ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

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Cap. xciii.

An Act for extending and improving the Maintenance of the Fire Police in the Borough of *Liverpool.*

[4th *July* 1836.]

7 G. 4. c. 57.

WHEREAS by an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for widening and improving certain Streets in the Town of* Liverpool *in the County Palatine of* Lancaster; *for the further preventing of Nuisances and Annoyances in the said Town; for the Regulation of Weighing Machines, Weights, and Measures, and the Establishment of a Fire Police therein,* it was enacted, that it should and might be lawful to and for the Commissioners mentioned in the said Act and they were thereby required from Time to Time, by and out of any Monies which might be received by them from any Directors of Fire Offices who might be disposed to contribute to the said Establishment, and by and out of an annual Rate not exceeding One Halfpenny in the Pound, which Rate they the said Commissioners were thereby authorized to raise upon all Property by Law rateable to the Relief and Employment of the Poor of the Parish of *Liverpool,* to pay the annual Rent therein-before mentioned, and all Costs, Charges, and Expences to be incurred from Time to Time in the Maintenance and Establishment of the said Fire Police: And whereas the said Rate hath been found to be insufficient for the Maintenance of the said Fire Police Establishment, together with the extraordinary Expences attendant upon and occasioned by Fires in the said Borough, that is to say, in Wages of the said Police consequent upon the Occasion in addition to their ordinary Allowance, and in the Pay of further Assistants necessarily employed on such Occasions, and in the Wear and Tear of the Engines and Utensils of the said Fire Police Establishment, and Damage and Injury sustained by the same at such Fires: And whereas the Directors of various Fire Offices have voluntarily contributed to such extraordinary Expences, as well as to the original Cost of the said Engines and Utensils; but other Fire Offices, though interested in the Preservation of Properties in *Liverpool* endangered by Fires, have not, nor have the Proprietors of Property uninsured and so endangered, joined in such Contributions to the said extraordinary Expences: And whereas the Powers given

given by the said recited Act to the Commissioners therein named for the Management, establishing, and maintaining a Fire Police have been transferred to the Council of the said Borough of *Liverpool* by the said Commissioners by virtue of the Power given to them for that Purpose by an Act passed in the Fifth and Sixth Years of the Reign of His present Majesty, intituled *An Act for the Regulation of Municipal Corporations in England and* Wales: And whereas in the Case of a Fire it is expedient that all such extraordinary Expence as aforesaid should be borne equally by and amongst the Persons interested in the Preservation of Property to which Assistance has been *bonâ fide* given or extended by such Police in the Case of such Fire; that is to say, such extraordinary Expence occasioned by any Fire should be borne equally by and amongst all the respective Insurance Offices who have insured against Fire Property to which Assistance has been *bonâ fide* given or extended as aforesaid by such Police Establishment against such Fire, and by and amongst all the respective Owners or Proprietors of uninsured Property, to which Property such Assistance as aforesaid has been *bonâ fide* given and extended by the said Police Establishment against such Fire as aforesaid, in fair and equal Proportions: May it therefore please Your 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 all such extraordinary Expences as aforesaid in the Case of any Fire shall be paid to the Superintendent of the said Fire Police Establishment by the said respective Insurance Offices so having insured as aforesaid in proportion to the Amount by them respectively insured on such Property, and by the respective Proprietors of uninsured Property in proportion to the Value of such respective Property as aforesaid; provided that no such Office shall in any Case be liable to pay a larger Sum than the Amount by such Office insured, or than the Amount of the Property upon which the Insurance shall have been made by such Office, nor shall any Proprietor or Proprietors be liable to pay a larger Sum than the Amount of his or their respective Property uninjured; and that where any Property is insured at Two or more Insurance Offices, each such Office shall only be liable in proportion to the respective Amount by such Office insured; and if any Difference shall arise between the said respective Offices and Proprietors or any of them on the one Part and the said Superintendent on the other as to whether any such Demand ought to be paid, or as to the Amount of any such Demand, then any Two of the Justices of the Peace for the Borough of *Liverpool* shall, on the Application of the said Superintendent, cause any Director, resident Agent of any such Insurance Office, or any such Proprietor or Proprietors so disputing as aforesaid, to appear before them on reasonable Summons or Notice in that Behalf, and shall on hearing the Parties settle whether any, and if any what Amount, ought to be paid to the said Superintendent by such Party as aforesaid; and if it shall appear to such Justices that any such Sum ought to be paid, the said Justices shall by their Order direct such Party or Parties as aforesaid to pay to the said Superintendent such Sum to them so appearing to be due, together, if the said Justices shall think fit, with reasonable Costs to be fixed by the said Justices, and the said Party or Parties shall forthwith pay the same Sum and Costs to the said Superintendent accordingly.

5 & 6 W. 4. c. 76.

Extraordinary Expences of Fires to be paid to the Superintendent of Police by Fire Offices and Proprietors uninsured.

Demands to be settled by Justices.

If Property is insured in an Amount

II. And be it enacted, That if any such Property as aforesaid be insured in any Insurance Office in an Amount materially less than the Value of

the Property in Hazard, according to a reasonable Estimate thereof, for the Purpose of Insurance, such Insurance Office shall not be liable to pay or contribute towards the Expences aforesaid in respect of more than the Proportion which the Amount so insured bears to the whole Value of such Property according to such Estimate as aforesaid; and the Owner of any such Property insured in any such Office or Offices in an Amount or Amounts in the whole so less than its Value so estimated as aforesaid shall be liable to pay or contribute towards the Expences aforesaid, in respect of the Residue of the Amount of the Value so estimated as aforesaid, as an uninsured Proprietor to that Extent, and shall be taken to be an Owner of uninsured Property to the Amount of such Residue for all the Purposes of this Act.

materially less than the Value.

III. And be it enacted, That in case of any Proceedings before Two Justices as aforesaid against any such Insurance Office or Agent or Director as aforesaid, if it shall appear to the Satisfaction of such Justices that there is a *bonâ fide* Intention on the Part of any such Office as aforesaid to dispute the Validity of any such Insurance, then it shall be lawful for such Justices, if they think fit so to do, to adjourn the Proceedings from Time to Time to such Time or Times as they may think reasonable for the Purpose of postponing their Decision until after any Trial or Trials or other Settlement of such Dispute as aforesaid.

Justices may adjourn if Insurance is disputed.

IV. And be it enacted, That in default of Payment of the said Sum and Costs so ordered to be paid as aforesaid such Justices shall issue their Warrant to levy the same by Distress and Sale of the Goods and Chattels of the Person or Persons on whom such Order for Payment shall have been made.

In default of Payment Justices may issue Warrant to distrain.

V. And be it enacted, That no such Distress as aforesaid shall be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Information, Summons, Order, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity that shall afterwards be done by the Party or Parties so distraining, but the Person or Persons aggrieved by any such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

No Distress unlawful, or any Party deemed a Trespasser ab initio for Want of Form.

VI. And be it enacted, That instead of proceeding for the Recovery of any such Demand by Summons and Proceeding thereon before such Justices as aforesaid, the said Superintendent may recover the same against any such Agent or any such Director, or against any such Proprietor or Proprietors, in an Action of Debt in the Name of such Superintendent, in which he may delare generally that the Defendant became and was indebted to him as Superintendent of the *Liverpool* Fire Police in for Assistance rendered to certain Property within the Meaning of a certain Act of Parliament, intituled *An Act for extending the Powers and Provisions of so much of an Act passed in the Seventh Year of the Reign of His late Majesty King* George *the Fourth, intituled* '*An Act for widening and improving certain Streets in the Town of* Liverpool *in the County Palatine of* Lancaster; *for the further preventing of Nuisances and Annoyances in the said Town; for the Regulation of Weighing Machines, Weights, and Measures, and the Establishment of the Fire Police therein,*' *as relates to the Establishment, Maintenance, and Management of the Fire Police in the said Borough*, which said Sum of Money the Defendant hath not paid; and such or the like Form of Declaration shall be deemed to be sufficient without

Recovery by Action at Law.

out stating any other Matter whatsoever; provided that no such Action shall be maintainable when the Amount due is under Twenty Pounds.

No Certiorari.

VII. And be it enacted, That no Order, Warrant, or other Proceeding under this Act shall be removed by Certiorari or otherwise into any of His Majesty's Superior Courts of Record.

Agent of Insurance Company who has paid, may recover back, &c.

VIII. And be it enacted, That any such Agent of any such Insurance Office who shall have paid any such Demand as aforesaid shall be entitled to recover the same back from such Insurance Office, or from the Company, Persons or Members composing the same, or from any Director of the same, in an Action for Money paid, or may set off the same in any Action brought against him by or on behalf of any such Insurance Office, or may repay himself out of any Monies of such Office and Company then or afterwards in his Hands.

For Protection of Parties.

IX. And, for the Protection of Persons acting in the Execution of this Act, be it enacted, That all Actions and Prosecutions to be commenced against any Person for any thing done in pursuance of this Act shall be laid and tried in the County Palatine of *Lancaster*, and shall be commenced within Six Calendar Months after the Fact committed, and not otherwise; and Notice in Writing of such Action and of the Cause thereof shall be given to the Defendant One Calendar Month at the least before the Commencement of such Action; and in any such Action the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become Nonsuit, or discontinue any such Action after Issue joined, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant hath by Law in other Cases; and though a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant unless the Judge before whom the Trial shall be had shall certify his Approbation of the Action and of the Verdict obtained thereupon.

Commencement of Act.

X. And be it enacted, That this Act shall commence and take effect from and after the First Day of *September* One thousand eight hundred and thirty-six.

Expence of this Act how to be paid.

XI. And be it enacted, That the Charges and Expences attending the obtaining and passing of this Act shall be paid and defrayed by, from, and out of the Rate authorized to be levied under the said recited Act.

Public Act.

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

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