



ANNO TRICESIMO OCTAVO

GEORGII III. REGIS.

Cap. 72.

An Act for the better Security and Defence of the Town and Port of *Liverpool*. [29th June 1798.]

WHEREAS it is highly necessary and expedient for the Safety and Protection of the Town and Port of *Liverpool* in the County Palatine of *Lancaster*, and its Inhabitants, that Floating Batteries and Gun Boats should be provided and stationed, and other Works of Defence should be raised and erected, at the Mouth of the Port and Harbour of the said Town, and on the opposite and neighbouring Coasts, to resist and repel any Attack which may be made by the Enemy upon the said Town and Port, its Docks and Shipping, and to act as Necessity may require: And whereas the Mayor, Bailiffs, and Burgeses of the said Town, in their General Corporate Capacity, and the Mayor, Aldermen, Bailiffs, and Common Council of the said Town, as Trustees of the Docks in the same Town, and the Ship Owners of the said Town and Port of *Liverpool*, and the Church-Wardens and Overseers of the Poor of the said Parish of *Liverpool*, with the Approbation and Concurrence of the Inhabitants thereof, are desirous to contribute and raise a sufficient Sum of Money for promoting and defraying the Expence of so desirable an Object, in the Proportions and in the Manner hereinafter mentioned; but inasmuch as the said laudable Purposes cannot be carried into Effect without the Aid of Parliament; May it please Your Most Excellent Majesty, That it may be enacted, and be it enacted by the KING'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 it shall and may be lawful for the Mayor, Bailiffs, and Burgeses of the said Town for the Time being, in their General Corporate Capacity, and out of their Corporate Property, and they are hereby authorized, empowered, and required thereout to pay to the Treasurer or Treasurers nominated by the Commissioners appointed for the Purposes of this Act, as is hereinafter mentioned, for the Time being, within Two Months,

Preamble.

Corporation and Church-Wardens and Overseers of Poor of *Liverpool* empowered to raise Money.

[Loc. & Per.]

the

the Sum of One Thousand Pounds; and that it shall and may be lawful for the Mayor, Aldermen, Bailiffs, and Common Council of the said Town for the Time being, as Trustees of the said Docks in the said Town and Port of *Liverpool*, out of the Monies now in their Hands, or which they shall afterwards receive as such Trustees, and they are hereby authorized, empowered, and required thereout to pay to the said Treasurer or Treasurers, within Two Months, the Sum of One Thousand Pounds; and that it shall and may be lawful for the Trustees hereinafter appointed for and on Behalf of the Ship Owners of the said Town and Port of *Liverpool*, out of the Monies which shall be as is hereinafter mentioned by them collected and raised in respect of the Ships and Vessels belonging to such Ship Owners as aforesaid, and they are hereby accordingly authorized, empowered, and required thereout to pay to the said Treasurer or Treasurers, as soon as conveniently may be, the Sum of One Thousand Pounds; and that it shall and may be lawful for the Church Wardens and Overseers of the Poor of the said Parish of *Liverpool*, out of the Monies which they shall collect and receive by Means of the Rate for the Relief of the Poor, to be made and collected as is hereinafter mentioned, and they are hereby authorized, empowered, and required thereout to pay to the said Treasurer or Treasurers, as soon as conveniently may be, the Sum of Two Thousand Pounds; which said several Sums of One Thousand Pounds, One Thousand Pounds, One Thousand Pounds, and Two Thousand Pounds, making together the Sum of Five Thousand Pounds, are to be laid out and expended by the Commissioners hereinafter appointed for carrying this Act into Execution, in the purchasing of Ground on the neighbouring or opposite Coasts, for a Term of Years or otherwise, in their Names, and erecting Batteries thereon, and in constructing, purchasing, manning, and maintaining Gun Boats, and in purchasing and providing proper Ordnance, Ammunition, and other Military and Naval Stores for the supporting, furnishing, equipping, maintaining, and appointing such Batteries, Floating Batteries, and Gun Boats with all proper Means of Defence, and in procuring, purchasing, and providing all such other Stores and Things as shall appear proper and necessary to such Commissioners for the Defence of the Town and Port of *Liverpool*, its Docks and Shipping, against all Attacks of the Enemy, and in defraying all other Expences attending the executing this Act, and in paying or reimbursing to any Person or Persons their reasonable Charges and Expences, and the Monies laid out by them in or about the making or procuring this Act; and the said Commissioners are hereby authorized and empowered to lay out and expend the same accordingly.

Works to be approved by the King or Board of Ordnance.

II. Provided always, and be it enacted, That the Works to be erected under the Authority of this Act shall be constructed in such Manner and in such Situations as shall be approved of by His Majesty, or by the Master General or Board of Ordnance.

Trustees for Ship Owners to raise Money by a Rate on the Tonnage of Ships.

III. And in order to enable the said Trustees, for and on the Behalf of the said Ship Owners of the said Town and Port of *Liverpool*, hereinafter appointed, to raise and collect such Sum of Money as they are hereby required to pay to the said Treasurer or Treasurers; Be it further enacted by the Authority aforesaid, That it shall and may be lawful for such Trustees, for and on the Behalf of the said Ship Owners, or any Three of such Trustees, and they are hereby required, as soon as conveniently may

may be after passing this Act, to make and collect a Rate upon and from the Owners of all Ships and Vessels belonging to the Town and Port of *Liverpool*, according to the Tonnage of such their Ships or Vessels respectively, sufficient to enable the said Trustees thereout to pay the clear Sum of One Thousand Pounds, after defraying and deducting all Expences attending the making and collecting such Rate, and after making a reasonable Allowance for any Loss or Deficiency which may happen in the collecting the said Rate; which Rate being signed by the said Trustees, for and on the Behalf of the said Ship Owners, or any Three of such Trustees, it shall be lawful for such Trustees, or any of them, and they and every of them are hereby required to levy and collect, or cause to be levied and collected the same, and from Time to Time, as the same shall be received by them, to pay over the Monies so by them received to the Treasurer or Treasurers to be appointed by the said Commissioners for this Purpose, not exceeding in the Whole the Sum of One Thousand Pounds, and that the Overplus (if any) which shall be received and collected by Means of such Rate, shall be repaid to and divided amongst the several Ship Owners from whom the same shall have been received and collected, in Proportion to the Sums so by them respectively paid; and that the said Trustees, for and on the Behalf of the said Ship Owners, or any of such Trustees, shall and may proceed to collect and levy the same, notwithstanding any Appeal made from the said Rate in virtue of the Provision hereinafter contained for that Purpose may be then depending, save and except only such Appeals against the said Rate, whereof Notice shall have been given within Ten Days next after the signing of the said Rate; and that no such Rate shall, after any Application has been made of the Monies raised by virtue of the same, or of any Part thereof, for the Purposes aforesaid, be totally quashed or set aside for any Cause, Matter, or Thing whatever, but that the same shall and may be amended only in such Particulars as Justice may require.

IV. And be it further enacted, That it shall and may be lawful for the said Trustees hereinafter appointed for and on the Behalf of the said Ship Owners, or for any Person or Persons to be by them, or any Three of them, by any Writing under their Hands, appointed to receive the said Rate, to demand Payment of such Rate of and from all such Ship Owner and Owners, and to levy the said Rate upon any such Ship Owner or Owners as aforesaid, who (after Demand made thereof) shall neglect or refuse to pay the same according to the true Intent and Meaning of this Act, by Distress and Sale of his, her, or their Goods and Chattels; and that it shall be lawful, after such Distress made, to detain and keep the Goods and Chattels so distrained as aforesaid until such Rate with the reasonable Charges of such Distress shall be paid and satisfied; and in case of any Neglect, Refusal, or Delay in Payment of the said Rate for the Space of Five Days after such Distress taken, then it shall be lawful for the Person or Persons so distraining to cause the said Goods and Chattels so distrained to be appraised by Two or more Sworn Appraisers, and afterwards to sell the same Goods and Chattels, or a competent Part thereof, returning the Overplus of the Monies arising by such Sale (if any) to the Owner or Owners thereof, after deducting the said Rate with the reasonable Charges of distraining, keeping, and selling the said Goods and Chattels so distrained and sold; any Thing in this Act contained to the contrary notwithstanding: And that it shall and may be lawful for the said Trustees appointed for and in Behalf of the said Ship Owners, or any Three of

For Recovery of the Rates on Ships.

them,

them, and they are hereby authorized and empowered, until the said Rate shall be by them collected, to borrow upon Security of the said Rate any Sum or Sums of Money not exceeding in the Whole the Sum of One Thousand Pounds, and to repay all such Sum and Sums of Money to such Person or Persons who shall advance the same for the Purposes of this Act, with lawful Interest upon such Sum or Sums of Money as shall be so advanced.

Allowing an Appeal against any Act of the Trustees.

V. And be it further enacted, That any Person or Persons whomsoever who shall be aggrieved by any Act, Matter, or Thing done by the Trustees appointed for and on the Behalf of the said Ship Owners, or any of them, or by any Person or Persons whatsoever acting under the Authority of such Trustees in or concerning the Execution of this Act, may appeal to the next General or Quarter Sessions of the Peace to be holden in and for the Borough and Town of *Liverpool*, giving Ten Days Notice thereof to the Party against whom such Complaint shall be made, and giving Security by Recognizance to be acknowledged before a Justice of the Peace for the said Borough and Town of *Liverpool*, with a sufficient Surety to pay the Costs attending such Appeal, if the Matter of such Appeal shall be determined against the Appellant; and the Justices at such General or Quarter Sessions are hereby authorized to hear and determine such Appeal, and to award Costs for or against the Appellant as they shall see just Cause so to do, which Determination shall be final to all Intents and Purposes whatsoever, and shall not be liable to be removed by *Certiorari* into any other Court or Courts whatsoever.

Empowering Church-Wardens and Overseers to raise Money by a Rate.

VI. And, in order to enable the said Church-Wardens and Overseers to raise and collect such Sum of Money as they are hereby required to raise and pay to the said Treasurer or Treasurers, Be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Church-Wardens and Overseers of the Parish of *Liverpool*, or the greater Part of them, and they are hereby required, as soon as conveniently may be after passing this Act, to make a Rate upon such Inhabitants and Property as are by Law rateable for the Relief of the Poor of the said Parish, sufficient to raise the clear Sum of Two Thousand Pounds, after paying and deducting all Expences attending the making and collecting such Rate, and after making a reasonable Allowance for any Loss or Deficiency which may happen in the collecting the said Rate; which Rate being published and allowed as Rates for the Relief of the Poor are by Law directed to be published and allowed, it shall be lawful for such Church-Wardens and Overseers, or any of them, and they and every of them are hereby required to levy and collect the same in such Manner as Rates for the Relief of the Poor may be levied and collected, except as herein is otherwise provided, and to pay over from Time to Time as they shall receive the same, to the Treasurer or Treasurers to be appointed by the said Commissioners, such Monies as they shall receive on Account thereof, not exceeding in the Whole the Sum of Two Thousand Pounds, and the Overplus (if any) which shall be received and collected by Means of such Rate shall be applied as Part of the Poor's Rate of the said Parish; and all the like Remedies, Powers, Rules, and Methods used, given, and applied for ascertaining, levying, and collecting the Rates for the Relief of the Poor, shall be used, applied, and put in Force for ascertaining, levying, and collecting the Rate to be made by virtue of this Act, in as full and ample a Manner as if the same Remedies, Powers,

Powers, Rules, and Methods were herein particularly set forth, except as is herein otherwise provided; and that the said Church-Wardens and Overseers shall and may proceed to collect and levy the same notwithstanding any Appeal from such Rate may be pending, save and except from such Person or Persons as shall have given Notice of Appeal against such Rate within Ten Days next after the Publication thereof, and that no such Rate, after any Application thereof, or of any Part thereof, for the Purposes aforesaid, shall be totally quashed or set aside for any Cause whatever, but the same shall and may be amended in such Manner as shall be necessary for giving Relief.

VII. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought against any Person or Persons for any Thing done in the levying or collecting any Rate to be made in pursuance of this Act, the same shall not be brought until Fourteen Days Notice thereof in Writing shall have been given to such Person or Persons, nor after a sufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months after the Fact committed; and every such Action shall be brought in One of the Courts of Record at *Westminster*, or of the County Palatine of *Lancaster*, and not elsewhere, and shall be laid in the said County of *Lancaster* and not elsewhere, and the Defendant or Defendants therein shall and may plead the General Issue in such Action or Suit, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall so appear to have been done, or if such Action or Suit shall be brought after the Time hereinbefore limited for the bringing the same, or without Fourteen Days Notice thereof, or in any other County or Place, or after a sufficient Satisfaction made or tendered as aforesaid, that then the Jury shall find for the Defendant or Defendants; and if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for Costs of Suit in any other Cases by Law: And that it shall and may be lawful for the said Church-Wardens and Overseers of the Poor of the said Parish of *Liverpool* for the Time being, and they are hereby authorized and empowered, in the mean Time and until the said Rate can be collected, to advance and pay, or borrow upon the Security of the said Rate, any Sum or Sums of Money not exceeding in the Whole the Sum of Two Thousand Pounds, out of any Money now or hereafter to come into their or any of their Hands of the Rates for the Relief of the Poor of the said Parish, or from any Person or Persons who are willing to advance the same, and to reimburse themselves, or repay to such Person or Persons so advancing the same, all such Sum or Sums of Money as they or any of them shall have so advanced or borrowed for the Purposes aforesaid, together with Interest for the same, out of the Rate to be collected by virtue of this Act.

VIII. Provided always, and be it further enacted, That no Messuage or Dwelling-House in the said Town or Parish of *Liverpool*, which does not exceed the Yearly Value of Five Pounds, shall be subject or liable to be rated under the Authority of this Act; and that no Docks, Dock Duties, or Port Duties of the said Town and Port of

Liverpool, nor any Ship or Vessel belonging to or being within any Part of the said Docks, or within any Part of the said Town or Port of *Liverpool*, shall be subject or liable to be rated to or for the Relief of the Poor of the Parish of *Liverpool* under the Authority of this Act, whether the same or any of them may or may not be deemed otherwise liable to be rated for that Purpose or for any other Purpose, or in any other Respect whatsoever.

Trustees for
the Ship
Owners.

IX. And be it further enacted by the Authority aforesaid, That *Jacob Nelson, John Bolton, John Gladstone, Thomas Molyneux, Robert Johnson, John Parr, and James Penny the Younger*, all of *Liverpool*, Merchants, shall be and are hereby constituted and appointed Trustees for and on the Behalf of the said Ship Owners of the said Town and Port of *Liverpool*, for carrying the several Purposes of this Act hereinbefore in such Behalf particularly mentioned into Execution; and that if the said *Jacob Nelson, John Bolton, John Gladstone, Thomas Molyneux, Robert Johnson, John Parr, and James Penny the Younger*, or any of them, or any of their Successors to be nominated as is hereinafter mentioned, shall die or refuse to act, or become incapacitated, and such Death, Refusal, or Incapacity being first duly notified to the other or others of the said Trustees, it shall and may be lawful for the other or others of the said Trustees, or any Three of them, to nominate a new Trustee or new Trustees in the Room or Stead of the said Trustee or Trustees so dying, refusing to act, or becoming incapacitated, provided such new Trustee or Trustees be a Ship Owner or Ship Owners of the said Town and Port of *Liverpool*.

Commissioners.

X. And be it further enacted by the Authority aforesaid, That *Thomas Staniforth, Pudsey Dawson, Thomas Hinde, John Sparling, Joseph Brooks, George Case, Thomas Earle, John Gregson, George Dunbar, Peter Whitfield Brancker, Thomas Leyland, Jonas Bold, Nicholas Crooke, Ellis Lorimer, John Payne, Thomas Davies, John Butler, John Hutton, James Hargreaves, John Oakes, Benjamin Bromfield, James Drinkwater, John Keay, and Joseph Cazneau* shall be and are hereby constituted and appointed Commissioners for carrying this Act into Execution; and that it shall and may be lawful for any Six or more of the said Commissioners, (which Number is hereby declared to be a Quorum) for putting this Act in Execution, or a Majority of them, of which at least One-Half of the said *Thomas Staniforth, Pudsey Dawson, Thomas Hinde, John Sparling, Joseph Brooks, George Case, Thomas Earle, John Gregson, George Dunbar, Peter Whitfield Brancker, Thomas Leyland, Jonas Bold*, or of the Persons nominated in their Stead, shall be Part, and at least One-Half of the said *Nicholas Crooke, Ellis Lorimer, John Payne, Thomas Davies, John Butler, John Hutton, James Hargreaves, John Oakes, Benjamin Bromfield, James Drinkwater, John Keay, and Joseph Cazneau*, or the Persons nominated in their Stead, shall be Part; and if any of the said Twelve first-named Commissioners, or those nominated in their Stead, shall die or refuse to act, or become incapacitated, (and in case of a Refusal or Incapacity, such Refusal or Incapacity being signified to the Mayor of the said Town of *Liverpool* by such Person or Persons so refusing, or by the major Part of the said Commissioners, by Writing under his or their Hands,) it shall and may be lawful for the Mayor and Common Council of the said Town, or the Majority of them, to nominate a new Commissioner out of their own Body, in the Room or Stead of each Commissioner so dying, refusing, or becoming incapacitated; and that if the said *Nicholas Crooke, Ellis Lorimer, John Payne, Thomas Davies,*
John

John Butler, John Hutton, James Hargreaves, John Oakes, Benjamin Bronsfield, James Drinkwater, John Keay, and Joseph Cazneau, or any of them, or any of their Successors to be nominated as is herein mentioned, shall die or refuse to act, or become incapacitated, (and in case of Refusal or Incapacity, such Refusal or Incapacity being signified to the Church-Wardens and Overseers of the said Parish of Liverpool by such Person or Persons so refusing, or by the major Part of the said Commissioners, by Writing under his or their Hands,) it shall and may be lawful to and for the said Church-Wardens and Overseers of the said Parish, or the Majority of them, to nominate a new Commissioner out of the Inhabitants of the said Parish, in the Room or Stead of each Commissioner so dying, refusing, or becoming incapacitated; and it shall and may be lawful for the said Commissioners for the Time being, or a Majority of them, of which Majority at least One-Half of the said last-named Commissioners, or of the Persons nominated in their Stead, shall be Part, and at least One-Half of the first-named Commissioners, or the Persons nominated in their Stead, shall be Part; and they are hereby authorized and empowered to do and execute all and every the Matters and Things which the Commissioners for carrying this Act into Execution are hereby authorized and empowered or ought to do.

XI. Provided always, and be it further enacted by the Authority aforesaid, That the Persons named to be Commissioners by this Act, or hereafter elected or appointed Commissioners by virtue thereof, before they shall enter upon the Execution of the same, shall take an Oath before the Mayor or any other Magistrate for the said Town, which he and they is and are hereby authorized and required to administer, the Tenor whereof shall be as followeth; (that is to say,)

Commissioners to be sworn.

‘ I *A. B.* do swear, That in the Execution of the several Powers vested in me by virtue of an Act, intituled, *An Act, (here insert the Title of the Act,)* I will act faithfully and to the best of my Judgment, according to the Intent and Meaning of the said Act.’

XII. And be it further enacted by the Authority aforesaid, That the Monies to be contributed, raised, and collected for the Purposes of this Act shall be paid into the Hands of some Person or Persons carrying on the Business of Bankers at *Liverpool* aforesaid, to be appointed by the said Committee as their Treasurer or Treasurers, to be applied and disposed of as the said Committee shall direct and appoint for the Purposes of this Act; and that it shall and may be lawful for the said Commissioners to appoint such Treasurer or Treasurers, and to remove or discharge such Treasurer or Treasurers, and appoint a new Treasurer or Treasurers, being a Banker or Bankers at *Liverpool* aforesaid, and to direct the Monies that shall remain in the Hands of the former Treasurer or Treasurers to be paid over to such new Treasurer or Treasurers; and if any such discharged Treasurer or Treasurers shall refuse or neglect to render an Account of, and pay unto such new Treasurer or Treasurers, the Balance of such Sum or Sums of Money as he or they shall have received from the Commissioners under the Authority of this Act, then and in such Case it shall and may be lawful for Two or more Justices of the Borough of *Liverpool* aforesaid, (the Mayor of the said Borough being One of such Justices,) by virtue of this Act, to commit such discharged Treasurer or Treasurers, so refusing or neglecting to render an Account of or to pay the Balance as aforesaid

Appointment of Treasurer.

aforesaid into the Hands of the new appointed Treasurer or Treasurers; to the Common Gaol for the Borough of *Liverpool* aforesaid, there to remain without Bail or Mainprize until he or they shall have rendered a true and perfect Account and Satisfaction and paid over the Balance remaining in his Hands as aforesaid, or shall make and pay such Composition for the same as the said Commissioners, or any Six or more of them, shall think just or reasonable, which Composition the said Commissioners, or any Six or more of them, are hereby authorized and empowered to accept.

Property of
the Ground,
&c. vested in
the Commis-
sioners.

XIII. And be it further enacted by the Authority aforesaid, That the Interest and Property in the said Grounds, Batteries, and other Works to be purchased, made, and raised under the Authority of this Act, and the Materials of which the same shall consist, and in the Floating Batteries, Gun Boats, Ordnance, Ammunition, and Military and Naval Stores to be constructed, purchased, or provided under the Authority of this Act, and the same and every of them, shall be and are hereby vested in the Commissioners authorized to put this Act in Execution for the Time being, and upon every Resignation, Removal, or other Change of Commissioners, shall and are hereby directed to become vested in the remaining Commissioners, and in case of a new Appointment, in the remaining Commissioners and such Commissioners as shall be newly appointed in Manner aforesaid, without any Conveyance, Transfer, or Assignment whatsoever, in the same Manner as they were before vested in the former Commissioners: And from and after the Conclusion of the present War it shall and may be lawful for the Commissioners for the Time being, or the Majority of them, constituted as aforesaid, and they are hereby required to sell and dispose of the said several Matters and Things to be vested in them as aforesaid as they shall think proper, and divide and apportion the Monies thereby to arise, and such Part of the said Sum of Five Thousand Pounds, if any, as shall then remain undisposed of, between the said Mayor, Bailiffs, and Burgessees of the Town of *Liverpool*, in their General Corporate Capacity, and the Mayor, Aldermen, Bailiffs, and Common Councilmen of the said Town and Port, as Trustees of the Docks, and the said Trustees appointed for and on the Behalf of the Ship Owners of the said Town and Port of *Liverpool*, and the Church-Wardens and Overseers of the Poor of the Parish of *Liverpool* for the Time being, in Proportion to the Sums paid and contributed by them respectively in Manner aforesaid; and that the Share thereof which shall be paid to the said Trustees appointed for and on the Behalf of the said Ship Owners, shall be by such Trustees divided amongst and repaid to the said Ship Owners in Proportion to the Sums so by them before respectively paid; and that the Share thereof which shall be paid to the said Church-Wardens and Overseers, shall be applied by them to the Relief of the Poor of the said Parish of *Liverpool*.

Publick Act.

XIV. And be it further enacted by the Authority aforesaid, That this Act shall be taken and allowed in all Courts of Judicature as a Publick Act, and all Judges and Justices are hereby required to take Notice thereof as such, without the same being specially pleaded.