriageways of the same shall not within Twelve Months after the laying out of such Streets respectively be in like Manner well and sufficiently and in a substantial and workmanlike Manner paved, and respecting which a Certificate of Two Justices of the Peace as hereinafter mentioned shall be produced, that then and in every such Case it shall be lawful for the Commissioners, and they are hereby authorized and required, forthwith, by and out of the Monies to be raised by virtue of this Act, to cause the Carriageway of such Streets to be properly paved in such Way as to them shall seem proper and expedient, and the whole of the Costs and Expences attending the same shall be paid and reimbursed to the Commissioners in manner following; (that is to say,) where the same Person is Owner of the Land, Buildings, and Premises on both Sides of such Streets, then he shall reimburse to the Commissioners the whole of such Costs and Expences, but where the Land, Buildings, and Premises on both Sides of such Streets do not belong to the same Person, then the Persons to whom the same may respectively belong shall pay and reimburse to the Commissioners the Amount of the Costs and Expences incurred in proportion and according to the Length of the Frontage of their said Lands, Buildings, and Premises in each such Street, such Proportion to be ascertained by the Surveyor of the Commissioners for the Time being; and in case of Nonpayment by any such Person, on Demand, of the Money so hereby made payable by him to the Commissioners, the same shall and may be recovered and levied by Distress and Sale of the Goods and Chattels of such Person, in like Manner as the Rates hereby authorized to be raised are directed to be recovered and levied: Provided always, that every such Person as aforesaid who shall have well and substantially paved, or who shall well and substantially pave, any Part of such Street, to be certified as aforesaid, within the Time herein-before specified, and according to the true Intent and Meaning of this Act, shall stand discharged from making any such Reimbursement to the Commissioners as aforesaid in regard to such Pavement respectively, any thing herein contained to the contrary notwithstanding.

Streets to be public Highways when properly paved and certified by Justices.

CIII. And be it enacted, That when any such Streets already laid out or hereafter to be laid out by any private Person within the said Extra-parochial Place shall be levelled in conformity to the Provisions of this Act, and the Carriageways of the same well and sufficiently and in a substantial and workmanlike Manner paved, it shall be lawful for any Two Justices of the Peace and they are hereby required, upon the Application of the Person by whom such Streets may have been laid out, or of his Representatives or Assigns, to view the same, and to declare and certify, by Writing under their Hands, (if they shall so find,) that the said Streets have been so levelled as aforesaid, and are in good and sufficient Repair, and are likely to continue so; and from and after such Declaration and Certificate made and signed, and published in One of the Newspapers circulated in the said Town of *Liverpool*, the said Streets shall be deemed and taken to be public Highways to all Intents and Purposes, and thenceforth repaired and kept in repair by the Commissioners, as the other Streets and Highways within the said Extra-parochial Place, according to the Provisions of this Act.

CIV. And

CIV. And be it enacted, That the Footways of the said several Streets which have been already laid out or which shall be laid out by any Person as public Streets within the said Place shall be well and substantially and in a workmanlike Manner paved or flagged by and at the Expence of the Persons or the Owners of the Land adjoining, as aforesaid, to the Satisfaction of the Commissioners, within Three Calendar Months from the Time of the Inclosure of the Land by any House or Building, or Wall or other Fence, if required by the Commissioners, under the Penalty of Three Shillings for each and every Square Yard which shall not be so paved or flagged, to be recovered and levied in like Manner as the Rates hereby authorized to be raised are directed to be recovered and levied; and the Commissioners shall pave or flag the same in like Manner, and be paid and reimbursed the Costs and Expences attending the same by the like Persons and in the like Proportions, and such Costs and Expences may be recovered in the like Manner, as is directed with regard to the Carriageways of the said several Streets; and after the said Footways shall have been so originally paved or flagged the same shall be repaired and repairable by the Commissioners, as the other Parts of the Streets and Highways within the said Extra-parochial Place according to the Provisions of this Act.

Footways in Streets to be paved.

CV. Provided nevertheless, and be it enacted, That if the Commissioners shall require any such Footways to be flagged, One Moiety of the Expence of such flagging shall be borne and defrayed by the Commissioners out of the Monies to be raised by virtue of this Act.

If flagged, Commissioners to pay Half the Expence.

CVI. And be it enacted, That any Entrance to any Coal or other Vault which may hereafter be made in any Footway shall not be made at a greater Distance from the Curb of such Footway than Eighteen Inches, under a Penalty of Five Shillings for each and every Week during which the same shall be permitted to remain,

Regulating Entrance to Coal Cellars, &c.

CVII. Provided always, and be it enacted, That it shall be lawful for the Commissioners to require the Occupiers of any Premises, the Owners of which shall be liable by virtue of this Act to pay any Sum of Money to the Commissioners, to pay to them the said Commissioners such Portion as the Commissioners shall think fit, not exceeding One Half of the Rent which shall or may become due from such Occupiers to their respective Landlords, until the whole of the Debt so due to the Commissioners, together with the Interest thereon at the Rate of Five Pounds *per Centum per Annum*, shall be discharged; and the Commissioners shall and may recover such Rents by Distress and Sale, in such Manner as if the Commissioners were the Landlords of such Occupiers respectively; and every such Occupier refusing to disclose to the Commissioners, or their Officer or Agent, on Demand, the Particulars of the Rents owing and payable by such Occupier, together with the Times of Payment, shall forfeit and pay any Sum not exceeding Twenty Shillings; and if after Conviction of such Refusal any such Occupier do not, within One Week after the Day of his Conviction, deliver a Statement in Writing to

Occupiers to pay their Rents to Commissioners towards paving Expences.

the Commissioners, their Officer or Agent, containing the Particulars aforesaid, such Occupier shall forfeit and pay for such Neglect a further Sum not exceeding Twenty Shillings, and for each succeeding Week's like Neglect a further Sum not exceeding Twenty Shillings; but nothing herein contained shall prevent or hinder the Commissioners from recovering the whole Amount of such Sum of Money, with such Interest as aforesaid, or so much thereof as may be due from the respective Landlords of the Premises aforesaid.

Landlords to allow such Payments.

CVIII. Provided also, and be it enacted, That all Payments of Rent by Occupiers of Premises to the Commissioners, under and by virtue of this Act, shall be deemed and taken to be good and valid Payments and Discharges of such and so much Rent as if the same Payments had been made to the respective Landlords of such Occupiers, who are hereby required to allow the same accordingly.

Owners of Land adjoining to Streets, &c. not to vote as Commissioners.

CIX. And be it enacted, That no Person, being the Owner or Occupier of any Land or Buildings within or adjoining to any Street proposed to be made a Highway as aforesaid, or within Fifty Yards of the same, shall be entitled to vote as a Commissioner under this Act, touching the paving, repairing, or soughing the same, or any Part thereof.

Commissioners may allow Time for Payment of Expences of new Pavements.

CX. And be it enacted, That in Cases where any new Street shall have been paved, flagged, soughed, drained, cleansed, and put into good Order, Repair, and Condition, by or under the Direction of the Commissioners, it shall be lawful for the Commissioners and they are hereby authorized and empowered, in all Cases where they shall see Occasion, on such Security being given to them as they shall consider satisfactory by any Owner of the several Premises hereby made liable to the Costs, Charges, and Expences of such paving, flagging, soughing, draining, cleansing, and putting into good Order, Repair, and Condition, for Payment of his proportionate Part of such Costs, Charges, and Expences, to allow such Time for Payment thereof, or to receive the same by such Instalments, as the Commissioners shall under the Circumstances of the Case consider reasonable and proper, so that no greater Time be allowed for Payment thereof than the following Periods; (that is to say,) for One equal Third Part or Share thereof the End of One Year, for One other equal Third Part or Share thereof the End of Two Years, and the remaining One equal Third Part or Share thereof at the End of Three Years next after the respective Amounts of such several Proportions shall be ascertained as herein-before mentioned, the Owner to whom such Forbearance shall be exercised paying Interest on the Amount forborne after the Rate of Five Pounds *per Centum per Annum* during the Period of Forbearance; but such proportionate Amounts shall, notwithstanding the Commissioners shall have agreed to allow any Time for Payments thereof, or of accepting such Security for the same as aforesaid, remain and be charged and chargeable upon the several Premises in respect of which the same were originally payable, and shall and may, on the Expiration of the Time so allowed for Payment thereof, be recovered or recoverable therefrom, and from the respective Owners and Occupiers thereof, both present and

and future, in like Manner as such respective Amounts might have been recovered and would have been recoverable if no such Time had been allowed for Payment thereof, and no such Security had been accepted for the Payment of the same.

CXI. Provided always, and be it enacted, That if it shall happen, from Want of Funds or from any other Circumstance, that any Persons being Trustees, or under any Disability or Incapacity, are prevented from complying with the Provisions of this Act as far as regards the paving of the Carriageways of the said Streets so laid out or to be laid out as public Streets as aforesaid, within the Time herein-before specified, it shall be lawful for the Commissioners to enter into an Agreement with such Persons for the Payment of the Charges and Expences incurred by the paving of the same by the Commissioners under the Authority herein-before given at such Time and in such Manner as to them the said Commissioners may seem expedient and proper; and all such Persons, being Trustees or under any such Disability or Incapacity as aforesaid, shall and may and they are hereby authorized and empowered to make and enter into such Agreement with the said Commissioners accordingly.

Authority to Commissioners to enter into Agreement as to paving of new Streets under certain Circumstances.

CXII. Provided also, and be it enacted, That in case any Street shall be laid out by any Person which, from any Reservation of Right of Property, or the occasional Prevention and Interruption of the Passage thereon, shall not be fully opened and become a public Street under the Provisions of this Act, it shall be lawful for the Commissioners to enter into such an Agreement with the Person by whom such Street may have been laid out, or with the Owners of the Land adjoining the same, relative to the Time and Manner and Extent of the Paving and Repairs of such Street, or any Part thereof, as to them the said Commissioners may seem proper.

Authority to Commissioners to enter into an Arrangement as to paving certain Streets, not public.

CXIII. And be it enacted, That it shall be lawful for the Commissioners, or any Surveyor or any Person to be employed by them, under an Order for that Purpose, to search for, dig, and carry away any Stones, Gravel, or other Materials fit for paving and covering the Pavements and pitching or repairing any Streets within the said Extra-parochial Place, or for any Purposes of this Act, in and from any Waste or Common Land within the said Extra-parochial Place, or within any adjoining Parish, without paying for the same, they the Commissioners or other Persons filling up or levelling up the Pits; and also to search for, dig, and carry away any such Materials in and from the Lands of any Person where the same may be had and found within the said Place or any adjoining Parish (such Lands not being a Yard, Garden, Orchard, Park, Wood, Coppice, Nursery, or inclosed Ground, planted with any Avenue of Trees for Ornament), they the Commissioners or other Persons filling up the Pits and levelling the Grounds from which such Materials shall be taken, and paying the respective Owners and Occupiers of such Lands reasonable Compensation for the cutting, digging, taking, and carrying away such Materials, and for carrying the same over any inclosed Lands: Provided always, that no such Pit or Excavation shall be made of a greater

Power to take Materials for Pavements from Waste Lands without Payment, or from private Lands, making Compensation.

greater Depth than Six Feet below the Level of the Street adjoining such Lands, without the Consent of the Owner or Owners thereof.

Materials not to be taken from private Lands but by Order of a Justice on Ten Days Notice.

CXIV. Provided always, and be it enacted, That it shall not be lawful for the Commissioners, or any Person acting under their Authority, to search for, dig, or carry away any Materials for the Purposes aforesaid out of from any inclosed Lands until Ten clear Days Notice in Writing shall have been given to the Owner and Occupier thereof to appear before any Two Justices to show Cause why such Materials shall not be taken from such Lands; and in case such Owner or Occupier shall not attend pursuant to such Notice, or shall not show sufficient Cause why such Materials should not be taken from such Lands, it shall be lawful for such Justices to authorize such Person as the Commissioner shall appoint to dig and carry away such Materials at such Times as to such Justices shall seem fit.

Commissioners liable to Indictment for Want of Repairs.

CXV. And be it enacted, That the Commissioners shall be liable to be indicted at Common Law for the Want of the sufficient Repair of any public Highway within the said Extra-parochial Place, in the same Manner as the Inhabitants of the said Place were before the passing of this Act.

Commissioners to make Compensation for Damages done by them.

CXVI. And be it enacted, That in case any Damage or Injury shall be occasioned to the Owners or Occupiers of any Property within the said Extra-parochial Place in carrying the Purposes of this Act into execution, the Commissioners shall make good such Damage or Injury by and out of the Rates to be raised by virtue of this Act; and the Person or Persons sustaining such Damage or Injury may recover the same by an Action on the Case to be brought against the Commissioners in the Court of Passage of the Borough of *Liverpool*.

Inhabitants rated under the Act to be free from Highway Rates.

CXVII. And be it enacted, That every Inhabitant who shall be assessed to the Rates made under this Act for any Lands within the said Extra-parochial Place shall be released from all Rates and Assessments for the Repairs of the Highways within the said Extra-parochial Place in respect of such Lands.

Power to construct Common Sewers.

CXVIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause such Common Sewers, Drains, Vaults, Culverts, Watercourses, Wells, and Pumps, as they may think necessary, to be constructed in or under any Street within that Part of the said Extra-parochial Place which lies within the municipal Boundary of the Borough of *Liverpool*, and also to cause any of the Common Sewers, Drains, Vaults, Culverts, and Watercourses, public Wells or Pumps, which now are or hereafter shall be within the same, to be altered, repaired, cleansed, and completed, as to them shall seem necessary, and to carry and continue the same into and through any Lands within the Limits aforesaid,

Compensation to be made for Injury thereby.

CXIX. And be it enacted, That if any Person interested in any such Lands shall be injured by any such Sewer, Drain, Vault, Culvert, Watercourse, Well or Pump, being carried into or through his Lands,  
the



the Commissioners shall pay to such Person a reasonable Compensation for the Injury or Damage sustained by him.

CXX. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to empower any Person to carry any private Drain into any Common Sewer, Drain, Vault, Culvert, or Watercourse already made or which shall be made by virtue of this Act, according to such Plans as the Commissioners shall direct; but if any Person shall carry any such private Drain into any Common Sewer, Drain, Vault, Culvert, or Watercourse without the previous Consent of or in any other Manner than shall be directed by the Commissioners, he shall for every such Offence forfeit a Sum not exceeding Five Pounds, and it shall also be lawful for the said Commissioners to cut off, stop up, or prevent the Communication of such private Drain or Sewer with the Sewers or Drains so vested in the said Commissioners.

Communi-  
cation of  
private  
Drains with  
Common  
Sewers.

CXXI. And be it enacted, That the Occupier of any House or Land to which any private Drain which now does or hereafter shall issue into any of the said public Sewers, Drains, Vaults, Culverts, or Watercourses, shall belong, shall repair and cleanse the same, when required, by and according to the Direction of the Commissioners.

Occupiers to  
repair private  
Drains.

CXXII. And be it enacted, That all Vaults and Drains hereafter to be made under any Street within that Part of the said Extra-parochial Place which lies within the municipal Boundary of the Borough of *Liverpool* shall be substantially made, and so as not to interfere with any Drains or Sewers under the Control of the Commissioners, without their Consent; and if any Arch, Vault, or Drain shall be made contrary to the Provisions of this Act it shall be lawful for the Commissioners to fill up the same, and to recover the Expences incurred thereby from the Person making such Vault or Drain.

Vaults and  
Drains to be  
substantially  
made.

CXXIII. And be it enacted, That all such Vaults or Drains shall be kept in substantial Repair to the Satisfaction of the Commissioners, and in case any such Vault or Drain shall at any Time not be in such substantial Repair it shall be lawful for the Commissioners to put the same into substantial Repair, and to recover the Expences incurred thereby from the Occupier thereof; and such Occupier shall forfeit a Sum not exceeding Twenty Shillings for every Day such Vault or Drain shall continue out of substantial Repair after Notice shall have been given him by the Commissioners to repair the same, and a reasonable Time for completing such Repair shall have elapsed since the Service of such Notice.

Vaults and  
Drains to be  
kept in  
repair.

CXXIV. And be it enacted, That it shall be lawful for the Commissioners to make or branch and communicate any Main, Sewer, or Drain authorized to be made by virtue of this Act with the Sewer already made by the Trustees of the *Liverpool Docks* through *Sefton Street* within the said Extra-parochial Place of *Toxteth Park*, so as

Sewers of  
the Commis-  
sioners to  
communicate  
with Sewers  
in Sefton  
Street.

[*Local.*]

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effectually

effectually to drain and carry off the Water into the Docks or Basins of the said Trustees, or into the River *Mersey*, from the Sewers or Drains made by the said Commissioners, and that the said Trustees of the *Liverpool* Docks shall keep the said Sewer through *Sefton Street* aforesaid in sufficient Repair; provided that nothing in this Act contained shall be construed to vest the said Sewer or the Property thereof in the Commissioners.

If Sewer in  
Sefton Street  
discontinued,  
Sewers to be  
made in  
Dock Quays.

CXXV. Provided always, and be it enacted, That in case the said Sewer through *Sefton Street* shall at any Time after the passing of this Act be discontinued, or become unfit for the Purposes aforesaid, the said Trustees of the *Liverpool* Docks shall and they are hereby required from Time to Time to make or cause to be made and kept in repair such and so many Sewers and Drains in and under such Part or Parts of the Quays of the said several Docks or Basins as they the said Trustees shall think proper, so as effectually to drain and carry off the Water into the said Docks or Basins, or into the River *Mersey*, from such of the Mains, Sewers, or Drains of the Commissioners as shall communicate with the present Sewer through *Sefton Street* aforesaid, and the Commissioners shall have Liberty to carry and construct any Sewer or Drain made by them under and by virtue of this Act into the said Sewer through *Sefton Street*, or into any Sewer or Drain hereafter to be made by the said Trustees, as the Case may be.

Trustees of  
Docks not to  
be required  
to enlarge or  
make other  
Sewers than  
as stated in  
Act.

CXXVI. Provided always, and be it enacted, That nothing in this Act contained shall be construed to require the said Trustees of the *Liverpool* Docks to enlarge or alter any of the Sewers or Drains already made and now existing in and under the Quays of the said Docks or Basins; and that if any Question shall at any Time hereafter arise between the Commissioners and the said Trustees relating to the Capacity or Sufficiency of any of the Sewers or Drains hereafter to be made by the said Trustees as aforesaid to receive the Water from the Sewers or Drains to be constructed by the Commissioners, so as effectually to drain and carry off such Water into the said Docks or Basins or River, then and in such Case it shall be lawful for the Commissioners and Trustees and they are hereby required to nominate and appoint an indifferent Person on each Side, with Authority to such Two Persons so nominated and appointed to choose a Third; and the Award and Determination of the Three or any Two of them, under their Hands, relative to the Matter in question, shall be binding, final, and conclusive upon the Parties, and shall be acted upon and conformed to accordingly; and upon Completion of the Sewers or Drains by the said Trustees, in compliance with the said Award and Determination, all further Liability of the said Trustees in respect of the said Sewers or Drains which shall have been the Subject of the said Award and Determination shall cease and determine, except as to the Repairs thereof.

Saving the  
Rights of the  
Trustees of  
the *Liverpool*  
Docks.

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

Basins, Quays, or other Works of the Trustees of the *Liverpool Docks* for the Purposes of this Act, except as herein expressly provided.

CXXVIII. And be it enacted, That it shall be lawful for the Commissioners, during such Time as any Street within the said Extra-parochial Place is making or repairing, or during the making of any Sewer or Drain by the Commissioners, or under their Authority, to close such Street, or any Part of the same, by such Ways or Means as they shall think fit.

Commissioners may close Streets during Repairs.

CXXIX. And whereas many Works, Acts, and Things are required by this Act to be done by the Owners and Occupiers of Houses, Buildings, or Land, and other Persons, for the Improvement of Streets, Sewers, and Drains within the said Extra-parochial Place, and for other Purposes herein-before mentioned, and it is necessary to provide for the Execution of all such Works, Acts, or Things in case the same shall not be done by the Persons required to do the same; be it therefore enacted, That whenever any such Work, Act, or Thing shall not be done by the Owner or Occupier, or other Person required to do the same by the Provisions of this Act, in the Manner or at the Time prescribed by this Act, or by any Notice given by the Commissioners for that Purpose, in pursuance of this Act, or if no Time shall be prescribed, within a reasonable Time, it shall be lawful for the Commissioners to cause such Work, Act, or Thing to be done; and the Expences which shall be incurred by the Commissioners in respect of such Work, Act, or Thing shall be repaid to them by the Owner, Occupier, or other Person by whom the same ought to have been done.

In default of the Party liable, the Commissioners to execute Works and recover over.

CXXX. And be it enacted, That in all Cases where any such Work, Act, or Thing is required by this Act to be done by the Owner or Occupier of any House, Building, or Land (without designating by which of the said Parties the same ought to be done), and the Occupier of such House, Building, or Land shall be the Tenant of the same at a Rent amounting to or exceeding Three Fourths of the net annual Value thereof, the Expences which shall be incurred by or recovered from the Occupier in respect of such Work, Act, or Thing shall be repaid to such Occupier by the Owner of the House, Building, or Land, and the Owner shall allow such Occupier the Amount of all such Expences out of the Rent from Time to Time becoming due to him as if the same had been actually paid to him as Part of such Rent.

Occupiers to recover against Owners in certain Cases.

CXXXI. And be it enacted, That in all Cases, except as herein-before mentioned, where any Work, Act, or Thing is required by this Act to be done by the Owner or Occupier of any House, Building, or Land (without designating as aforesaid), the Expences which shall be incurred by or be recovered from any such Owner or Occupier, in respect of such Work, Act, or Thing, shall be divided between the Owner and Occupier in the Proportion of the Value of their respective Interests in such House, Building, or Land; and in estimating the Value of such Interests the Owner shall be deemed to be entitled

Adjustment between Owners and Occupiers.

entitled to such House, Building, or Land in Fee Simple, subject only to the Term or Interest of the Occupier therein; and if any such Owner or Occupier shall voluntarily or by Compulsion pay more than his Share of the Expences, estimated as aforesaid, of any such Work, Act, or Thing, the Excess shall be repaid to him by the Occupier or Owner, as the Case may be, and if the same be not so paid, on Demand, or if the Amount of the same shall be disputed, such Excess shall be ascertained and recovered in the same Manner as any Damages for the ascertaining and Recovery of which no special Provision is contained in this Act are directed to be ascertained and recovered; and if such Excess shall be payable by the Owner he shall allow the same, or so much thereof as shall not be repaid by him, to the Occupier, out of the Rent from Time to Time due or becoming due to him, as if the same had been actually paid to him as Part of such Rent.

Streets to be  
cleansed.

CXXXII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause all or any of the Streets within the said Extra-parochial Place to be cleansed, and the Dirt, Ashes, and Rubbish, except any such as shall be reserved by the Occupiers for their own Use, to be removed from any House or Premises within the said Place, at such Time and in such Manner as they shall appoint.

Streets may  
be watered.

CXXXIII. And be it enacted, That it shall be lawful for the Commissioners, with the Consent of the Rate-payers assembled at a Special Meeting called for the Purpose once in each Year, to cause all or any of the Streets within the said Extra-parochial Place to be watered during such Portion of the ensuing Twelve Months as they may see fit.

Occupiers  
allowed to  
use their own  
Ashes, &c.

CXXXIV. Provided always, and be it enacted, That it shall be lawful for any Occupier of any House or Premises within the said Extra-parochial Place to keep and remove any such Dirt, Ashes, or Rubbish as shall be made on his own Premises, and shall be reserved for Manure, so as the same be not a Nuisance to the Inhabitants residing near such Premises.

Duties of  
the Street  
Scavengers  
to be per-  
formed under  
Penalties.

CXXXV. And be it enacted, That the Persons employed by or contracting from Time to Time with the Commissioners for cleansing and watering the Streets within the said Extra-parochial Place, or any of them, or for removing the Dirt, Ashes, and Rubbish from any House or Premises therein, shall be called the "Scavengers;" and such Scavengers or their Servants shall, on such Days and at such Hours and in such Manner as the Commissioners shall from Time to Time appoint, sufficiently water the said Streets, or such of them as they shall respectively contract or be employed to water, and shall collect together all Dirt, Ashes, and Rubbish from all such Streets and Houses and Premises which they shall contract or be employed to collect Dirt, Ashes, and Rubbish from within the said Extra-parochial Place, except such Dirt, Ashes, and Rubbish as shall be kept by the Occupiers of such Houses and Premises for their own Use under the Provisions herein contained, and shall carry away the  
Dirt,

Dirt, Ashes, and Rubbish so collected to such Place as shall be appointed by the Commissioners for the depositing of the same; and if any such Scavenger fail to water any Street which he shall contract or be employed to water at the Time or in the Manner appointed by the Commissioners, or to remove any Dirt, Ashes, or Rubbish which he shall contract or be employed to remove at the Time or in the Manner prescribed by the Commissioners for that Purpose, or shall deposit any of such Dirt, Ashes, or Rubbish in any other Place than such as shall be appointed by the Commissioners for that Purpose, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

CXXXVI. And be it enacted, That every Occupier of a House or other Building within the said Extra-parochial Place shall forfeit any Sum not exceeding Forty Shillings for every Time he shall prevent any Scavenger or his Servants from removing any Dirt, Ashes, or Rubbish which such Scavenger is hereby authorized to remove from his House or Premises.

Penalty on Occupiers obstructing Scavengers.

CXXXVII. And be it enacted, That if any Person other than the Scavenger for the Time being, or some Person employed by him, shall collect or carry away any Dirt, Ashes, or Filth from any Streets within the said Extra-parochial Place, or from any House or Building therein, except as aforesaid, he shall forfeit and pay for every such Offence a Sum not exceeding Forty Shillings.

Penalty on other Persons than Scavengers removing Dirt.

CXXXVIII. And be it enacted, That the respective Occupiers of Buildings, Yards, and Lands within or adjoining the Streets within the said Extra-parochial Place shall, once in every Day (except *Sundays*), before Ten of the Clock in the Forenoon of each Day, cause to be swept and cleansed the Footways and Pavements in front or at the Side of their respective Buildings, Yards, and Lands; and every such Occupier making default herein shall for every such Offence forfeit a Sum not exceeding Five Shillings.

Occupiers to cause Footways to be swept.

CXXXIX. And be it enacted, That it shall be lawful for the Commissioners to compound, for such Time as they think fit, with any Person liable to sweep or clean any Footway under the Provisions of this Act for sweeping and cleansing the same in the Manner by this Act directed.

Commissioners may compound for sweeping Footways;

CXL. And be it enacted, That it shall be lawful for the Commissioners to cause any Footway within the said Extra-parochial Place to be swept or cleansed in such Manner and at such Times as they shall think fit.

or may cause them to be swept.

CXLI. And be it enacted, That if any Horse, Cattle, or other Animal shall at any Time be found at large in any of the Streets within the said Extra-parochial Place, without any Person therewith claiming the same, it shall be lawful for any Constable or Officer of Police, or for any of the Inhabitants or Persons residing within the said Place, to seize and impound any such Horse, Cattle, or Animal in the Common Pound to be provided by virtue of this Act, or in

Power to confine stray Cattle.

such other Place as the Commissioners shall appoint for that Purpose, and to detain the same therein until the Owner thereof shall for each Animal so impounded pay a Sum not exceeding Five Shillings to the Commissioners, and also the Sum of One Shilling to the Person impounding and keeping the same, besides the reasonable Expences of impounding and keeping the same: Provided that nothing herein contained shall extend to authorize the seizing or impounding any Horse, Cattle, or Animal within so much of the said Place as is Part of the Borough of *Liverpool*, and which may be seized or impounded under the Laws for the Time being in force within the said Borough.

Power to  
sell stray  
Cattle for  
Penalty and  
Expences.

CXLII. And be it enacted, That if the said Sums and Expences shall not be paid within Three Days after such impounding it shall be lawful for the Pound Keeper, or such other Person as shall be appointed by the Commissioners, to sell or cause to be sold any such Animal; but, previous to such Sale, Seven Days Notice thereof shall be given to or left at the Dwelling House or Place of Abode of the Owner of such Animal, if the Owner thereof shall be known, or if not, then Notice of such intended Sale shall be given by Advertisement to be inserted Seven Days before such Sale in some *Liverpool* Newspaper; and the Money arising from such Sale, after deducting the said Sums and the Expences aforesaid, and such other Expences as may attend the keeping and Sale of any such Animal so impounded, shall be paid to the Commissioners, to be by them paid to the Person whose Property the Animal so sold shall appear to have been, and which Money the Commissioners are hereby required to pay, on Demand.

Persons  
guilty of  
Pound  
Breach or  
Rescue of  
Distress to  
be commit-  
ted for Three  
Months.

CXLIII. And be it enacted, That in case any Person shall release, or attempt to release, from the Pound or Place where the same shall be impounded, any Horse, Cattle, or Animal which shall be seized for the Purpose of being impounded under the Authority of this Act, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until such Horse, Cattle, or Animal seized or impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, any Person so offending shall, upon Conviction thereof before any Two Justices, be committed by them to the Common Gaol or House of Correction at *Kirkdale* in the said County, there to remain without Bail for any Time not exceeding Three Months.

Power to  
provide a  
Pound.

CXLIV. And be it enacted, That it shall be lawful for the Commissioners to purchase a Piece of Land within the said Extra-parochial Place, and beyond the Limits of the said Borough, for the Purpose of a Pound for stray Animals, from any Person willing to sell the same, and to erect a Pound thereon; and such Pound when made shall be kept in repair by the Commissioners, and appropriated by them for ever as a Pound for the Use of the Inhabitants within the said Place and beyond the Limits of the said Borough.

CXLV. And in order to raise Money for carrying the several Purposes of this Act into execution so far as the same relate to the Streets within the said Extra-parochial Place, and to the providing and maintaining a public Office, as herein-before mentioned, be it enacted, That it shall be lawful for the Commissioners once in every Year after the passing of this Act, to be computed from the Second *Friday* after the passing hereof, or oftener if they shall think it necessary, to make One or more equal Rate or Rates, Assessment or Assessments, to be signed by any Three or more of the Commissioners, upon the Occupiers of all Houses, Shops, Warehouses, Coach-houses, Cellars, Buildings, Gardens, Lands, Tenements, and Hereditaments within the said Extra-parochial Place, (save and except any Houses, Buildings, or Lands used or occupied for the Purpose of any public Charity, and any Churches or Chapels,) according to the annual Value of the same, so as such Rates or Assessments do not exceed in any One Year the Sum of One Shilling in the Pound; and such Rate shall be called "The *Toxteth Park* Paving Rate." Power to levy Paving Rate.

CXLVI. And in order to raise Money for carrying the several Purposes of this Act into execution, so far as the same relate to the Sewerage of that Part of the said Extra-parochial Place to which the Powers and Provisions of this Act shall for the Purpose of Sewerage for the Time being extend, as herein provided, be it enacted, That it shall be lawful for the Commissioners once in every Year after the passing of this Act, to be computed as aforesaid, or oftener if they shall think it necessary, to make One or more equal Rate or Rates, Assessment or Assessments, to be signed by any Three or more of the Commissioners, upon the Occupiers of all such Houses, Shops, Warehouses, Coach-houses, Cellars, Buildings, Gardens, Lands, Tenements, and Hereditaments within that Part of the said Extra-parochial Place to which the Powers and Provisions of this Act shall for the Purpose of Sewerage for the Time being extend, according to the annual Value of the same, so as such last-mentioned Rates or Assessments do not exceed in any One Year the Sum of Four-pence in the Pound, and such Rate shall be called "The *Toxteth Park* Sewerage Rate." Sewerage Rate.

CXLVII. And be it enacted, That it shall be lawful for the several Occupiers of all Houses, Shops, Warehouses, Coach-houses, Cellars, Buildings, Gardens, Lands, Tenements, and Hereditaments, who shall be rated for the Purposes of Sewerage as herein-before mentioned, to deduct out of their respective Rents Three Fourths of the Amount of such Sewerage Rate as may from Time to Time be assessed on them, and which Amount all Landlords, both mediate and intermediate, are hereby required to allow on Receipt of the Residue of their Rents, and the Tenants paying such Three Fourths of the said Rate shall be acquitted and discharged of so much Money as if the same had been actually paid to the Persons to whom their Rents shall have been due and payable. Occupiers may deduct Three Fourths of Sewerage Rate from Rent.

CXLVIII. And be it enacted, That whenever no sufficient Distress can be found on the Premises of the Occupier who shall be rated for the Purposes of Sewerage as herein-before mentioned, whereon If no sufficient Distress on Premises of Occupier,

Three  
Fourths of  
Sewerage  
Rate may be  
recovered  
from Owner.

whereon the Amount of such Rate can be levied; then and in every such Case it shall be lawful for the Commissioners to require Payment of Three Fourth Parts of such Rate from the Owner of such Premises; and upon Nonpayment thereof within Ten Days after a Demand in Writing shall have been left on the Premises the same shall be levied upon and the Payment thereof enforced against such Owner and his Goods and Chattels, in like Manner as any Rate made for the Purposes of this Act may be recovered and levied and Payment thereof enforced under the Authority of this Act upon and against any actual Occupier to whom the same is charged; and the Person receiving or claiming to be entitled to the Rents of such Premises immediately payable by the Occupier thereof shall for the Purposes of this Act be deemed and taken to be the Owner thereof.

Rates may  
be increased  
with Consent  
of Rate-  
payers.

CXLIX. And be it enacted, That if it shall at any Time appear that the said several Sums of One Shilling in the Pound and Fourpence in the Pound, or either of them, are not or is not sufficient for the several Purposes aforesaid, it shall be lawful for the Commissioners, with the Consent of the Majority of the Rate-payers assembled at the annual Meeting for the Settlement of Accounts, to increase the said Rates, or either of them, so as the Paving Rate do not in any One Year exceed the Sum of One Shilling and Sixpence and the Sewerage Rate the Sum of Sixpence in the Pound on such Amount or Value as aforesaid: Provided always, that Notice of the Intention of the Commissioners to make any such Increase shall be given by them One Month previous to such annual Meeting by Advertisement in some Newspaper printed and circulated in the Town of *Liverpool*.

Notice of  
Rate to be  
given.

CL. And be it enacted, That no Rate to be made under the Authority of this Act shall be valid unless Notice of the Intention of making such Rate, and of the Time at which the same is intended to be made, and of the Place where a Statement of the proposed Rate shall be deposited for Inspection, shall be given by the Commissioners by Advertisement twice in some *Liverpool* Newspaper immediately previous to such Rate being made, or as nearly so as may be.

Rates to be  
open to In-  
spection of  
Rate-payers.

CLI. And be it enacted, That immediately after any Rate shall be made the same shall be open to the Inspection of any Person rated in such Rate at all seasonable Times, and any such Person may take Copies or Extracts from such Rate without paying any thing for the same; and if the Person having the Custody of such Rate shall refuse to or shall not permit any Person so rated as aforesaid to take Copies or Extracts from such Rate he shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Rates to be  
vested in the  
Commis-  
sioners.

CLII. And be it enacted, That the several Rates made under this Act shall be vested in the Commissioners and shall be payable at such Times as they shall direct to the Collectors to be appointed by them.

CLIII. And



CLIII. And be it enacted, That the annual Value of all Property rateable under this Act shall be ascertained according to the next preceding Assessment for the Relief of the Poor within the said Extra-parochial Place, except in such Cases as are herein-after mentioned.

Value of Property to be according to Poor Rate.

CLIV. And be it enacted, That it shall be lawful for the Commissioners, or for any Person by them authorized, from Time to Time to inspect the Poor Rates for the said Extra-parochial Place, and the Assessments by which the same are made, and to take Copies of or Extracts therefrom respectively; and if any Person having the Custody of such Rates or Assessments shall not suffer the Commissioners, or any Person authorized by them, to inspect the same, or take Copies thereof or Extracts therefrom, he shall forfeit a Sum not exceeding Forty Shillings for every such Offence.

Poor Rates to be open to Inspection by Commissioners.

CLV. Provided always, and be it enacted, That if at any Time the Rate for the Relief of the Poor within the said Extra-parochial Place shall, in the Judgment of the Commissioners, be an unfair Criterion by which the Rates or Assessments under this Act should be made, it shall be lawful for them to cause a Valuation to be made of all the rateable Property within the said Place, by some competent Person to be appointed by them for that Purpose, and the Rates or Assessments to be made by the Commissioners for the Purposes of this Act shall be made upon such Valuation.

If Poor Rate an unfair Criterion, a Valuation to be made.

CLVI. And be it enacted, That before any such Valuation shall be made the Person appointed to make such Valuation shall make and subscribe a solemn Declaration to make such Valuation fairly and impartially, according to the best of his Judgment; and an Entry or Minute shall be made in the Book of Proceedings of the Commissioners of the making and subscribing of such Declaration, and of the Date of making the same; and any Justice to whom Application may be made for that Purpose is hereby required to administer such Declaration.

Valuer to make a Declaration.

CLVII. And be it enacted, That in every such Valuation the Property rateable under this Act shall be computed at its net annual Value.

Net annual Value.

CLVIII. And be it enacted, That the Books of Rates of the Commissioners, and all Entries made therein, in manner by this Act directed, shall be received as Evidence of the Rates imposed by virtue of this Act.

Rate Books to be Evidence.

CLIX. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to amend any Rate made by virtue of this Act, by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by raising or reducing the Sum at which any Person shall have been rated, if it shall appear to them that such Person has been under-rated or over-rated, or by making such other Amendments therein as will make such Rate conformable

Rates may be amended.

to this Act, and no such Amendment shall be held to avoid the Rate : Provided always, that every Person who shall be aggrieved by any such Alteration shall have the same Right of Appeal therefrom as he would have had if his Name had been originally inserted in such Rate, and no such Alteration had been made ; and every Person whose Rate shall be altered shall be entitled to Seven Days Notice of such Alteration before the Rate shall be payable by him.

Occupiers  
may be rated  
if they think  
fit.

CLX. Provided always, and be it enacted, That it shall be lawful for the Occupiers of any rateable Property to demand to be assessed for the same, and to pay the Rates in respect thereof made under the Authority of this Act ; and the Commissioners shall assess every such Occupier so long as he shall duly pay the said Rates.

Appeal to  
Petty Ses-  
sions on the  
Ground of  
Inequality of  
Rates, &c.

CLXI. And be it enacted, That if any Person shall think himself aggrieved by any Rate on the Ground of Inequality, Unfairness, or Incorrectness of the Valuation of any rateable Property included therein, he may appeal to the Justices acting in and for the Petty Sessions Division of *Kirkdale* in the said County, at any Special Sessions which may be holden for the Purpose of determining any Appeals against the Poor Rates ; but no such Appeal shall be entertained unless Notice of the Objection in Writing shall have been given to the Party appealed against Seven Days at least before the Day appointed for such Special Session.

Determina-  
tion of Petty  
Sessions to be  
final, unless  
appealed  
from.

CLXII. And be it enacted, That the Justices assembled at any Petty Sessions for which any such Notice of Appeal shall have been given, or at any Adjournment thereof, shall hear and determine all such Appeals, and the Determination of such Justices shall be final, unless the same be appealed from in manner herein-after mentioned : Provided always, that it shall not be lawful for the Justices in such Special Petty Sessions assembled to inquire into the Liability of any Property to be rated, but only into the true Value thereof, and the Fairness of the Amount at which the same may be rated ; nor shall any Order of such Justices be of any Force pending an Appeal concerning the same Matter to the Court of General or Quarter Sessions, or in opposition to the Order of such Court upon any such Appeal.

Parties may  
appeal to  
Quarter Ses-  
sions against  
Rate, &c.

CLXIII. And be it enacted, That if any Person shall think himself aggrieved by any Rate made under the Authority of this Act, or by any Matters included in or omitted from the same, or by any Determination of the Justices in Petty Sessions assembled, he may appeal to the next General or Quarter Sessions ; but no such Appeal against the Rate, or any Matter contained in or omitted from the same, shall be entertained at such General or Quarter Sessions, unless reasonable Notice in Writing of such Appeal, stating the Nature and Ground thereof, be given to the Commissioners, but the same shall be adjourned to the next General or Quarter Sessions ; nor shall any Appeal against the Determination of the Justices in Petty Sessions assembled be entertained unless the Party appealing against such Determination shall, within Fourteen Days after the same shall have been made, give Notice in Writing of such Appeal, stating the Matter or Cause thereof to the Party in whose Favour such Determination

mination shall have been made, and within Five Days after such Notice shall enter into a Recognizance before some Justice, with sufficient Sureties, conditioned to try the same at the then next General or Quarter Sessions, and to abide the Order of such Court, and to pay such Costs as shall be awarded at such General or Quarter Sessions, or any Adjournment thereof.

CLXIV. And be it enacted, That at the General or Quarter Sessions for which any such Notice of Appeal shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, except when the Court are hereby directed to adjourn the same, and except when the Court shall think fit to adjourn the Appeal to the following Sessions, which they are hereby authorized to do, and in all such Cases the Court shall hear and determine the Appeal at such last-mentioned Sessions.

Court of Quarter Sessions to make such Order as they think reasonable.

CLXV. And be it enacted, That the Court of Quarter Sessions and the Justices in Petty Sessions assembled respectively shall, in any Appeal against any Rate made under the Authority of this Act, have the same Powers of amending or quashing such Rates as are by Law vested in them respectively for amending or quashing the Rates for the Relief of the Poor within their several Jurisdictions upon Appeals against such Rates, and shall likewise have respectively, in any Appeal against any Rate made under the Authority of this Act, the same Powers of awarding Costs to be paid by or to any of the Parties to an Appeal, and of recovering such Costs as are now vested in them respectively, for awarding and recovering Costs in an Appeal against any Rate for the Relief of the Poor within their several Jurisdictions.

On Appeal, Quarter Sessions and Petty Sessions to have same Power of amending and quashing Rates and of awarding Costs as in Appeals against Poor Rates.

CLXVI. And be it enacted, That no Person, although liable to the Payment of Money towards the Rates authorized to be raised under this Act, shall by reason thereof be deemed to be an incompetent Witness in any Proceeding before a Court of Justice under this Act, or be disabled to act as a Justice in the Execution of the same.

Liability to Rates not to disqualify Witnesses or Justices.

CLXVII. And be it enacted, That the said Commissioners shall and may and they are hereby authorized and empowered to proceed for the Recovery of any Rate which was duly made in the said Extra-parochial Place under and by virtue of the Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of Great Britain called England*, and which still remains unpaid, and for that Purpose shall have the same Powers and Authorities as the Board of Surveyors within the said Extra-parochial Place had for the Recovery thereof immediately before the passing of this Act, and shall apply the Money which they may so recover, after deducting the Costs and Expences of such Recovery, in the Payment and Discharge of any Debts which may be legally due and owing from the Board of Surveyors under the said Act, and the Overplus, if any, in like Manner as the Paving Rate hereby authorized to be levied is directed to be applied.

Commissioners may recover Monies due in respect of Highway Rates.

CLXVIII. And

Rates to be recovered by Action or by Distress.

CLXVIII. And be it enacted, That if any Person rated under the Authority of this Act shall not pay any of the said Rates due from him for the Space of Fourteen Days after Demand thereof, in Writing, by the Commissioners or their Collector, it shall be lawful for the Commissioners to recover the same by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*; or any Justice shall, on the Application of the Commissioners or their Collector, summon any such Person to appear before him, at a Time to be mentioned in the Summons, to show Cause why the Rates due from him should not be paid, and in case no sufficient Cause for the Nonpayment of such Rate shall be shown accordingly the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Form of Warrant of Distress.

CLXIX. And be it enacted, That the Warrant of Distress for the Nonpayment of any Rate may include One Person or several Persons, and may be to the Effect mentioned in Schedule (E.) to this Act annexed.

Constables to assist in making Distress.

CLXX. And be it enacted, That in all Cases where a Distress is hereby authorized to be made every Constable authorized by the Warrant to levy any Sum mentioned therein shall, upon being required by a Collector of the Rates, aid in making a Distress or Sale pursuant to such Warrant, and every Constable who shall refuse to do so shall be liable to a Penalty not exceeding Five Pounds.

Power to Commissioners or Justices to remit Rate.

CLXXI. Provided always, and be it enacted, That it shall be lawful for the Commissioners, or any Two Justices in Petty Sessions assembled, to reduce or remit the Payment of any Rate on account of the Poverty or Sickness of any Person liable to the Payment of the Rate.

Remedy against Persons quitting before Payment of Rates.

CLXXII. And be it enacted, That if any Person shall quit or be about to quit any rateable Property before he shall have paid the Rates then payable by him in respect thereof, and shall not pay the same to the Commissioners or their Collectors, on Demand, it shall be lawful for any Justice of the Peace, having Jurisdiction where such Person may reside or his Goods be found, to summon such Person to appear before him at a Time to be mentioned in the Summons to show Cause why the Rates should not be paid; and if no sufficient Cause for the Nonpayment of such Rates be shown accordingly the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Rates to be apportioned on Holder quitting.

CLXXIII. And be it enacted, That when any Rate shall have been made for a particular Period, and the Occupier who shall be rated to such Rate shall cease to be the Occupier of the Property in respect whereof he shall be rated before the End of such Period, such Occupier shall be liable to pay a Portion only of the Rate payable for the whole of such Period, proportionate to the Time during which he continued to be Owner or Occupier; and if any Person shall become the Owner or Occupier of any Property so rated  
as

as aforesaid, during any Part of any Period for which any Rate shall have been made, such Person shall pay a Portion of such Rate, proportioned to the Time during which he shall have held or occupied the Property so rated.

CLXXIV. And be it enacted, That if any Property rateable under this Act shall have been unoccupied at the Time of making any Rate, and any Person shall occupy such Property during any Part of the Period for which such Rate shall have been made, it shall be lawful for the Commissioners to rate such Property; and the Person occupying the same during any Part of the Period aforesaid shall pay a Portion of the said Rate, proportioned to the Time during which he shall occupy such Property.

Persons entering on unoccupied Property to pay a Portion of the Rate.

CLXXV. And be it enacted, That the several Powers and Provisions herein contained relating to Sewerage shall be confined to that Part of the said Extra-parochial Place which lies to the North of a Line to be drawn from the River *Mersey* along the South Side of *North Street* (and including within such Limits the Messuages or Buildings now or hereafter to be erected on the South Side of the said Street), to a certain Messuage or Cottage belonging to *Jane Leigh* and others, and to the Westward of a Line to be drawn from the said Messuage or Cottage, in a North-westwardly Direction, to the Junction of *Berkeley Street* and *Upper Parliament Street*, in the said Extra-parochial Place, unless the said Commissioners shall think fit to extend the same under the Authority for that Purpose hereinafter contained.

Defining the District to be sewered.

CLXXVI. And be it enacted, That it shall be lawful for the Commissioners, with the Consent of the Rate-payers, at any Meeting to be specially convened for that Purpose, of which Fourteen Days Notice at least shall be given in manner by this Act directed, from Time to Time to make an Order that any further Part of the said Extra-parochial Place within the Municipal Boundary of the said Borough of *Liverpool* shall, from and after a certain Day to be named in such Order, be taken to be within the District to which the Powers and Provisions of this Act relating to Sewerage shall extend; and after such Day the Part named in every such Order shall for ever thereafter be subject to the Powers and Provisions of this Act relating to Sewerage, and other Purposes incident thereto, and in the Portion of the Rate hereby authorized to be levied and applied for the Purposes of defraying the Costs, Charges, and Expences thereof.

Power to extend Limits.

CLXXVII. And be it enacted, That where any Damages or Charges are directed by this Act to be paid in addition to any Penalty for any Offence, the Amount of such Damages or Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justices before whom the Offender shall be convicted of such Offence, and shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

Damages to be ascertained with the Penalty.

Provision for Damages not otherwise provided for.

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

For ascertaining Compensation.

CLXXIX. And for the Purpose of ascertaining and determining any such Compensation, Expences, Charges, or Damages, be it enacted, That any Justice of the Peace may summon any Person liable to pay the same to appear before any Two or more Justices at a Time mentioned in such Summons, and at such Time, either on the Appearance or Default of the Party summoned to appear, such Justices shall inquire into any such Compensation, Expences, Charges, or Damages, and shall determine the same.

Recovery of Money from Commissioners.

CLXXX. And with respect to any Money under the Provisions of this Act adjudged to be paid by the Commissioners, for which no other Mode of Proceeding is hereby prescribed, be it enacted, That if such Money be not paid by the Commissioners to the Party entitled to receive the same within Twenty-one Days after Demand thereof in Writing, stating the Order of the Justices for the Payment of such Money, the Amount shall be recovered by Distress of the Goods and Chattels of the Commissioners, vested in them by virtue of their Office; but no such Distress shall issue against the Goods and Chattels of such Commissioners, unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, shall have been given to the Commissioners,

Penalties to be summarily recovered before Justices.

CLXXXI. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding upon Complaint made before any Justice, and on the Complaint being made to any such Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons, and every such Summons shall be served on the Party offending either in Person or by leaving the same with some Inmate at his usual Place of Abode, and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for any Two or more Justices to proceed on the hearing of the Complaint, and upon Proof of the Offence, either by Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

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

Penalties may be levied by Distress.

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

Imprisonment in default of Distress.

CLXXXIV. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Justice by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Informer, and the other Half, save as herein provided, to the said Commissioners, to be by them applied for the Purposes of this Act; provided that in all Cases in which, under an Act passed in the Session of the Fifth and Sixth Years of the Reign of King *William* the Fourth, to provide for the Regulation of Municipal Corporations in *England* and *Wales*, such other Half is required to be paid to the Treasurer of the said Borough Fund, the same shall be awarded to be paid to the Treasurer of such Borough, to be applied as is directed by the said Act.

Application of Penalties.

5 & 6 W. 4. c. 76.

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

Penalties to be sued for within Six Months.

CLXXXVI. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter;

Penalty on Witnesses making default.

Matter; and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act, or any Matter in which such Justice shall have Jurisdiction by the Provisions of this Act, shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath, or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient  
Offenders.

CLXXXVII. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer or Agent of the Commissioners, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act; and such Justice shall proceed with all convenient Despatch to the Hearing and Determination of the Complaint against such Offender.

Form of  
Conviction.

CLXXXVIII. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (F.) to this Act annexed.

Informalities.

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

Distress how  
to be levied.

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

Distress not  
unlawful for  
Want of  
Form.

CXCI. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the 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 afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Parties may  
appeal to  
Quarter Ses-

CXCII. And be it enacted, That if any Person shall think himself aggrieved by any Order, Determination, or Adjudication of any Justice, other than the Determination of any Justices in Petty Sessions assembled,



assembled, in any Appeal against any Rate made under the Authority of this Act, or of the Commissioners under the Provisions of this Act, he may appeal to the General or Quarter Sessions; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Order, Determination, or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, and unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon; provided that as to any such Order, Determination, or Adjudication concerning any Offence, Matter, or Thing committed or arising within so much of the said Place as is within the Borough of *Liverpool*, and under the separate Jurisdiction of the Court of Quarter Sessions of the said Borough, such Appeal shall be only to the said Court of Quarter Sessions of the said Borough.

sions, on giving Security.

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

Court to make such Order as they think reasonable.

CXCIV. 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 vested in or enjoyed by the Commissioners for the better Paving and Sewerage of the Town of *Liverpool*, or any of the Powers, Privileges, or Authorities now belonging to the Company of Proprietors of the *Liverpool* and *Harrington* Waterworks granted by Two several Acts made in the Third and Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, the First intituled *An Act to repeal so much of an Act of the Thirty-sixth Year of His late Majesty King George the Third as relates to the supplying of 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 County of Lancaster, and to the Company of Proprietors of 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 late Majesty King George the Fourth, intituled *An Act for lighting with Oil Gas the Town of Liverpool and certain Places adjacent thereto*, the Second, passed in the Fourth Year of His late*

Not to prejudice the Powers of the Liverpool Sewerage Commissioners, the Liverpool and Harrington Waterworks Company, and the Liverpool New Gas and Coke Company.

3 G. 4. c. 77.

7 & 8 G. 4. c. 36.

4 G. 4. c. 39.

4 & 5 W. 4. 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.*  
c. 1.

Saving the Rights of the Corporation of Liverpool.

CXCV. Provided always, and be it enacted, That nothing herein contained shall prejudice or affect the Rights, Privileges, or Powers or Authorities of the Mayor, Aldermen, and Burgesses of *Liverpool*, or the Council of the said Borough, or any Committee of the said Council, now or hereafter vested in them, or any Powers or Authorities of any Justice of the said Borough, or any Surveyor, Officer, or Constable thereof under any Act of Parliament now or hereafter in force within the said Borough, nor shall any thing herein contained prejudice or affect the Powers or Provisions of the said Act to provide for the Regulation of Municipal Corporations, or any other Act now or hereafter made and in force concerning Municipal Corporations, or any Act now or hereafter made and in force in anywise relating to the Regulations of Buildings within the said Borough, or for the Improvement, Rule, or Government thereof.

Expences of the Act.

CXCVI. And be it enacted, That all the Expences of preparing and applying for, obtaining and passing this Act, or in any way incident thereto, shall be defrayed by the Commissioners out of the first Monies which shall come to their Hands from or in respect of "*The Toxteth Park Paving Rate*," herein-before authorized to be made.

Money borrowed to be repaid with Interest.

CXCVII. And be it enacted, That if any Person shall advance, pay, or lend, or shall have advanced, paid, or lent, any Money towards defraying the Expences of preparing, applying for, obtaining, and passing this Act, or incident thereto, he shall be repaid the same, together with Interest for the same, out of the first Monies to be raised by virtue of this Act.

Interpretation of Act.

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

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

Words importing the Masculine Gender only shall include Females:

The Word "Month" shall mean Calendar Month:

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

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

The Word "Justice" shall mean any Justice of the Peace acting within the Limits of this Act and within his Jurisdiction:

The Words "General or Quarter Sessions" shall mean the General or Quarter Sessions of the Peace for the County of *Lancaster*:

The Word "Street" shall include any Square, Street, Court, or Alley, Highway, Lane, Road, Thoroughfare, or public Passage or Place within the Limits of this Act:

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Expression "the Commissioners" shall mean the Commissioners for the Time being acting by virtue of this Act.

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

SCHEDULES referred to by the foregoing Act.

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SCHEDULE (A.)

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*Form of Mortgage Deed.*

By virtue of an Act passed, &c., intituled, &c., we, \_\_\_\_\_ of the Commissioners appointed by [or by virtue of] the said Act, in consideration of the Sum of \_\_\_\_\_ Pounds paid to us by *A. B.* of \_\_\_\_\_ for the Purposes of the said Act, do grant and assign unto the said *A. B.*, his Executors, Administrators, and Assigns, such Proportion of the Rates or Assessments arising by virtue of the said Act as the said Sum of \_\_\_\_\_ Pounds doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates or Assessments, to hold to the said *A. B.*, his Executors, Administrators, and Assigns, from this Day until the said Sum of \_\_\_\_\_ Pounds, with Interest at \_\_\_\_\_ Pounds per Centum per Annum for the same, shall be fully paid and satisfied. In witness whereof we have hereunto set our Hand and Seals, this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

SCHEDULE (B.)

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*Form of Grant of Annuity.*

By virtue of an Act passed, &c., intituled, &c., we, being \_\_\_\_\_ of the Commissioners appointed by the said Act, in consideration of the Sum of \_\_\_\_\_ Pounds paid by *A. B.*, do grant unto the said *A. B.* an Annuity or yearly Sum of \_\_\_\_\_ Pounds, to be issuing out of the Rates and Assessments arising by virtue of the said Act, to be paid to the said *A. B.* during the Term of his natural Life, [or, as the Case may be, to the said *A. B.*, his Executors, Administrators, or Assigns, during the natural Life of \_\_\_\_\_ or \_\_\_\_\_ during the natural Lives of \_\_\_\_\_ and \_\_\_\_\_ and the Life of the Survivor of them,] upon the \_\_\_\_\_ Day of \_\_\_\_\_ and the \_\_\_\_\_ Day of \_\_\_\_\_ in every Year during his natural \_\_\_\_\_

natural Life, [*or, as the Case may be,* during the natural Life of the  
 said *or of the said* and  
 and the Survivor of them,] the first Payment thereof to be  
 made on the Day of next ensuing the Date  
 hereof. In witness whereof we have hereunto set our Hands and  
 Seals, the Day of in the Year One thousand  
 eight hundred and

SCHEDULE (C.)

*Form of Transfer of Mortgage or Grant of Annuity.*

I *A.B.* of  in consideration of the Sum  
 of Pounds to me paid by *C.D.* of  
 do hereby transfer to the said *C.D.*, his Executors, Administrators,  
 and Assigns, a certain Mortgage, Number [*or a certain*  
 Grant of Annuity, Number *as the Case may be,*] made by  
 the Commissioners for executing the [*Title of the Act*], to  
 bearing Date the Day of for securing the  
 Sum of Pounds and Pounds  
 Interest, [*or for granting an Annuity of* Pounds,  
*as the Case may be, or, if such Transfer be by Endorsement,* the within  
 Security,] and all my Right, Estate, and Interest in and to the  
 Money thereby secured, [*or the Annuity thereby granted,*] and in  
 and to the Money and Property thereby assigned. In witness  
 whereof I have hereunto set my Hand and Seal, this Day  
 of One thousand eight hundred and

SCHEDULE (D.)

*Form of Conveyance.*

I of  in consideration of the  
 Sum of paid to me [*or, as the Case may*  
*be,* into the Bank of England, in the Name and with the Privity of  
 the Accountant General of the Court of Chancery, *ex parte* "The  
 Commissioners for paving and improving Toxteth Park in the County  
 of Lancaster," or to *A. B.* of and *C. D.* of  
 Two Trustees appointed to receive the same], pursuant to an Act  
 passed, &c., intituled, &c., by the said Commissioners, do hereby con-  
 vey to the said Commissioners, their Successors and Assigns, all  
 [*describing the Premises to be conveyed*], together with all Ways,  
 Rights, and Appurtenances thereto belonging, and all such Estate,  
 [*Local.*] 32 Y Right,

Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by the said Act empowered to convey, to hold the Premises to the said Commissioners, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal, the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thousand eight hundred and \_\_\_\_\_

SCHEDULE (E.)

*Form of Warrant of Distress.*

to wit. } To \_\_\_\_\_ one of the Collectors of the Rates  
under an Act passed, &c., intituled, &c., and to all  
Constables.

WHEREAS the under-mentioned Persons, now or late Owners or Occupiers of Premises within the \_\_\_\_\_ have been duly rated in or are liable to the Payment of a Rate made on the \_\_\_\_\_ Day of \_\_\_\_\_ under the Authority of the said Act, and there are now due from them respectively the several Sums of Money against their Names herein-after respectively set down, which they have not paid, as appeareth upon Oath to me, one of Her Majesty's Justices of the Peace for the \_\_\_\_\_; and the said several Persons having been duly summoned to appear before me to answer the Premises and not having shown sufficient Cause why such several Sums of Money should not be paid. These are therefore in Her Majesty's Name to require you, or any of you, forthwith to levy the said several Sums due as herein-before mentioned by Distress and Sale of the respective Goods and Chattels of the Persons aforesaid, rendering to them respectively the Overplus (if any), the reasonable Charges of such Summons, Warrant, Distress, and Sale being first deducted; and if no sufficient Distress can be had and taken, then that you certify the same to me, to the end that such further Proceedings may be had as the Law doth authorize and direct: And I do hereby strictly charge and command all and singular the Constables respectively to be aiding and assisting in all things relating to the Premises.

Given under my Hand and Seal this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thousand eight hundred and \_\_\_\_\_

Sums due.  
£ s. d.

A. B.    -    -    -  
C. D.    -    -    -



THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT  
530 SOUTH EAST ASIAN AVENUE  
CHICAGO, ILLINOIS 60607

RECEIVED

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