ANNO TERTIO & QUARTO

# VICTORIÆ REGINÆ.

***

Gentlemen, claim to be the Proprietors of a certain Tract of Land and Strand known as the *Herculaneum* Estate, abutting on the River *Mersey* in *Toxteth Park* near *Liverpool* aforesaid, admirably adapted for the Construction of Docks thereon, and which Docks they are willing to construct, provided Vessels frequenting the same and their Cargoes shall be exempted from the Payment of so much of the Rates and Duties now payable to the said Trustees of the *Liverpool* Docks as would be fairly applicable by the said Trustees in maintaining, repairing, and using the Docks belonging to them, irrespectively of the necessary Charges and Expences attending the Maintenance and Improvement of the Port of *Liverpool* by the said Trustees, and the providing of Buoys, Lights, and Marks, and other Conveniences for Vessels frequenting the same, which would be equally beneficial to all such Vessels whether the same should make use of the Docks belonging to the said Trustees or not: And whereas the making of Docks on the said *Herculaneum* Estate would be a Source of great Public Advantage, and it is expedient therefore that Provision should be made for exempting Vessels frequenting the same and their Cargoes respectively from the Payment of such Portion of the Rates and Duties payable to the said Trustees of the *Liverpool* Docks as would be applicable by them to the Maintenance, Repair, and Use of the Docks belonging to them as aforesaid, and also that certain Rules and Regulations should be made for the Government of the said intended Docks when the same shall be opened to the Public; 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 this Act shall commence and take effect as soon as the said Docks proposed to be made on the said *Herculaneum* Estate shall have been so far completed as to allow of any Vessels entering the same and taking in or discharging their Cargoes therein; and the Limits of this Act shall be held to include all that Parcel of Land situate in *Toxteth Park* in the County of *Lancaster* on the West Side of *Sefton Street*, and abutting on the River *Mersey*, bounded on the North Side by Property of the *Ellesmere* Canal Company, on the South Side by Land of the Devisees in Trust of *John Roden Freme* Esquire and the Earl of *Sefton*, containing along *Sefton Street* Seven hundred and fifty Yards, and extending thence to the River *Mersey* on the North Side Two hundred and twenty Yards, on the South Side One hundred and eighty Yards or thereabouts.

Commencement of this Act; Limits thereof.

Interpretation of Terms.

II. And be it further enacted, That whenever in this Act the Words "*Herculaneum* Docks" shall be used, the same shall be held to include all the Docks, Cuts, Basins, Quays, Wharfs, and other Works to be erected on the said *Herculaneum* Estate, within the Limits aforesaid; and wherever the Words "Proprietors of the said Docks," or the Words "said Proprietors" shall be used, the same shall be held to mean the Proprietors for the Time being of the said *Herculaneum* Estate, and the Docks, Basins, and other Works to be constructed thereon; and whenever the Words "Premises of the said Proprietors"

Proprietors" shall be used the same shall be held to refer only to the Premises included within the Limits of this Act; and whenever the Words "Property of the said Proprietors" shall be used the same shall be held to refer only to the joint Property of the said Proprietors for the Time being in the said *Herculaneum* Estate, and the Docks, Basins, and other Works, Matters, and Things belonging to them thereon or connected therewith; and whenever in this Act any Word shall be used denoting the Singular Number or the Masculine Gender only, the same shall be held to include several Persons and Things as well as One Person or Thing, and Females as well as Males; and whenever in this Act any Word shall be used in the Plural Number the same shall be held to apply to One Person or Thing as well as several Persons or Things; unless there be any thing in the Context of the Clause in which such Words respectively may occur repugnant to the above defined Construction thereof, or unless it be otherwise specifically provided therein.

Restricting Proprietors from Building Warehouses.

III. Provided always, and be it further enacted, That it shall not be lawful for the said Proprietors or any Person or Persons to erect any Warehouses for the Deposit of Goods, Wares, Merchandize, Articles, Matters, or Things, upon any of the Quays of the Docks to be constructed by them within the Limits of this Act, or upon any Lands belonging to the said Proprietors within Fifty Yards of the Margin of the said Docks, or within the Walls surrounding the said Docks, unless during the present or any future Session of Parliament an Act shall be passed authorizing the Trustees of the *Liverpool* Docks to erect Warehouses on the Quays of their Docks or any of them, or unless the said Trustees shall at any Time erect such Warehouses, in either of which Events the above Restriction as to the Erection of Warehouses by the said Proprietors, or any other Person or Persons, shall cease and determine.

Proprietors to make Access from Sefton Street to the River.

IV. And be it further enacted, That the said Proprietors shall and they are hereby required, before the opening to the Public of any Dock hereafter to be constructed by them on their Estate, to provide at some One or more convenient Places within the Limits of this Act, and not distant less than One hundred and sixty Yards from the Northern Boundary of their said Estate, a good and sufficient Carriage Road or Way, or Roads or Ways, of at least Ten Yards in Width (except where the same may be carried across any Bridge), from *Sefton Street*, to communicate with the Parade hereafter directed to be made on the River Wall of the said Docks.

Proprietors to make a Marine Parade along their River Wall.

V. And be it further enacted, That the said Proprietors shall and they are hereby required, at their own Cost, before the said Docks are opened to the Public, to make and construct a Marine Parade or clear public Passage of not less than Six Yards in Width, along the River Wall fronting the Docks and Works of the said Proprietors, and extending along the whole Line of such River Wall, which Marine Parade so to be constructed by the said Proprietors, or in case the same shall be divided in its Length by Openings from the said River, then each and every Portion of such Marine Parade shall,

shall, without any Charge being made by the said Proprietors for the same, be freely accessible to the Public at all Times of the Day and Night, but without Horses, Carts, Carriages, or other Vehicles.

Landing Places and Mooring Posts to be provided by the Proprietors.

VI. And be it further enacted, That the said Proprietors shall and they are hereby required, at their own Costs, before the said Docks are opened to the Public, to make and construct in the said River Wall not less than Two Slips or Flights of Stairs, Six Feet wide at the least, and of easy Ascent; all which Slips or Stairs shall (without any Charge being made by the said Proprietors for the Use of the same) be accessible to the Public at all Times of the Day and Night; and the said Proprietors shall also make and fix in the said River Wall a sufficient Number of Mooring Posts at the Distance of not more than Sixty Yards from each other for the Convenience of Shipping.

Proprietors to keep the Marine Parade, &c. in repair.

VII. And be it further enacted, That the said Proprietors shall, and they are hereby required at their own Cost to cause the said River Wall, and the said Marine Parade, and Mooring Posts, and every Portion thereof respectively, and the Roads or Ways, Slips, Stairs or Communications, by this Act directed to be made, to be at all Times kept and maintained in good and substantial Repair and Condition; and shall also, if required, permit the same to be well and sufficiently lighted during the Night, for the same Number of Hours at the least as the Marine Parade along the River Wall in front of the *Liverpool* Docks is usually lighted.

Docks declared to be within the Limits of the Borough of Liverpool.

VIII. And whereas the Estate of the said Proprietors is situate within the Borough of *Liverpool*, but Doubts may arise whether any Works constructed by the said Proprietors below High-water Mark of the River *Mersey* will be within the Boundaries of the said Borough; and it is expedient, for the Purpose of removing such Doubts, that the whole of the Docks, Basins, Entrances, Wharfs, Quays, Piers, Embankments, and other Works of the said Proprietors, which are or may be erected or made upon the Estate of the said Proprietors, should be declared to be within the Borough of *Liverpool*; be it therefore enacted, That all and every the Docks, Basins, Entrances, Wharfs, Quays, Piers, Embankments, and other Works of the said Proprietors which have been or may be erected, constructed, or made by them upon their said Estate, shall for all the Purposes of the Act for the Regulation of Municipal Corporations in *England* and *Wales*, and of an Act therein referred to, of the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to settle and describe the Division of Counties, and the Limits of Cities and Boroughs, in* England *and* Wales, *in so far as respects the Election of Members to serve in Parliament*, and of all other Acts in any way relating to or affecting the said Borough of *Liverpool*, and now extending over the Estate of the said Proprietors, be and be deemed and taken to be within and to be Part of the Borough of *Liverpool*, any thing in the said Acts or any of them to the contrary thereof in anywise notwithstanding.

2 & 3 W. 4. c. 89.

IX. And

Preventing any Director or other Officer of the Docks from acting on the Liverpool Dock Committee.

IX. And be it enacted, That no Proprietor, being a Director of the said Docks, or other Officer of the said Docks, shall be capable of being elected by the Persons qualified as Rate-payers under or by virtue of the said recited Acts, or any of them, as a Member of the Committee for the Affairs of the Estate of the Trustees of the *Liverpool* Docks, or of acting as a Member thereof; and if any such Director or Officer shall act as a Member of such Committee, every Person so offending shall for each and every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered, together with full Costs of Suit, in any of Her Majesty's Courts at *Westminster*, or in Her Majesty's Court of Common Pleas at *Lancaster*, by Action of Debt or on the Case.

Power to take Rates.

X. And be it further enacted, That from and after the Period when this Act shall come into operation it shall be lawful for the Proprietors for the Time being of the said *Herculaneum* Docks to ask, demand, sue for, and recover such Tolls, Rates, and Charges, on all Vessels frequenting the said Docks, and their respective Cargoes, as to the said Proprietors may seem meet: Provided always, that (save and except as herein mentioned) the said Rates, Tolls, and Charges shall at all Times be charged equally in respect of the same Description of Goods, Wares, Merchandize, and Commodities, and that no Reduction or Advance in the said Rates, Tolls, or Charges shall, directly or indirectly, be made partially or in favour of any particular Person or Company.

Rates to be charged equally.

Tonnage Rates may be distrained for.

XI. And be it further enacted, That in case any Master, Commander, Owner, Consignee, or other Person having the Charge or Command of any Vessel in respect of which any Rates, Tolls, or Sums of Money are payable to the said Proprietors, shall refuse or neglect to pay the same, then and in every such Case it shall from Time to Time be lawful for the Collector of the said Proprietors to go on board such Vessel to demand, collect, and receive such Rates, Tolls, or Sums of Money, and on Nonpayment thereof to take and distrain such Vessel, and all the Tackle, Apparel, and Furniture belonging thereto, or any Part thereof, and the same to detain until such Rates, Tolls, or Sums of Money shall be paid and satisfied; and in case of Neglect or Default in Payment of the said Rates, Tolls, or Sums of Money for the Space of Fourteen Days next after any Distress so made or taken, then and in such Case it shall be lawful for the said Collector to cause such Distress to be appraised by Two or more sworn Appraisers or other Persons not interested therein, and afterwards to sell the said Distress, and therewith to satisfy himself, as well for and in respect of the Rates, Tolls, or Sums of Money so neglected or refused to be paid, as for and in respect of his reasonable Costs and Charges in taking, keeping, appraising, and selling the same, rendering the Overplus (if any) to the Master, Commander, Owner, Consignee, or other Person having the Charge or Command of such Vessel, upon Demand.

Treasury may reduce the Tolls on

XII. Provided always, and be it enacted, That it shall and may be lawful to and for Her Majesty, in and by Order in Council, or to and for

Foreign Ships.

for the Lords Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, and at all Times when She and they shall deem fit so to do, in and by Her or their Order in Writing, to reduce any Rates, Tolls, or Charges which may be levied under the Powers granted by this Act on all or any Foreign Ships, and on all or any of the Goods imported or exported therein, as She or they in their Judgment shall deem expedient, to the same and the like Rates, Tolls, and Charges as may be levied in respect of *British* Ships, or the Goods imported or exported in or by the same, under the Powers granted by this Act.

Provision against evading the Payment of Rates.

XIII. And be it further enacted, That if any Master, Commander, Owner, Consignee, or other Person having the Charge or Command of any Vessel, shall elude or evade the Payment of any Rate, Toll, or Sum of Money payable to the said Proprietors in respect of such Vessel, such Master, Commander, Owner, Consignee, or other Person shall himself stand charged with and be liable to the Payment of the same, and the same may be recovered from such Master, Commander, Owner, Consignee, or other Person in the same Manner as Fines and Penalties imposed by this Act are directed to be levied and recovered, or by Action at Law.

Period within which Rates shall be paid.

XIV. And be it further enacted, That (unless otherwise agreed) the Rates, Tolls, and Sums of Money payable to the said Proprietors in respect of any Goods, Wares, Merchandize, and Commodities shall be paid at or before the Expiration of Two Calendar Months next after the Cargo of the Vessel importing or bringing Coastwise any such Goods shall have been carefully discharged or unloaded, or previous to the Removal of the same from the Premises of the said Proprietors, which shall first happen; and in case Default be made in Payment of the said Rates, Tolls, or Sums of Money, or any of them, or any Part thereof, it shall be lawful for the Collector of the said Proprietors to retain and sell, or to cause to be sold, all or any Part of such Goods, Wares, Merchandize, and Commodities, and out of the Monies thence arising to retain and to pay the Rates, Tolls, and Sums of Money which shall be payable to the said Proprietors in respect of such Goods, Wares, Merchandize, and Commodities, and all Charges and Expences of making and selling such Distress, rendering the Overplus (if any) of the Money arising by such Sale, and such of the said Goods, Wares, Merchandize, and Commodities as shall remain unsold, to the Person entitled thereto, upon Demand; and in case such Goods, Wares, Merchandize, and Commodities shall happen to be removed before the Rates, Tolls, or Sums of Money payable to the said Proprietors in respect of the same shall be fully paid, then the said Proprietors shall and may recover the same by Action at Law.

For ascertaining the Tonnage and Admeasurement of Vessels.

XV. And be it further enacted, That the Tonnage or Admeasurement of all Vessels which shall be liable to the Payment of any Rates, Tolls, or Sums of Money, for the Use of such Docks and Works, shall be ascertained according to the certified Tonnage in the Ship's Register, and the Master or Commander, or other Person having the Charge or Command of every such Vessel, is hereby required to produce

duce such Certificate of Registry at the Time of the Payment of the said Rates, Tolls, or Sums of Money, to the Person who shall be duly authorized to collect and receive the same; and in case of any Dispute in or about the same the Tonnage or Admeasurement of such Vessel shall be ascertained in the Manner and according to the Directions of an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Admeasurement of the Tonnage and Burthen of the Merchant Shipping of the United Kingdom.* 5 & 6 W. 4. c. 56.

Master of every Vessel to deliver a Copy of the Manifest.

XVI. And be it further enacted, That the Master, Commander, or other Person having the Charge or Command of any Vessel, loaded or part loaded, which shall enter the Docks, Basins, or Cuts of the said Proprietors shall, within Twelve Hours after entering the said Docks, Basins, or Cuts, deliver or cause to be delivered a true Copy of the Manifest of the Cargo of such Vessel (signed by the said Master, Commander, or other Person,) at the principal Office of the said Proprietors, to such Officer or Servant of the said Proprietors as shall be appointed for the Receipt thereof; and every such Master, Commander, or other Person refusing or neglecting to deliver a true Copy of such Manifest within the Time specified, and in the Manner before directed, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to measure and ascertain the Tonnage of Vessels.

XVII. And be it further enacted, That if the Collector of the said Proprietors, or such other Person as they shall duly appoint in that Behalf, and the Master, Commander, or other Person having the Charge or Command of any Vessel, shall disagree respecting the Tonnage of such Vessel, then and in every such Case it shall be lawful for the said Collector, or such other Person appointed as aforesaid, from Time to Time, and at all convenient and reasonable Times, to stop, detain, enter into, measure, and gauge the same; and in case the same shall, upon such measuring or gauging, appear to be of greater Tonnage than is specified in such Certificate of Registry, then and in every such Case the Master, Commander, or other Person in charge of the said Vessel shall pay the Costs and Charges of such measuring and gauging; but if such Vessel be found to be of the same or of less Tonnage than shall be set forth and contained in such Certificate, then and in every such Case the Collector or other Person shall pay the Costs and Charges of such necessary measuring and gauging, and shall also pay such further Damages as shall appear to any Two or more Justices of the Peace for the County of *Lancaster*, on the Oath of some Witness, to have arisen from such Detention; and in default of immediate Payment thereof by such Collector or other Person as aforesaid the same shall and may be recovered in any of Her Majesty's Courts of Record by Action of Debt; and if the Master, Commander, or other Officer of any Vessel, or any other Person whosoever, shall obstruct or hinder any Person so employed from measuring or gauging any Vessel in pursuance of this Act, every such Master, Commander, Officer, or other Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XVIII. And

No Cocket, &c. to be granted till Rates, &c. are paid.

XVIII. And be it further enacted, That every Collector, Comptroller, Surveyor, or other Officer of the Customs, with the Consent of the Commissioners of Her Majesty's Customs, is hereby empowered to refuse to take any Report, inward or outward, or grant any Cocket or other Document to the Master, Commander, Owner, Agent, or Consignee of any Vessel entering the Docks, Cuts, Basins, or Works of the said Proprietors, until such Master, Commander, Owner, Agent, or Consignee shall have paid to the Person appointed to receive the same the several Rates, Tolls, and Sums of Money which the said Proprietors are hereby authorized to demand and receive, for or in respect of any such Vessel entering or using the said *Herculaneum* Docks, or for or in respect of the Cargo on board any such Vessel as aforesaid.

The Master or other authorized Person to be on board when unloading.

XIX. And be it further enacted, That the Master, Commander, or Mate of any Vessel which shall load or unload in any of the said last-mentioned Docks, or some Person appointed by him or by the Owner of such Vessel for that Purpose, shall, during all the Time employed in loading and unloading or discharging such Vessel, actually remain on board, and superintend, aid, and assist in such loading or discharging; and every such Master, Commander, or Mate, or Person so appointed as aforesaid, who shall neglect or refuse to superintend, aid, and assist in the loading, unloading, or discharging of the same as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Proprietors may prevent Part of a Cargo being landed until the whole is entered at the Custom House.

XX. And be it further enacted, That it shall be lawful for the said Proprietors, or their proper Officer on their Behalf, whenever they or he shall see Occasion, to forbid and prevent any Vessel to break bulk, or land any Part of the Cargo thereof, until the whole of such Cargo shall have been duly entered at the Custom House, and Orders for the landing thereof lodged with the proper Officers of Her Majesty's Customs at the said Docks; and any Master, Commander, or other Person having the Charge or Command of any Vessel, who shall break bulk, or land any Part of the Cargo thereof, after Notice from the said Proprietors not to do so, shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds: Provided always, that nothing herein contained shall extend to prevent the proper Officer of Her Majesty's Customs from causing any Part of such Cargo to be landed and housed for the Security of the Revenue, or for clearing any Vessel, whenever he shall think fit.

Goods of a dangerous Quality to be marked.

XXI. And for the better preventing Accidents or Injury which might arise in the said Docks and Premises from the unsafe and improper depositing of certain Goods, Wares, Merchandize, and Commodities within the same, be it further enacted, That any Person who shall send or cause to be sent to the said Docks or other Premises of the said Proprietors for Shipment or Deposit, any Aqua-fortis, Oil of Vitriol, or other Goods of a dangerous Quality, shall distinctly mark or state the Quality of such Goods on the Outside of the Package containing the same, or shall otherwise give Notice in Writing to the Superintendent of the Docks or other proper Officer of the said Proprietors at the Time of sending or causing the said

Goods to be sent to the said Docks or other Premises, on pain of forfeiting for every Default herein the Sum of Twenty Pounds.

Goods when landed to be made liable to Freight.

XXII. And be it further enacted, That all Goods, Wares, Merchandize, and Commodities which shall be landed on the Premises of the said Proprietors, and lodged in their Custody, shall, when so landed, continue and be subject and liable to such and the same Claim for Freight in favour of the Master and Owner of the Vessel, or of any other Person interested in the Freight of the same, from or out of which such Goods, Wares, Merchandize, and Commodities shall be so landed, as the same respectively were subject and liable to whilst they were on board such Vessel and before the landing thereof; and the said Proprietors or their Officers and Servants shall and may, and they are hereby authorized, empowered, and required, upon due Notice in that Behalf given to them by such Master or Owner or other Person as aforesaid, to retain and keep such Goods, Wares, Merchandize, and Commodities until the respective Freights to which the same shall be subject and liable as aforesaid shall be duly paid and satisfied, together with the Rates, Tolls, and Charges to which the same shall have become subject and liable, or until a Deposit shall have been made by the Owner or Consignee of such Goods, Wares, Merchandize, and Commodities equal to the Amount of Claim or Demand made by such Master or Owner or other Person as aforesaid, for or on account of Freight upon the same, which Deposit the Proprietors or their Officers and Servants respectively are hereby authorized and directed to receive and hold in Trust, until the Claim or Demand for Freight upon such Goods, Wares, Merchandize, and Commodities shall have been satisfied, upon Proof of which, and Demand made by the Person entitled thereto, or his Executors, Administrators, or Assigns, and upon Payment of the Rates, Tolls, and Charges due upon the same the said Deposit shall be returned to him by the said Proprietors or their Officers or Servants with whom the said Deposit shall have been made as aforesaid.

Gatekeeper not to allow Goods to be taken out without Production of a Pass.

XXIII. And be it further enacted, That it shall not be lawful for the Persons appointed by the said Proprietors as Gatekeepers of the Gates and Entrances into the said Docks and Premises to permit any Goods, Wares, Merchandize, or Commodities to pass outward from the said Docks, or from any of the Premises of the said Proprietors, unless the Person in whose Custody such Goods, Wares, Merchandize, or Commodities shall be shall produce to such Gatekeepers a Pass for such Goods, Merchandize, or Commodities, signed by some Officer of the said Proprietors who shall be appointed by them to grant the same.

No Fees to be taken by the Officers.

XXIV. And be it further enacted, That no Fee, Perquisite, or Reward of any Kind or Denomination whatsoever shall be taken, accepted, or received by any Officer or Person who shall or may be employed in any Service of the said Proprietors, other than the Salary, Allowance, or Recompence that shall or may be paid or allowed to such Officer or Person by the said Proprietors, within the Docks, Cuts, Basins, Quays, Wharfs, and other Premises of or

belonging to the said Proprietors, for any Service, Act, or Duty which shall or may be done or performed within the same; and every Person taking, accepting, or receiving any Fee, Perquisite, or Reward contrary to the Direction of this Act shall for every such Offence, not only pay back the Amount of the Fee, Perquisite, or Reward so taken, accepted, or received, but in addition thereto shall forfeit and pay any Sum not exceeding Five Pounds.

Dock Superintendent may be appointed.

XXV. And be it further enacted, That it shall be lawful for the said Proprietors to appoint a proper Person to be Superintendent, who shall have full Power and Authority to direct and control the Bridges over the Locks, moving Anchors, mooring and transporting Buoys and Posts, and the mooring and unmooring, moving or removing of all Vessels coming into, going out of, lying at the said Moorings, or lying in the Docks, Cuts, Basins, or other Works of the said Proprietors, both as to the Time and Manner of their Entrance into, lying in, or going out of the same, and their Position, loading, and discharging therein, and the Time of opening or shutting the several Gates thereof; and in case the Owner, Master, Commander, Pilot, or other Person having the Charge or Command of any Vessel shall refuse or neglect to obey any Order or Direction, after Notice thereof given to him, or if any Vessel shall be left without any Person on board, it shall be lawful for the said Superintendent and his Assistants to moor, unmoor, move, or remove such Vessel, and the Charges and Expences thereof respectively shall be repaid, together with any Sum of Money not exceeding Five Pounds for every such Offence, by the Owner, Master, or Commander of such Vessel, and may be levied and recovered by the said Proprietors, in case of Non-payment thereof on Demand, in the same Manner as Penalties are by this Act directed to be levied and recovered.

Penalty for obstructing the mooring of Vessels.

XXVI. And be it further enacted, That in case any Master, Commander, Pilot, or other Person having the Charge or Command of any Vessel, or the Owner or Agent thereof, or any other Person whosoever, shall obstruct or hinder the mooring, unmooring, moving, or removing of any Vessel, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Combustibles not to be allowed in the Docks.

XXVII. And be it further enacted, That if the Owner of, or the Person in or to whose Custody or Charge any Tar, Pitch, Rosin, Hemp, Flax, Faggots, Furze, Brandy or other Spirituous Liquors, Turpentine, Oil, Tallow, Grease, Hay, Straw, Shaving of Wood, or other combustible Matter or Thing whatsoever, shall be or be intrusted, shall permit or suffer the same or any of them, or any Part thereof respectively, to be and remain on the Docks and Wharfs aforesaid or any Part thereof, or upon the Deck of any Vessel in the said Docks, Cuts, Basins, or other Works, or any of them, above the Space of Two Hours after he shall have been required by the Superintendent by Notice in Writing to take away or remove the same therefrom, then and in every such Case every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings for every Hour during which any of the

Articles

Articles specified, or any other combustible Matter or Thing, or any of them, or any Part thereof, shall be or remain in the Place or Situation aforesaid, after the Expiration of the said Two Hours, such Two Hours to be computed from the Time of such Requisition, and in every such Case the Owner of or other Person in or to whose Custody or Charge any such Article or any other combustible Matter or Thing shall be or be intrusted, if the same respectively shall be or be lying on the said Quays or Wharfs, or any of them, or the Master, Commander, or other Person having the Charge or Command of the Vessel on the Deck of which the same respectively shall be, shall, at their own Costs and Charges respectively, maintain a sufficient Number of careful and sober Persons, to be in that Behalf appointed by the said Superintendent, to guard and watch over such several Articles or other Combustibles, Matters, or Things as aforesaid, from and after making such Requisition until the same respectively shall be removed; and in case any such Owner, Master, Commander, or other Person as aforesaid shall refuse or neglect to pay such Costs and Charges, on Demand, then and in such Case such Costs and Charges may be levied and recovered in such Manner as Penalties are by this Act directed to be levied and recovered.

No combustible Matter to be melted on board any Vessel in the Docks.

XXVIII. And be it further enacted, That no Pitch, Tar, Rosin, Turpentine, Oil, or other combustible Matter shall at any Time hereafter be boiled or heated by any Device or Means whatsoever on board any Vessel lying in the said Docks, Cuts, Basins, or other Works, or any of them, nor in any Place within the Premises of the said Proprietors, except in such Place and in such Manner as shall be especially appointed by them for that Purpose; nor shall any Gunpowder or loaded Gun whatever be brought into the said Docks, Cuts, Basins, or Works, or be suffered to remain on board any Vessel therein; and every Owner, Master, Commander, or other Person having the Charge or Command of any Vessel, and every other Person so offending, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Fire, Candles, and Lamps not allowed, except as directed by the Proprietors.

XXIX. And for more effectually preventing Accidents by Fire in the said *Herculaneum* Docks and Premises, be it further enacted, That if any Person shall have or keep any Fire, Candle, or Lamp lighted on board any Vessel in the said Docks, or within any of the Premises of the said Proprietors, at any Time whatever, save and except such Fires or lighted Candles or Lamps as shall be necessary to be used in the making, building, finishing, repairing, altering, or improving the said Docks and Premises, or any of them, or in otherwise carrying on the Business of the said Proprietors, and save and except such and at such Times as shall be permitted by the special Orders and Regulations of the said Proprietors, and given in Writing in that Behalf, every Person so offending shall for every such Offence forfeit and pay the Sum of Twenty Pounds.

Penalty for destroying mooring Ropes.

XXX. And be it further enacted, That if any Person shall wilfully and maliciously cut, break, or in any Manner destroy any Rope or other Thing by which any Vessel lying in the said Docks, Cuts, Basins,

Basins, or other Works, or any of them, shall be moored or fastened, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For preventing the Officers from Obstruction in the Execution of their Duty in searching Vessels in order to prevent Fire, and discover Thefts or other Offences.

XXXI. And be it further enacted, That if any Person shall at any Time hereafter in any way obstruct, or be aiding or abetting any other Person in obstructing, in the Execution of his Duty or Employment, any Watchman or Person appointed by or having Instructions in Writing in that Behalf from the said Proprietors or from their Superintendent, from or in going on board, or in entering into or upon, or from being in or upon any Vessel, for the Purpose of searching, or for extinguishing any Fire, Candle, or Light, being or being suspected to be therein, contrary to any Provisions of this Act, or contrary to any Bye Law, Rule, Order, or Regulation of the said Proprietors, for the Purpose of discovering any Theft or Embezzlement committed or suspected to be committed in or about such Vessel, or for the Purpose of quelling any Riot or Disturbance therein, or for any other Purpose authorized by this Act, or by any such Bye Law, Rule, Order, or Regulation as aforesaid, or for any other lawful Purpose whatsoever, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Exempting Vessels using the Docks and their Cargoes from Part of the Rates, &c. payable to the Liverpool Dock Trustees.

XXXII. And whereas by the several Acts relating to the *Liverpool* Docks herein-before referred to and herein-after mentioned, or some or one of them; that is to say, an Act passed in the Eighth Year of the Reign of *Queen Anne*, intituled *An Act for making a convenient Dock or Basin at* Liverpool *for the Security of all Ships trading to and from the said Port of* Liverpoole; another Act passed in the Third Year of the Reign of King *George* the First, intituled *An Act for enlarging the Time granted by an Act passed in the Eighth Year of the Reign of Her late Majesty* Queen Anne, *intituled* 'An Act for making a convenient Dock or Basin at Liverpoole for Security of all Shipps trading to and from the said Port of Liverpoole;' another Act passed in the Eleventh Year of the Reign of King *George* the Second, intituled *An Act for enlarging the Time granted by an Act passed in the Third Year of the Reign of His late Majesty King* George, *intituled* 'An Act for enlarging the 'Time granted by an Act passed in the Eighth Year of the Reign of 'Her late Majesty Queen Anne, *intituled* "An Act for making a '"convenient Dock or Basin at Liverpool for Security of all Ships '"trading to and from the said Port of Liverpool,"' *and for enlarging the same, by making an additional Dock and building a Pier in the open Harbour there, and for enlightening the said Dock;* another Act passed in the Second Year of the Reign of King *George* the Third, intituled *An Act to enlarge the Term and Powers granted by an Act passed in the Eleventh Year of the Reign of His late Majesty, for continuing several Acts relating to the Harbour of* Liverpoole, *and for enlarging the said Harbour, by making an additional Dock and building a Pier in the open Harbour there, and for enlightening the said Dock, and for making another Dock with proper Piers in the said Harbour, and for erecting Lighthouses, and other proper Lights in or near the Port of* Liverpoole; another Act passed

8 Ann. c. 12.
3 G. 1. c. 1.
11 G. 2. c. 32.
2 G. 3. c. 86.

in the Twenty-fifth Year of the Reign of King *George* the Third, intituled *An Act to enlarge the Term and Powers of several Acts relating to the Harbour of* Liverpool, *and for making Two additional Docks and Piers in or near the Port of* Liverpool; another Act passed in the Thirty-ninth Year of the Reign of King *George* the Third, intituled *An Act to enlarge the Term and alter and enlarge the Powers of several Acts relating to the Harbour of* Liverpool, *and for making Two additional Wet Docks and Piers in or near the Port of* Liverpool, *and for rendering more safe and commodious the said Port and Docks;* another Act passed in the Fifty-first Year of the Reign of King *George* the Third, intituled *An Act for the Improvement of the Port and Town of* Liverpool, *and amending the several Acts relating to the Docks, Quays, and other Works belonging to the said Port;* another Act passed in the Fifty-third Year of the Reign of King *George* the Third, intituled *An Act to authorize the Advancement of a certain Sum of Money for carrying into effect the several Acts for the Improvement of the Port and Town of* Liverpool, *and to amend the said Acts;* another Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act for improving the Lighthouse on the* Isle of Anglesey, *belonging to the Trustees of the* Liverpool *Docks, and for further amending the Acts relating to the Docks and Harbour of* Liverpool; another Act passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act for the further Improvement of the Port, Harbour, and Town of* Liverpool, *and for altering, extending, and amending the several Acts relating thereto;* another Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to enable the Trustees of the* Liverpool *Docks to raise a further Sum of Money;* another passed in the said Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to explain and amend Two Acts, of the Fifty-first Year of His late Majesty and the Sixth Year of His present Majesty, for the Improvement of the Port, Harbour, and Town of Liverpool, and to authorize the Trustees of the* Liverpool *Docks to pay for certain Lands and Hereditaments purchased under the said Acts;* and another Act passed in the Eleventh Year of the Reign of King *George* the Fourth, intituled *An Act for extending and amending the several Acts relating to the Docks and Harbour of* Liverpool, the Tonnage Rates and other Rates and Duties in such Acts, or some or One of them, mentioned, are granted and made payable to the said Trustees of the *Liverpool* Docks, for, upon, and in respect of all Ships or Vessels coming into or going out of the Port of *Liverpool*, except as therein excepted, and for, upon, or in respect of all Goods, Wares, and Merchandize imported from Parts beyond the Seas or brought coastwise into the Port of *Liverpool*, or exported thence to Parts beyond the Seas, which said several Tonnage Rates and other Rates and Duties are by the said Acts, or some or One of them, directed to be applied, amongst other Objects, in and towards the Support and Maintenance of the Docks, Basins, and Wharfs belonging to the said Trustees, and in providing and maintaining Lights, Buoys, and Landmarks, for the Guidance and Security of Vessels entering and going out of the said Port, and in otherwise improving the said Port and Harbour of

25 G. 3. c. 15.
39 G. 3. c. 59.
51 G. 3. c. 143.
53 G. 3. c. 156.
59 G. 3. c. 30.
6 G. 4. c. 187.
9 G. 4. c. 55.
9 G. 4. c. 114.
11 G. 4. & 1 W. 4. c. 14.

*Liverpool:* And whereas inasmuch as the Owners of Vessels frequenting the said *Herculaneum* Docks will derive Benefit only from such of the Objects to which the said Tonnage and other Rates are applicable as relate to the providing and maintaining Buoys, Landmarks, and Telegraphs established or to be established by the said Trustees, and to the Expence of maintaining Lighthouses, floating and other Lights, and Life Boats, and the Expences of the Office of the Marine Surveyor of the said Trustees, and to the Improvement of the Port and Harbour of *Liverpool* as aforesaid, it is just and reasonable that such Vessels and their respective Cargoes should be liable only to such Proportion of the Rates and Duties payable to the said Trustees under the said recited Acts as would be applied by them to the Purposes last aforesaid; be it therefore enacted, That, notwithstanding any thing in the said recited Acts or any of them contained to the contrary, it shall not be lawful for the Trustees of the *Liverpool* Docks for the Time being acting under the Authority of the recited Acts or any of them, nor for any of their Collectors, Deputies, Agents, Officers, or Servants, nor for any other Person acting under their Authority, or under the Authority of the said recited Acts or any of them, nor for any other Person whomsoever, to demand, receive, or recover, of or from any Master, Commander, Owner, Consignee, or other Person, for or in respect of any Vessel coming into or going out of the said Port of *Liverpool*, which shall come into the said *Herculaneum* Docks for the Purpose of shipping or landing, loading or unloading her Cargo therein, or for or in respect of any Goods, Wares, or Merchandize or Commodities whatsoever imported from Parts beyond the Seas or brought coastwise into the said Port of *Liverpool*, or exported beyond the Seas from the said Port of *Liverpool*, which shall be shipped or landed, loaded or unloaded in the said last-mentioned Docks, into or out of Vessels lying within the same, any other or greater Proportion of the Tonnage Rates and other Rates and Duties granted and made payable by the said recited Acts or any of them, than One Twentieth Part or Proportion of such and so much of the said Tonnage Rates and other Rates and Duties respectively as would for the Time being have been payable to the said Trustees by virtue of the said Acts, for or in respect of the same Vessel, Goods, Wares, Merchandize, and Commodities respectively, if this Act had not been passed, or as shall for the Time being be demanded by the said Trustees for or in respect of any other Vessel of the same Description and Burthen, or for in respect of any other Goods, Wares, Merchandize, and Commodities of the same Nature and Quality: Provided always, that nothing herein contained shall extend or be construed to exempt any Vessel coming into or going out of the said Port of *Liverpool* which shall actually come into or depart from the Docks or Basins of the said Trustees, or any Goods, Wares, or Merchandize which shall be shipped or landed, loaded or unloaded, in, upon, or from any of the Docks, Basins, or Wharfs of the said Trustees, or any Person or Persons in respect of such Vessel, Good, Wares, or Merchandize as last aforesaid respectively, from the Payment of any Part of the said Tonnage Rates and other Rates and Duties which would have been payable to the said Trustees in respect of such Entry of such Vessel,

or

or such shipping, landing, loading, or unloading of such Goods, Wares, or Merchandize as last aforesaid, if this Act had not been passed.

Proportion of Rates payable to Trustees of Liverpool Docks may be settled by Arbitration.

XXXIII. Provided always, and be it further enacted, That if at any Time after this Act shall come into operation the said Proprietors or the said Trustees shall think that the said One Twentieth Part of the said Tonnage Rates and other Rates and Duties is more or less than ought fairly to be paid to the said Trustees as aforesaid, for and towards the providing and Maintenance of the Buoys, Landmarks, and Telegraphs established or to be established by them, and for and towards the Expence of maintaining Lighthouses, floating and other Lights, and Life Boats, and the Expence of the Office of the Marine Surveyor of the said Trustees, and for and towards the Improvement of the said Port and Harbour of *Liverpool* in any other respect, save and except as regards the Construction and Maintenance of the said Docks, Basins, Wharfs, and Quays of the said Trustees, and the Works and Establishments belonging thereto or connected therewith, and shall be desirous that the same shall be diminished or increased, and if the said Proprietors and the said Trustees shall thereupon agree that a lesser or greater Part of the full Tonnage Rates and other Rates and Duties payable under the said recited Acts, or some or One of them, ought to be paid to the said Trustees in respect of such Vessels, Goods, Wares, Merchandize, and Commodities, the said Trustees and the said Proprietors shall, by a Declaration in Writing, declare and determine what Part or Proportion of the said full Tonnage Rates and other Rates and Duties shall from and after a Time in that Behalf in such Declaration to be mentioned be payable to the said Trustees in respect of the Vessels, Goods, Wares, and Merchandize, and Commodities by this Act exempted as aforesaid, instead of such One Twentieth Part thereof; but if either of them the said Proprietors or the said Trustees shall give Notice in Writing to the other of them, of the Opinion or Resolution of the said Proprietors or the said Trustees (as the Case may be) so giving such Notice that the said One Twentieth Part of the said Tonnage Rates and Duties and other Rates and Duties should be increased or diminished, and the said Proprietors and the said Trustees shall not within Two Calendar Months after such Notice shall have been so given agree as to the Propriety or Impropriety of any Increase or Diminution, or shall not agree as to the Proportion of the Tonnage Rates and other Rates and Duties which shall be payable instead of such One Twentieth Part thereof, then and in such Case the Question as to the Proportion of the said full Tonnage Rates and other Rates and Duties which ought to be paid for or in respect of such Vessels, Goods, Wares, Merchandize, and Commodities shall be referred to and settled and determined by Three Persons, (not being interested in the Matter in dispute,) to be nominated with all convenient Speed after the Expiration of such Two Calendar Months, and One of such Three Persons shall be nominated by the said Proprietors, and another by the said Trustees, and the Third by the Two so chosen previously to entering upon such Reference; and such Referees, when so appointed, or any Two of them, shall have full Power and Authority to examine into the Matter referred to them, and shall and may inspect and examine

examine the Accounts of the Receipts and Expenditure of the said Trustees, and shall and may also receive and hear such Evidence relating to the Matter so referred to them as shall be tendered to them by the said Proprietors and by the said Trustees, or either of the said Parties; and such Referees, or any Two of them, shall and may, by their Award in Writing, under the Hands and Seals of them or any Two of them, settle and determine what Proportion of the Tonnage Rates and other Rates and Duties from Time to Time payable to the said Trustees under the Authority of the recited Acts, or any of them, shall, from and after a Time in that Behalf to be mentioned in such Award, be paid for or in respect of such Vessels, Goods, Wares, Merchandize, and Commodities as aforesaid; and the Proportion of such Tonnage Rates and other Rates and Duties so settled by the Declaration of the said Trustees and of the said Proprietors, or by the Award of such Referees or any Two of them, shall, from and after such Time as shall be mentioned in such Declaration or in such Award, (as the Case may be,) be the Proportion thereof which the said Trustees shall be entitled to demand and receive and recover for and in respect of such Vessels, Goods, Wares, Merchandize, and Commodities: Provided also, that at the Expiration of the Period of One Year after the Time in such Declaration or Award mentioned as last aforesaid it shall be again lawful for the said Proprietors and the said Trustees to alter the Proportion of the said Tonnage Rates and other Rates and Duties to be paid in respect of such Vessels, Goods, Wares, Merchandize, and Commodities; and in case either of the said Parties shall be of opinion that such Alteration should be made, and the said Proprietors and the said Trustees shall not, after the like Notice given by One of the said Parties to the other of them, as herein-before provided, agree respecting the same, within Two Calendar Months after such Notice shall have been given, the Matter shall again be referred to Three Referees, to be chosen in such Manner and with such Powers as herein-before directed, and so again from Time to Time at any Time after the Expiration of every like Period of One Year after the Proportion of such Tonnage Rates and other Rates and Duties shall have been last fixed by any such Declaration or Award, as the Case may be; and it shall be lawful for the said Proprietors and the said Trustees in like Manner again to alter the Proportion of the said Tonnage Rates and other Rates and Duties so to be paid as aforesaid; and in case of their Disagreement respecting the same, after such Time and after such Notice as aforesaid, the same shall be referred and settled in manner herein-before directed: Provided also, that if at any Time when such Question or Matter aforesaid ought to be referred to Arbitration under the Provisions herein-before contained the said Proprietors or the said Trustees shall, for the Space of Fourteen Days next after Notice in Writing from the other of the said Parties of the Nomination of a Referee by such other Party for the Purposes of this Act, refuse or neglect to nominate a Referee for the Purposes aforesaid, it shall be lawful for the Referee appointed by the other of the said Parties to appoint some Second Person (not being interested in the Matter in dispute) to be a Referee, and such Two Persons shall appoint some Third Person, and such Three Persons shall and may proceed with the same Powers and in like Manner, and the Award

of such Three Persons, or of any Two of them, (as the Case may be,) shall be as binding in all respects as if such Referees had been duly appointed in manner firstly herein-before directed.

Award of Arbitrators, &c. to be enrolled.

XXXIV. Provided always, and be it further enacted, That every Declaration as aforesaid of the said Proprietors and of the said Trustees, and every such Award as aforesaid, shall, within One Month after the Date and Execution of such Declaration or Award respectively, be published or notified in the *London Gazette* and in Two Newspapers published in *Liverpool*, and shall be enrolled with the Clerk of the Peace for the County of *Lancaster*; and a Copy of every such Declaration and Award, signed by the said Clerk of the Peace for the Time being or his Deputy, shall from Time to Time be made and delivered by such Clerk of the Peace or his Deputy to any Person applying for such Copy, for which no more shall be paid than Sixpence for every One hundred Words; and every such Copy, so signed as aforesaid, shall be admitted and allowed as legal Evidence of such Declaration or Award respectively.

If Liverpool Dock Rates are insufficient to pay Interest to the Mortgagees and Bondholders thereon, the full Rates now authorized to be taken by the Trustees may be demanded.

XXXV. Provided also, and be it further enacted, That if at any Time after this Act shall come into operation the Tonnage Rates and other Rates and Duties payable to the said Trustees of the *Liverpool* Docks, by virtue of the said recited Acts, or any of them, shall be so far reduced as that the Revenue arising therefrom in any One Year shall be insufficient, after the Payment of all the necessary Costs, Charges, and Expences of governing and directing the Affairs of the said Dock Estate and keeping the said Docks in repair, for the Payment of Interest upon the several Mortgages and Bonds now charged and secured on the said Tonnage Rates and other Rates and Duties, then and in such Case it shall be lawful for the said Trustees to ask, demand, and recover, from the Masters, Owners, Consignees, or other Persons in charge of all Vessels frequenting the said *Herculaneum* Docks, the full Amount of Tonnage Rates and other Rates and Duties in respect of such Vessels or their Cargoes which they are by the said recited Acts now entitled to demand and recover, and as they shall at the Time charge in respect of other Vessels and their Cargoes frequenting the said Port of *Liverpool*, and to continue so to do until the Deficiency of their Revenue in such Year, for the Purpose of paying such Interest as aforesaid, shall have been made up.

For giving additional Security to the Mortgagees and Bondholders of the Liverpool Dock Estate.

XXXVI. And, for the Purpose of giving additional Security to the present Mortgagees and Bondholders of the said *Liverpool* Dock Estate, be it further enacted, That in the event of any such Deficiency in the Revenue of the said Dock Trustees as lastly herein-before mentioned it shall be lawful for any Two or more Justices of the Peace for the County of *Lancaster*, not being interested in the Matter in question, and they are hereby respectively required, on Request made to them by or on behalf of the said Trustees of the *Liverpool* Docks, by an Order under their Hands, to appoint some Person to receive the Tonnage Rates and Duties which shall for the Time being be payable to the said Proprietors for or in respect of Vessels and their Cargoes using the said *Herculaneum* Docks, and the Monies to be

be received by such Person shall be paid to the said Trustees, and shall be applied by them in and towards the Discharge of the Interest so remaining unpaid as aforesaid, after which the Authority of such Receiver shall cease and determine: Provided always, that the said Trustees shall and they are hereby required to repay to the said Proprietors all Sums of Money which shall have been paid to them under the Provisions lastly herein contained, together with lawful Interest thereon from the Time of such Payment.

For Recovery of the Liverpool Dock Rates.

XXXXVII. And be it further enacted, That the Proportion of the said Tonnage Rates, or other Rates and Duties so to be paid to the Trustees of the *Liverpool* Docks as aforesaid, shall, so far as may be practicable, be collected, levied, and paid in the same Manner, and by and under and subject to the same Rules and Regulations as to the Collection thereof, as the Tonnage Rates and other Rates and Duties granted by the said recited Acts, or any of them, are directed to be collected, levied, and paid; and all the Powers and Authorities, Penalties and Forfeitures, and all the Clauses and Provisions contained in the said recited Acts, or any of them, and now in force, relating to the Tonnage Rates and other Rates and Duties thereby granted, and the collecting, levying, and paying the same, so far as the same are applicable to the said Proportion so from Time to Time to be payable as aforesaid, shall and the same are hereby declared to remain in full Force, and shall and may be applied and used in the same Manner, to all Intents and Purposes whatsoever, in relation to the said Proportion of such Tonnage Rates and other Rates and Duties, as if they had been particularly and severally and respectively inserted and re-enacted in and made Part of this Act: Provided always, that before any Master, Commander, Owner, Consignee, or other Person shall be entitled to claim the Exemption herein-before mentioned in respect of any Vessel, Goods, Wares, Merchandize, or other Commodities, he shall produce to the Treasurer of the said Trustees a Certificate in Writing, signed by the Treasurer or other authorized Officer of the said Proprietors, that such Vessel, Goods, Wares, Merchandize, or other Commodities are entitled to such Exemption by virtue of this Act, according to the Provisions herein-before contained.

Recovery and Application of Penalties.

XXXVIII. And be it further enacted, That all the Penalties and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not herein otherwise particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Two or more Justices of the Peace acting within their Jurisdiction, on Complaint made to them for that Purpose, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justices; and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalty or Forfeiture, and the Costs and Expences as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained; all which Penalties and Forfeitures, not herein directed

to be otherwise applied, shall be paid, One Half to the Informer, and the Remainder to the said Proprietors, for their Use and Benefit, unless such Penalties and Forfeitures shall be incurred by the said Proprietors, in which Case the same shall be paid, One Half to the Informer, and the Remainder to the Overseers of the Poor of the Parish, Township, or Place within which the Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Parish, Township, or Place; and in case such Penalties or Forfeitures shall not be forthwith paid it shall be lawful for such Justices and they are hereby required to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender shall give sufficient Security, to the Satisfaction of such Justices, for his Appearance before such Justices, or before some other Justices having Jurisdiction, at such Time as shall be appointed for the Return of such Warrant of Distress (such Time being not more than Eight Days from the dating of such Security, and which Security any such Justices are hereby empowered to take by way of Recognizance or otherwise); but if upon the Return of such Warrant it shall appear that no sufficient Distress could be had whereupon to levy the said Penalties or Forfeitures, and such Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, upon the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalties or Forfeitures, Costs and Expences, could be levied, if a Warrant of Distress should be issued, such Justices shall not be required to issue such Warrant of Distress, but they are hereby required, by Warrant under their Hands and Seals, to commit such Offender to some Common Gaol or House of Correction for the County or Place within their Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justices, or until such Offender shall otherwise be discharged by due Course of Law.

Appeal.

XXXIX. And be it further enacted, That all Persons and Corporations who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace relating to any Matter or Thing in this Act mentioned or contained, and for which no Power of Appeal is by this Act specifically given, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the County or Place where the alleged Cause of Appeal shall arise, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Ground and Nature thereof, to the Party against whom such Complaint is intended to be made, or to the said Proprietors (as the Case may be), and forthwith after such Notice, in the Case of an Individual appealing, entering into a Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and

and the said Justices shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or (if they think proper) may adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County or Place; and the said Justices may, if they see Cause, mitigate the Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Order, Judgment, or Determination; and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they shall think reasonable.

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

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1840.