ANNO QUARTO

GEORGII IV. REGIS.

Cap. lxxxix.

An Act to repeal an Act passed in the Fifty-fourth Year of His late Majesty, for building a new Church within the Town and Parish of *Liverpool*, in the County Palatine of *Lancaster*; to vest the said Church and the Ground thereunto belonging in the Mayor, Bailiffs, and Burgesses of the Town of *Liverpool*; to authorize the Purchase of Land in the said Town to be appropriated to the Use of Public Cemeteries; and to restrict the Burial of Corpses in the present Cemeteries of the Parish Church and Parochial Chapel there. [17th *June* 1823.]

WHEREAS by an Act passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for building a new Church within the Town and Parish of* Liverpool, *in the County Palatine of* Lancaster, it was enacted, that there should be built of Stone and other proper Materials, within the said Town of *Liverpool*, a Church with a Tower or Steeple, at the Time and in Manner and by the Ways and Means therein-after mentioned, on a certain Piece of Land lying between *Kent Street*, *Cornwallis Street*, *Upper Pitt Street*, and *Grenville Street*, near the South End of the said Town, directed to be purchased by virtue of the said Act: And it was further enacted, that it should be lawful for the Commissioners therein 54 G. 3. c. iii.

named to purchase the said Piece of Land therein-before mentioned, as and for the Scite of the said intended Church, and for a Church Yard or Cemetery for the Burial of the Dead, and for other the Purposes of the said Act, as they should think proper, and to pay for the same out of the Monies to be raised by virtue and in pursuance thereof: And it was further enacted, that all such Lands or Hereditaments to be purchased in pursuance of the said Act, should be conveyed unto the said Commissioners and their Successors for ever, for the Purposes aforesaid; and the said Commissioners were thereby authorized, empowered, and required to cause such Church to be built upon such Scite to be by them purchased as aforesaid, and within the Time therein-after mentioned, and to cause a Church Yard, Cemetery, and Burial Ground to be inclosed with proper Walls, Gates, and Doors, and to make Paths, Walks, and Avenues up to the said Church, and also to cause a proper Building to be erected for the Reception of Fire Engines: And it was further enacted, that the said Church should be built externally of Stone, and of such Materials as the said Commissioners should direct and appoint, and also should be built according to the Dimensions, and after the Plan, Form, and Model which had been approved of by the Parishioners and the Common Council of the Borough of *Liverpool*: And it was further enacted, that the said Commissioners should and might, and they were thereby authorized and required to cause or procure to be made an Estimate in Writing, under the Hands of some able and sufficient Person or Persons duly qualified for such Purpose, of the Charges and Expences of the erecting such new-intended Church, and the making and providing Pews, Seats, and other Works requisite and necessary in and about the building, finishing, and decorating the same, fit and proper for the Celebration of Divine Service therein, and also in and about the building and finishing such Engine House; and also to raise and levy, by the Ways and Means therein-after mentioned, so much Money as would be sufficient for the Purposes of the said Act, not exceeding in the whole the Sum of Thirty-four thousand five hundred Pounds: And it was further enacted, that the said intended Church and Church Yard, Cemetery or Burial Ground, should be completed and finished, fit for Consecration and Celebration of Divine Service, within the Term of Ten Years from the passing of the said Act, and should, upon the Consecration thereof, be called the Church of *Saint Michael*: And it was further enacted, that the Burial Places in the said Church Yard should be and the same were thereby vested in the said Commissioners, and they were thereby authorized and empowered to sell and dispose of, and convey all or any of the said Burial Places, together with the Inheritance of the same, to any Person or Persons willing to become the Purchasers thereof, and for each of which there should be paid such Sum, and to such Person as the said Commissioners should appoint, to be applied by the Churchwardens and Overseers of the Poor of the said Parish of *Liverpool*, as therein mentioned: And whereas, in pursuance of the Powers and Authorities contained in the said recited Act, the Commissioners therein named, or a competent Number thereof, proceeded in the Purchase of the said Land, and the Erection of the said Church thereon, but nearly the whole of the said Sum of Thirty-four thousand five hundred Pounds, authorized to be raised by the said Act, has been raised and expended, and the said Church still remains in an unfinished State, and it has been estimated that the further Sum of Ten thousand

Land purchased and Church in part erected but Money raised found insufficient to complete same.

thousand Pounds, or thereabouts, will be required to finish and complete the same: And whereas, in order that the said Church may be forthwith completed, the Mayor, Bailiffs, and Common Council of the said Borough of *Liverpool*, in compliance with a Resolution passed at a Special Vestry of the Inhabitants of the said Parish, have agreed to take the said Church, and to finish and complete the same out of their Corporate Funds; but such useful Intent and Purpose cannot be effected without the further Aid and Authority of Parliament: 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 from and immediately after the passing of this Act, the said recited Act, passed in the Fifty-fourth Year of the Reign of His late Majesty, for building the said Church, and the several Powers and Authorities therein contained, shall be and the same are hereby repealed, save and except so far as relates to the Collection of the Arrears of the Rates authorized to be levied by the said Act, and the Application of the same in Payment of the Debts incurred in respect of the said Church, as hereinafter mentioned; and that the said Piece or Parcel of Land or Ground so purchased by the said Commissioners, and the said Church or Buildings thereon erected, and all the Bricks, Stones, Timber, Iron, Lead, and other Materials bought and procured by Order of the said Commissioners, for building and erecting the said Church, and other Conveniences thereto, or for enclosing the said Church Yard, Cemetery, or Burial Ground, and for building and erecting the said Engine House, or other the Purposes of the said Act, shall be conveyed to the Mayor, Bailiffs, and Burgesses of the Town of *Liverpool*, in the County of *Lancaster*, and shall, upon such Conveyance being executed, belong to and be the Property of and the same is and are hereby vested in the said Mayor, Bailiffs, and Burgesses, and their Successors for ever; and that any Action or Actions to be brought, or any Bill or Bills of Indictment to be preferred against any Person or Persons in respect of the said Church, or the Walls or Fences of the Church Yard, Cemetery, or Burial Ground, or of any Buildings or other Works erected, made, or built by virtue of the said recited Act or this Act, shall and may be brought or preferred by and in the Name of the said Mayor, Bailiffs, and Burgesses.

Application of Parishioners to Corporation to take the Church and finish the same.

54 G. 3. c iii. repealed.

Land and Church vested in Corporation.

II. And be it further enacted, That in consideration of the said Land and the said Church or Building being so vested in the said Mayor, Bailiffs, and Burgesses as aforesaid, the said Mayor, Bailiffs, and Common Council of the said Borough shall and they are hereby required, within the Space of Three Years from the passing of this Act, by and out of the Corporate Funds of the said Mayor, Bailiffs, and Burgesses, to finish and complete, or cause the said Church or Building to be finished and completed fit for Consecration and the Performance of Divine Worship therein, and the Cemetery and other Works authorized by the said recited Act to be also finished and completed, in lieu and stead of the same being finished and completed by the Commissioners named and appointed in the said Act.

Church to be finished by Corporation within Three Years.

III. And be it further enacted, That the several Seats or Pews to be erected and set up in the said Church shall be numbered under the Direction of

Seats to be allotted for

Ministers and Churchwardens.

of the Common Council for the Time being of the said Town, and that Two Seats or Pews near the Pulpit in the Body of the said Church shall be allotted for the Use of the Minister and Chaplain and their Families respectively, and that Two other Seats or Pews shall be also allotted for the Use of the Servants of the Minister and Chaplain respectively, and that One other Seat or Pew in the Body of the said Church shall be allotted for the Use of the Churchwardens.

Seats for the Poor.

IV. And be it further enacted, That Seats or Sitting Places to accommodate at least Five hundred and twenty Persons in the whole, shall be appropriated and set apart in such Parts of the said Church as the Common Council of the said Town shall from Time to Time direct, and perpetually remain for the Use of the Poor of the said Parish of *Liverpool* for ever; for which Seats or Pews to be set apart for the Ministers and Churchwardens, and the said Seats or Sitting Places so to be appropriated for the Use of the Poor, no Rent whatever shall be demanded or paid.

Remainder of Seats to be disposed of by Common Council.

V. And be it further enacted, That Galleries shall be erected in the said Church, and the Common Council of the said Town for the Time being shall have the full and free Disposition of the Remainder of all and every the Seats and Pews in the said Church not required to be set apart for the Ministers and Churchwardens, and Poor, as hereinbefore mentioned, and that the Rents and Profits of the same shall be applied to and form Part of the General Estate of the said Mayor, Bailiffs, and Burgesses, and be recoverable as any other Debt or Demand of the said Mayor, Bailiffs, and Burgesses; and the said Common Council for the Time being shall also appoint yearly Two fit and proper Persons, being Occupiers of Seats in the said Church, as Churchwardens of the said Church, and shall provide an Organ to the said Church, and shall and may from Time to Time nominate and appoint the Organist, to serve and officiate therein, and displace and remove such Organist from Time to Time upon just and reasonable Cause.

Churchwardens, &c. to be appointed.

Nomination of Organist.

Minister to appoint Clerk and Sexton.

VI. And be it further enacted, That it shall and may be lawful to and for the Minister of the said Church for the Time being, and he is hereby authorized and empowered, from Time to Time to nominate and appoint fit and proper Persons to officiate and serve as Clerk and Sexton in the said Church, and to displace or remove such Clerk and Sexton respectively upon just and reasonable Cause.

Church to be kept in Repair.

VII. And be it further enacted, That the said Church and the Walls of the Church Yard shall from Time to Time be kept in Repair by and at the Expence of the said Mayor, Bailiffs, and Burgesses of the Town of *Liverpool* aforesaid, and their Successors, and agreeably to the Directions of the Ordinary.

Presentation of the Church vested in the Mayor, Bailiffs, and Burgesses of Liverpool.

VIII. And be it further enacted, That there shall be regularly a Minister and also a Chaplain to officiate together at the said Church, as hereinafter mentioned, and that the Right of Presentation and the perpetual Advowson and Patronage of, in, and to the said Church shall be and the same is hereby vested in the Mayor, Bailiffs, and Burgesses of the said Town of *Liverpool* for ever, and that the Mayor, Aldermen, Bailiffs, and Common Council of the said Borough and Corporation of *Liverpool*, and their Successors,

Successors, or the major Part of them, in Common Council assembled, shall and may, and they are hereby authorized, empowered, and required, before or upon the Consecration of the said Church, to nominate and present to the Ordinary, under the Common Seal of the said Borough and Corporation, Two proper Persons duly qualified to be the Minister and Chaplain of the said Church, to be thereto licensed by the Ordinary; and also to nominate and appoint a Minister and Chaplain of the said Church, to be in like Manner licensed thereto on every Vacancy and Avoidance thereof: Provided always, that the said Minister and Chaplain so to be appointed as aforesaid shall be separately and distinctly subject to the lawful Jurisdiction of the Ordinary in all things, and shall be considered as holding a separate and distinct Benefice, which shall be subject to Lapse, and to all such other Operations of the Laws Ecclesiastical of this Realm, in like Manner as if there were but One such Minister or Chaplain of the said Church.

Duty of Ministers.

IX. And be it further enacted, That the Minister and Chaplain for the Time being of the said Church (unless prevented by Sickness or other reasonable Cause, to be approved of by the Bishop or Ordinary of the Diocese) shall alternately every *Sunday* Morning read in the said Church the Morning Prayers and other Services prescribed in the Book of Common Prayer or Public Liturgy of the United Church of *England* and *Ireland*; and in the Afternoon of every *Sunday* alternately in like Manner read therein the Evening Prayers and other Service prescribed in the Book of Common Prayer; and shall on each and every Day in *Passion Week*, and on such other Days as are or may be appointed to be kept holy in like Manner, read in the said Church the Morning Prayers and other Service so prescribed for such Days respectively; and shall on every *Sunday* throughout the Year alternately, as well in the Morning as in the Afternoon, and on every *Christmas Day* and *Good Friday* in the Morning after Divine Service performed, preach a Sermon in the said Church; and shall, on every *Good Friday*, *Easter Day*, *Whitsunday*, and *Christmas Day*, and also upon the first *Sunday* in every Month (except in the Months in which *Easter Day* and *Whitsunday* shall happen) administer the Holy Sacrament in the said Church, according to the Rites and Ceremonies of the United Church of *England* and *Ireland*.

Ministers to reside in Liverpool.

X. And be it further enacted, That the Minister and Chaplain so to be appointed to the said Church shall and they are hereby required to reside in the said Town of *Liverpool*, and to perform in Person the Duties of the said Church in Manner hereinbefore directed, and that all established and accustomed Fees to be received and retained by the said Minister and Chaplain for their own Use shall be equally divided between them.

Salary of the Ministers.

XI. And be it further enacted, That the yearly Salary of the said Minister and Chaplain respectively shall be not less than Two hundred and fifty Pounds, and that the same shall be payable by the Mayor, Bailiffs, and Burgesses of the Town of *Liverpool* aforesaid, and their Successors, by Two equal Half-yearly Payments, so long only as such Minister and Chaplain respectively shall actually reside in the said Town of *Liverpool*, and (unless prevented by Sickness or Infirmity) personally perform the Duties of the said Church for not less than Nine Months

in each Year, being the Period of Time required by Law, and shall be accordingly recoverable by the said Minister and Chaplain respectively from the said Mayor, Bailiffs, and Burgesses, and their Successors, by Action at Law, as any other Debt or Demand; and that the said Mayor, Bailiffs, and Burgesses, and their Successors, shall pay unto the Clerk of the said Church such yearly Sum not exceeding Fifty Pounds, to the Organist such yearly Sum not exceeding Fifty Pounds, and to the Sexton of the said Church such yearly Sum not exceeding Twenty-five Pounds, for their Wages respectively, as the said Common Council shall from Time to Time order and direct, having respect to their and each of their decent and diligent Behaviour in their respective Offices.

Church, &c. to be under Jurisdiction of Bishop of Chester.

XII. And be it further enacted, That the said Church, and the said Minister and Chaplain and Churchwardens thereof, shall be under and subject to the ordinary Jurisdiction of the Lord Bishop of *Chester*, and shall be visited in like Manner as other Churches within the Diocese of *Chester* are visited.

Books and Bread and Wine to be provided for the Church.

XIII. And be it further enacted, That the requisite Books for the Service of the said Church and the Public Registers for the same, and the Bread and Wine to be used at the Communion, shall be provided under the Direction of the Common Council for the Time being of the said Town, out of the Funds of the said Mayor, Bailiffs, and Burgesses.

Marriages may be solemnized.

XIV. And be it further enacted, That Banns of Matrimony may be published, and Marriages celebrated and solemnized within the said Church, provided the same be published, celebrated, and solemnized according to the Laws and Canons of this Realm in that Behalf; and all such Banns as shall be published, and all such Marriages as shall be celebrated or solemnized in the said Church, shall be as good, valid, and effectual, to all Intents and Purposes, as if the same were published, celebrated, and solemnized in the Parish Church of *Liverpool* aforesaid.

Public Register to be kept.

XV. And be it further enacted, That all Christenings and Marriages had and solemnized in the said Church, and all Burials there, shall be registered by the Minister or Chaplain thereof for the Time being in the public Registers to be provided for that Purpose as aforesaid, and Transcripts or Copies thereof, signed by the Minister or Chaplain for the Time being, shall be from Time to Time transmitted and sent to the Registrar of the Ecclesiastical Court of the Bishop of *Chester*, to be kept and preserved with the Copies of the Register Book of the said Parish of *Liverpool*.

Appointment of Synodals and Procurations.

XVI. And be it further enacted, That there shall be paid by the Minister or Chaplain of the said Church for the Time being, to the Lord Bishop of *Chester* for the Time being, the usual or customary Payments at the Feast of *Easter* every Year for Synodals, and for Procurations at every Triennial or Ordinary Episcopal Visitation, according to the Custom of the Diocese of *Chester*, the same to be recovered in like Manner as Synodals and Procurations are by Law recoverable.

Vaults how to be disposed of.

XVII. And be it further enacted, That any Catacombs or Burial Places which may be made or constructed under the Body of the said Church, shall and may be disposed of by the Common Council of the said Town for

for the Time being, and that all Bodies buried therein shall be buried in Lead; and that Four-fifth Parts of the said Church Yard or Cemetery shall and may be also disposed of by the Common Council for the Time being of the said Town, for the Purpose of Vaults or Burial Places; and the remaining One-fifth Part of the said Church Yard or Cemetery, and which One-fifth Part shall be at the North-west Corner thereof, shall always be reserved for the Interment of the Corpses of poor Persons free of any Charge or Expence whatsoever in respect of the Ground, and for whose Interment an Order may be given by One of the Churchwardens of the said Parish for the Time being, or the select Vestry of the said Parish.

Coffins not to be placed in the Church Yard within Three Feet from the Surface.

XVIII. And be it further enacted, That it shall not be lawful to bury, nor shall there be any Vault or Burial Place under any of the Walks or Avenues in the said Cemetery leading to the Entrance Doors of the said Church, such Walks or Avenues being of the Width of not less than Seven Feet, nor within Three Feet of any of the Walls of the said Church or Church Yard, nor shall any Coffin be placed at a less Distance than Three Feet from the Surface of the said Church Yard, such Surface being taken and considered to be the Bottom of the Stone Plinth Course surrounding the said Church; and if any of the Churchwardens of the said Church shall permit or suffer any Corpse to be buried within Three Feet of the Walls of the said Church or Church Yard, or under the Foot Walks or Avenues leading to the Entrance into the said Church, or any Coffin to be placed in the said Church Yard at a less Distance from the Surface than before specified, then and in every such Case such Churchwarden or Churchwardens so offending shall forfeit any Sum not exceeding Ten Pounds, which may be recovered in a summary Way before any Justice of the Peace of the Borough of *Liverpool*, and shall be levied by Distress and Sale of the Goods and Chattels of the Churchwardens or Churchwarden so offending, by Warrant under the Hand and Seal of such Justice, and when levied shall go and be applied to the Use of the Poor of the said Parish of *Liverpool*.

Fees for Marriages.

XIX. And be it further enacted, That there shall be paid to and into the Hands of the Minister or Chaplain of the said Church for the Time being, for the Performance of the several and respective Offices of Minister, Clerk, and Sexton there, Double the Fees, Dues, and Perquisites which are usually and of right ought to be paid for every Marriage, Churching, Burial, and opening the Ground for Graves in the Church Yard or Cemetery at the Parish Church of *Liverpool*, and that the Minister or Chaplain of the said Church shall from Time to Time collect and receive such Double Fees, Dues, and Perquisites, and account for and pay by equal Half-yearly Payments in every Year, to wit, on the Twenty-fourth Day of *June* and the Twenty-fifth Day of *December*, One-half Part thereof to and into the Hands of the Rectors of the said Parish Church of *Liverpool* for the Time being, to be divided between them and the Clerk and Sexton of the same Parish Church within Ten Days after such Rectors shall have received the same, in such Shares and Proportions as the Fees payable at the Parish Church of *Liverpool* are divided, and that the remaining One-half Part thereof shall on the Half-yearly Days be divided between the Minister and Chaplain, Clerk and Sexton of the said Church, in such

Shares

Shares and Proportions as Fees of the like Nature and for the like Services are usually or of Right ought to be divided among the Rectors, Clerks, and Sextons of the same Parish Church; and in case of Non-payment of the said Fees, Dues, and Perquisites at any Time or Times within Ten Days after either of the said Half-yearly Days, such Half Fees, Dues, and Perquisites shall and may be sued for and recovered from the Minister or Chaplain of the said Church for the Time being from Time to Time, by and in the Names of the Rectors of the Parish of *Liverpool* for the Time being, by Action of Debt for Monies had and received for their Use in any of His Majesty's Courts of Record at *Westminster* or any Court of Record for the said County Palatine of *Lancaster*, or the Salary payable to the Minister or Chaplain of the said Church may be sequestered until Payment thereof.

Saving the Rights of the Bishop of Chester, and of the Rectors of the Parish of Liverpool.

XX. And be it further enacted, That nothing in this Act contained shall take away, change, diminish, or impeach any Estate, Right, Title, Interest, Property, Privilege, or Jurisdiction of the Bishop of *Chester* for the Time being, or any Right, Privilege, Offering, Oblation, Obvention, Emolument, Fee, Gratuity, Gift, present Advantage or Benefit of the Patrons or Rectors of the said Parish of *Liverpool*, other than and except as herein specified.

Ministers to visit Sick.

XXI. And whereas, from the great Increase of Inhabitants in the said Town of *Liverpool*, the Duties of the Rectors and Curates of the said Parish, in the Visitation of the Sick, have in many Districts therein become very laborious, and it would be of great Advantage, and tend much to the Comfort of the Poorer Inhabitants of the District in the said Parish in which the said Church is situate, if the Minister and Chaplain of the same respectively were appointed to visit the Sick in such District, in aid of the said Rectors and their Curates; be it therefore enacted, That the Minister and Chaplain for the Time being of the said Church shall and they are hereby required, whenever requested, in addition to the Performance of the Duties attached to their respective Appointments, to visit the Sick in the District in which the said Church is situate, or in such Parts of the same respectively as shall be from Time to Time fixed and appointed by the Bishop of the Diocese of *Chester* for the Time being, and perform the several Offices prescribed and to be performed upon the Visitation of the Sick in such District or Part of District as aforesaid, and in administering Private Baptism when duly required according to the Laws and Canons of the United Church of *England* and *Ireland*.

Arrears of Rates under Act of 54 G. 3. to be collected, and outstanding Debts to be paid.

XXII. And beit further enacted, That nothing in this Act contained shall be construed to prevent or hinder the Collection or Payment of the Rates or any Arrears of Rates authorized to be raised by the said recited Act, but it shall and may be lawful to and for the Churchwardens for the Time being of the Parish of *Liverpool* aforesaid, and for the Justices of the Peace of the said Borough, to use and adopt all such Powers and Authorities relative to the Recovery, Collection, and Payment of the Rates or any Arrears of Rates authorized to be levied and raised by the said recited Act, in the same way to all Intents and Purposes as the Commissioners therein named and appointed, or the said Justices, were thereby authorized to use and adopt, and as if the same Powers and Authorities had

had been herein fully re-enacted; and that the Churchwardens for the Time being of the said Parish do and shall apply the Monies already collected, or hereafter to be collected by virtue of the said Act, in Liquidation of any outstanding Debt or Demand incurred in respect of the said Church; and in case the same shall not be sufficient for that Purpose, then it shall and may be lawful to and for the Churchwardens of the said Parish for the Time being, to pay such Debt or Demand out of the Rate raised for the Repairs of the Churches of the said Parish of *Liverpool*, and if any Surplus exceeding the said Sum of Thirty-four thousand five hundred Pounds authorized to be collected under the said recited Act, such Excess shall go in aid of the Poor Rate.

Present Parish Cemeteries insufficient.

XXIII. And whereas the Population of the Parish of *Liverpool* aforesaid is greatly increased, so that the present Cemeteries or Grounds allotted for the Burial of Persons dying in the said Parish are likely to become insufficient for the Purpose, and it is therefore expedient that Land should be procured for additional Cemeteries or Burial Grounds within the said Parish; be it therefore further enacted, That it shall and may be lawful to and for the present Rectors and Churchwardens of the said Parish of *Liverpool*, and their Successors, and they are hereby empowered, as soon as conveniently may be after the passing of this Act, to contract and agree for the absolute Purchase of any Lands, Tenements, or Hereditaments within the said Parish of *Liverpool*, (not exceeding Thirty thousand Yards in the whole), with any Body Politic, Corporate, or Collegiate, or any Tenant or Tenants for Life or in Fee Tail General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, or with any Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, or other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots or Femes Covert, who are or shall be seised, possessed of, or interested in their own Right, or with any Person or Persons whomsoever, who shall be willing to sell any Lands, Tenements, or Hereditaments for the Purpose of an additional Cemetery or Cemeteries, or Burial Ground or Grounds, for the Use of the said Parish of *Liverpool*, and of making any Road or Roads or Approaches to the said Cemeteries or Burial Grounds.

Power for the Rectors and Churchwardens to Purchase Land for Cemeteries.

Bodies Politic, &c. empowered to sell and convey.

XXIV. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust, Guardians and Committees for Lunatics and Idiots, Executors and Administrators whomsoever, not only for or on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised in their own Right, and to and for all and every Person or Persons whomsoever, who are or shall be seised and possessed of or interested in any Lands or Hereditaments which shall be necessary to be purchased for the Purposes of this Act, to sell and convey all or any such Lands, Tenements, or Hereditaments, Estates and Interests, or any Part thereof, to the said Rectors and Churchwardens, and their Successors for ever, in trust for the Purposes of this Act; and that all

Contracts, Agreements, Bargains, Sales, and Conveyances which shall be made by such Persons as aforesaid, shall be good and valid in Law to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim and Demand whatsoever of their several and respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons whomsoever, and all claiming or to claim by, from, or under them, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in any wise notwithstanding; and all such Persons so conveying as aforesaid, shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Bargains and Sales enrolled to have the effect of Fines and Recoveries.

XXV. And be it further enacted, That all Bargains and Sales whatsoever to be made and acknowledged by any Person or Persons whomsoever, and which shall be enrolled in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Common Pleas of the County Palatine of *Lancaster*, of any such Lands and Hereditaments as shall be purchased by virtue of and for the Purposes of this Act, shall have the same Force, Effect, and Operation in Law to all Intents and Purposes which any Fine or Fines, Recovery or Recoveries whatsoever would have if levied or suffered by the Bargainor or Bargainors, or any Person or Persons seised of any Estate in the Premises, to the Use of or in Trust for such Bargainor or Bargainors, in any legal Manner or Form whatsoever.

Chapel to be built for Performance of Burial Service.

XXVI. And be it further enacted, That it shall and may be lawful to and for the said Rectors and Churchwardens of the said Parish of *Liverpool*, and their Successors, and they are hereby empowered to make, erect, and build, in such Part of the said intended Cemetery or Cemeteries, or Burial Ground or Grounds, as to them shall seem proper, a convenient and fit Chapel or Chapels for the Reception of the Dead immediately previous to Interment, and for the Purpose of performing therein the Burial Service according to the established Form of the Church of *England*, and also to make, erect, and build a proper and convenient Outhouse or Building, wherein the Implements for opening the Graves may safely be deposited, so that the Cost and Charge of such Chapels and such Outhouses or Buildings shall not exceed the Sum of One thousand Pounds.

Situation and Quantity of Land to be approved by the Bishop.

XXVII. Provided always, That the Situation and Quantity of the Land so to be purchased, and also the Size of the Cemetery or Cemeteries, or Burial Grounds, and the Buildings to be erected thereon in Manner aforesaid, shall be approved of by the Lord Bishop of the Diocese of *Chester* for the Time being; and it shall and may be lawful to and for the said Rectors and Churchwardens for the Time being, and their Successors, to hold such Lands, Tenements, and Hereditaments so purchased, without incurring or being subject to any of the Penalties or Forfeitures of the Statutes of Mortmain; any Law or Statute whatsoever to the contrary thereof in any wise notwithstanding.

Directing Application of Purchase

XXVIII. And be it further enacted, That if any Money shall be contracted and agreed to be paid for any Lands, Tenements, or Hereditaments purchased by virtue of the Powers of this Act, for the Purposes thereof, which

which shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Tenant for Life or in Tail, Trustees, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity as aforesaid, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Churchwardens and Overseers of the Poor of the Parish of *Liverpool*, to the Intent that such Money may be applied, under the Direction and with the Approbation of the said Court, (to be signified by an Order made upon a Petition to be preferred in a summary Way by the Party or Parties who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments,) in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing or being settled therewith to the same or like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be purchased for the Purposes of this Act stood and were settled and limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Party or Parties who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Money when amounting to 200l. and upwards.

XXIX. Provided always, and be it further enacted, That if any Money so contracted and agreed to be paid for any Lands, Tenements, or Hereditaments to be purchased for the Purposes of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or any other Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Party or Parties for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, or of his or their Guardian or Guardians, Committee or Committees, in Cases of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands) be paid into the Bank of

Application of Purchase Money when less than 200l. and exceeding 20l.

of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, and to be placed to his Account in Manner aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be named by the Party or Parties making such Option, and approved by the said Churchwardens and Overseers (such Nomination and Approbation to be signified by Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends to arise thereon may be applied in Manner hereinbefore directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Application of Money when not exceeding 20l.

XXX. Provided also, and be it further enacted, That where such Money so contracted and agreed to be paid as aforesaid shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Party or Parties who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased for the Purposes of this Act, in such Manner as the said Churchwardens and Overseers shall think fit; or in case of Infancy, Idiotcy, or Lunacy, then to the Guardian or Guardians, Committee or Committees of Infants, Idiots, or Lunatics, entitled to such Rents and Profits, to and for the Use and Benefit of such Infants, Idiots, or Lunatics respectively.

In case of Questionable Titles, Persons in Possession to be deemed Owners.

XXXI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Party or Parties to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased by the said Churchwardens and Overseers in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Party or Parties who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall appear to the said Court that such Possession was a wrongful Possession, and that some other Party or Parties was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Costs of Purchases to be made in lieu of settled Estates, to be defrayed

XXXII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Party or Parties entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, or by reason of such Lands, Tenements, or Hereditaments being held upon or under or subject to Trusts then subsisting and undetermined, the Purchase Money for the same shall be required to be paid

into the Bank of *England*, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of making Contracts for and completing all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Churchwardens and Overseers, who shall from Time to Time pay such Sums of Money for such Purchases as the said Court shall direct.

by the Churchwardens and Overseers.

XXXIII. Provided always, and be it further enacted, That it shall and may be lawful for the said Churchwardens of the said Parish of *Liverpool*, and their Successors, to make and sink all proper and necessary Soughs, Sewers, and Drains, in and about such Cemetery or Cemeteries, or Burial Grounds, for the Purpose of conveying the Water from the same, and keeping the same dry, and from Time to Time, as occasion may require, to make, lay, and communicate with any Branch or Main Sewer or Sewers already made, or to be hereafter made, in the said Parish of *Liverpool*, doing as little Damage as possible to the Pavement or Flagging in the Streets or Places wherein such Sewers shall be made, and re-placing the Pavement or Flagging in such State and Condition as it was in previous to the same being disturbed, or as near thereto as possible.

Power to make Sewers from Burial Grounds.

XXXIV. And be it further enacted, That the Ministers who shall officiate in the Interment of the Dead in the said intended Cemeteries, shall and may and they are hereby required to ask, demand, take, and receive, of and from all and every Person and Persons liable to pay the same, all Fees for Burials done and performed by them respectively in the said Parish of *Liverpool*, which shall of right belong and be due and payable to the Rectors of the said Parish for the Time being; and that such Minister and Ministers respectively shall from Time to Time keep and render a just and fair Account of, for, and concerning all such Fees, to be from Time to Time by them respectively received, unto the Rector or Rectors of the Two Portions or Medieties of the Rectory and Parish Church of *Liverpool* aforesaid for the Time being, and shall pay the said Fees so by them respectively to be received by equal Half-yearly Payments, on the Twenty-fourth Day of *June* and the Twenty-fifth Day of *December* in every Year, the First Payment thereof to begin and be made on such of the said Days as shall first and next happen after the Consecration of the said intended Cemeteries respectively.

Fees to be received by Ministers,

and to account to the Rectors.

XXXV. And be it further enacted, That the Cemetery or Cemeteries, or Burial Grounds, so to be purchased in Manner aforesaid, from and after the Consecration thereof respectively, shall be allotted and divided into so many Vaults and Graves as the said Rectors and Churchwardens and their Successors shall fix and determine, and that the same shall and may be disposed of and sold to any Person or Persons desirous of becoming Purchasers thereof, at such Prices or Sums of Money as shall from Time to Time be fixed by the said Rectors and Churchwardens, and their Successors; and the Monies arising from such Sale or Sales shall be paid and applied by the said Churchwardens and their Successors in aid of any Rate or Rates now made or to be hereafter made for and towards the Relief, Maintenance, and Employment of the Poor of the said Parish of

Power to Churchwardens for the Time being to fix Rates to be paid for Graves, and such Rates to be applied to Parish Purposes in aid of Church or Poor Rates.

of *Liverpool*, or for the Support of the Churches and Clergy thereof, as they in their Discretion shall think proper.

Restricting future Sale of Graves in Church Yards of St. Peter and St. Nicholas.

XXXVI. And whereas the Yards or Burial Grounds attached to the Parish Church of *Saint Peter*, and the Parochial Chapel of *Our Lady* and *Saint Nicholas*, in the said Parish of *Liverpool*, except a small Part of the latter, have from Time to Time been sold or disposed of to several of the Inhabitants thereof in Graves for the Interment of the Dead, and the same are filled in many Parts near to the Surface of the said Burial Grounds, and being situated in very populous Parts of the Town of *Liverpool*, it is very desirable, with a View to the Health of the Inhabitants in general, that no Part of the Ground undisposed of and forming a Part of the Burial Ground of the said Parochial Chapel should be sold for the Interment of the Dead; be it therefore further enacted, That from and after the passing of this Act it shall not be lawful for the Rectors or Churchwardens of the said Parish for the Time being, or their Successors, to sell or dispose of any Part of the Ground in the Yard of the said Parochial Chapel, in which no Corpse has heretofore been interred, for Graves, or to permit or suffer, on any Terms, or for any Purpose whatever, such Ground to be disturbed or broken up.

Power for the Churchwardens to Purchase Graves in St. Peter's and St. Nicholas Church Yards, and to convey Graves in new Burial Ground in lieu.

XXXVII. And whereas it is desirable that the Churchwardens for the Time being of the said Parish should have Power granted them to purchase by way of Exchange from the Proprietors of Graves in both or either of the said Burial Grounds attached to the said Parish Church of *Saint Peter*, and the Parochial Chapel of *Our Lady* and *Saint Nicholas*, their respective Interests therein, in order to prevent any Increase of Burials therein; be it further enacted, That from and after the passing of this Act it shall and may be lawful to and for the Churchwardens of the said Parish of *Liverpool*, and their Successors, either with or without the Consent of the Rectors of the said Parish, or their Successors, to purchase from the Owners or Proprietors of Graves in the Yards of the said Parish Church and Parochial Chapel, or either of them, all their Estate, Right, Title, and Interest in or to the Graves therein, and to grant and convey other Graves in lieu and satisfaction thereof in the Ground or Grounds intended to be purchased as and for a Public Cemetery or Cemeteries in the said Parish, under and by virtue of the Authority herein contained.

Rate to be made for Purchase of Burial Grounds.

XXXVIII. And in order to raise Money for the Purchase of the said intended Cemeteries, be it further enacted, That it shall be lawful for the Churchwardens and Overseers of the Poor of the said Parish for the Time being, and their Successors, and they are hereby authorized and empowered to make a Rate or Rates, Assessment or Assessments, on all and every Person and Persons who do or shall inhabit, occupy, or hold any House or Houses, Buildings, Lands, Tenements, or Hereditaments within the Parish of *Liverpool* aforesaid, not exceeding Sixpence in the Pound in the whole, on the full Annual Rent or Value of all and each of such Houses, Buildings, Lands, Tenements, and Hereditaments within the said Parish; and such Rate or Rates, Assessment or Assessments, shall be made at any Time after the Expiration of Thirty Days from and after the passing of this Act, and shall be paid to, raised

raised and levied, and collected by any Collector or Collectors to be appointed by the said Churchwardens and Overseers for the Time being, or their Successors, and shall, when collected, be applied by them for the Purchase of the Land for the said intended Cemeteries, and other the Purposes of this Act, in the Manner herein mentioned: Provided always, that the Sum to be raised for the Purposes aforesaid, in any One Year, shall not exceed the Sum of Three-pence in the Pound.

Rates to be payable Half-yearly.

XXXIX. And be it further enacted, That the said Rate or Rates, Assessment or Assessments, shall be payable Half-yearly.

Act not to extend to Persons not rated at more than a certain Sum.

XL. Provided nevertheless, and be it enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to charge or make chargeable any Person or Persons to, with, or for any of the said Rates hereby directed to be made and levied, who shall not at the Time of making the said Rates respectively be in the Possession of a Messuage or Dwelling House in the said Parish of *Liverpool* of greater Yearly Rent than Ten Pounds, but that the Owner and Owners of all Messuages and Dwelling Houses of the Yearly Rent of Ten Pounds and under shall in respect thereof be rated and be liable to the Payment of the Taxes by this Act to be imposed, and that the same Ways and Means shall be taken and pursued for the Recovery thereof as are before provided for the Recovery of the Rates before-mentioned; any thing in this Act to the contrary notwithstanding.

Collectors empowered to receive Rates.

XLI. And be it further enacted, That it shall be lawful for the Person or Persons to be appointed by the said Churchwardens and Overseers for the Time being, and their Successors, Collector or Collectors of the said Rate or Rates, Assessment or Assessments, and he and they is and are hereby authorized and empowered to collect, receive, levy, and recover the same Rates or Assessments according to the Powers and Provisions of this Act.

Who deemed Occupier.

XLII. Provided always, and to prevent Dispute touching the Designation of the Landlord or Owner, Lessee or Lessees intended to be made in certain Cases liable to Rates by this Act, be it enacted, That the Person or Persons receiving or claiming to be intitled to the Rents of every House, Tenement, or Hereditament, immediately payable by the Tenant or Occupier thereof, shall be deemed or taken to be the Landlord or Owner, Lessee or Lessees of the same for the Purposes of this Act, and shall continue to be rated and liable to the Payment of all the Rates as hereinbefore mentioned, until some other Person or Persons shall be rated to or pay the same, unless the real Landlord, Owner, or Lessee shall compound for the same with the said Churchwardens and Overseers: Provided always, that nothing in this Act contained shall alter or impeach any Contract or Agreement which may have been, or may hereafter be made or entered into between any Landlord and Tenant, or any Landlords and Tenants.

Omissions in Rates may be rectified.

XLIII. And be it further enacted, That whenever any Omission of or Error in the Name of any Person or Persons, or of any Messuages, Tenements, Buildings, Lands, Grounds, Hereditaments, or Properties liable to be rated for any of the Purposes of this Act or the said recited Act, shall appear to the said Churchwardens and Overseers, it shall be lawful for the said

said Churchwardens and Overseers to cause to be added to the said Rate the Name or Names of the Person or Persons omitted, and a Description of the Property in respect of which he, she, or they ought to be rated, and every such Addition made to any of the said Rates shall be as valid and effectual in the Law, to all Intents and Purposes, as if the Name of such Person or Persons, and a Description of such his, her, or their Property had been inserted in the original Rate at the Time the same was first made.

Recovery of Rates.

XLIV. And be it further enacted, That if any Person or Persons shall refuse or neglect to pay the Sum or Sums of Money at which he, she, or they shall be rated or assessed by virtue of this Act, for the Space of Ten Days next after the same shall become due and payable as aforesaid, after Demand in Writing made thereof and delivered to or left at the usual Place of Abode of such Person or Persons, signed by any Person or Persons by virtue of this Act appointed Collector or Collectors of such Money so rated or assessed, then and in every such Case it shall be lawful for such Collector or Collectors, and he and they is and are hereby respectively authorized and required to levy the same by Distress and Sale of the Goods and Chattels of every Person so refusing or neglecting to pay as aforesaid, by virtue of a Warrant under the Hands and Seals of any Two Justices of the Peace for the said Borough of *Liverpool*, which Warrant such Justices are hereby empowered and required to grant upon Proof made upon Oath of such Refusal or Neglect, and which Oath the said Justices, or One of them, are and is hereby empowered and required to administer, rendering the Overplus (if any) upon Demand to the Owner of such Goods and Chattels, after deducting the Amount of the said Rates or Assessments, and of all Arrears thereof, and the reasonable Costs and Charges attending such Proceedings, Distress, and Sale.

Collectors to account.

XLV. And be it further enacted, That every Person or Persons to be appointed Collector or Collectors as aforesaid, who shall collect or receive any of the Monies arising by any such Rates or Assessments, shall, and he and they is and are hereby required to deliver in Writing, under his and their Hand or Hands, to the said Churchwardens and Overseers, or unto such Person or Persons as they shall appoint, a true and perfect Account in Writing, and shall verify the same on Oath, which Oath any Justice of the Peace for the said Borough is hereby empowered to administer, of all Monies which he and they shall have collected and received by such Rate or Assessment, or which shall be in his or their Hands, Custody, or Power relating thereto, unto the Churchwardens and Overseers of the Poor of the said Parish for the Time being, and their Successors; and if any such Collector or Collectors shall refuse or neglect to collect and receive the Sums to be rated and assessed by virtue of this Act, or to account for such Money in his or their Hands, Custody, or Power, in Manner herein directed as aforesaid, every such Collector or Collectors so offending shall for every such Refusal or Neglect forfeit any Sum not exceeding Fifty Pounds; which Penalty, and also all the Money in the Hands, Custody, or Power of such Collector or Collectors, so due and owing from such Collector or Collectors to the said Churchwardens and Overseers, and their Successors, for or on account of such Rate or Assessment, shall and may be levied and recovered by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the said Borough of *Liverpool*, which

Warrant such Justice is hereby required to give, on Proof of any such Refusal or Neglect, or that any Sum or Sums of Money is or are due and owing from such Collector or Collectors to the said Churchwardens and Overseers for or on account of such Rate or Assessment, on the Oath or Oaths (which Oath or Oaths such Justice is hereby empowered to administer) of any credible Witness or Witnesses, directed to any Person or Persons whomsoever, by Distress and Sale of the Goods and Chattels of the Collector or Collectors so refusing or neglecting, or from whom any Sum or Sums of Money shall be so to be accounted for, or due and owing for or on account of such Rate or Assessment as aforesaid, rendering the Overplus (if any) upon Demand to the Owner of such Goods and Chattels, after deducting such Penalty, and the Sum or Sums of Money as shall appear to be so due and owing to the said Churchwardens and Overseers for or on account of such Rate or Assessment, and the Costs and Charges of such Distress and Sale.

Appeal.

XLVI. Provided also, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order, Judgment, or Determination made or given by any Justice or Justices of the Peace in pursuance of this Act, may, within One Month after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at some General Quarter Sessions of the Peace to be holden for the Borough of *Liverpool* aforesaid, the Party or Parties appealing first giving Fourteen Days Notice at the least of his, her, or their Intention to bring such Appeal, and of the Matter and Cause thereof, to the Party or Parties against whom such Appeal shall be made, or whose Interests may be affected by such Appeal, and within Two Days after such Notice entering into a Recognizance before some Justice of the said Borough, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into as aforesaid, are hereby authorized and required to hear and determine the Cause and Matter of such Appeal in a summary Way, and to make such Order therein, and to award such Costs to either of the Parties, or otherwise, as they the said Justices shall think proper; and the said Justices may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and all such Orders and Determinations of the said Justices shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

Distress not unlawful for want of Form.

XLVII. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not 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, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity that shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

Expences of Act.

XLVIII. And be it further enacted, That the Expences of this Act shall be paid by the said Mayor, Bailiffs, and Burgesses, and by the Inhabitants of

of the said Parish, in equal Shares and Proportions, and that the Proportion so payable by the said Inhabitants shall be defrayed by the Church-wardens for the Time being of the said Parish, by and out of the Monies to be raised for the Repairs of the Churches of the said Parish.

Limitation of Actions.

XLIX. And be it further enacted, That if any Action or Suit shall be commenced or prosecuted against any Person or Persons for any thing done in pursuance of this Act, every such Action or Suit shall be brought within Three Calendar Months next after the Cause of Action shall arise, and not afterwards, and shall be laid in the County where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit may plead the General Issue, 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 it shall appear so to be done then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if Judgment shall be given against the Plaintiff or Plaintiffs on Demurrer, then and in any of the said Cases the Defendant or Defendants shall and may recover Double Costs, and have the like Remedy for the same as any Defendant or Defendants have or hath by Law for Costs in any other Case.

General Issue.

Double Costs.

Form of Conviction.

L. And be it further enacted, That each Conviction for any Offence against this Act shall be drawn up in the following Form of Words, or in any other Form of Words to the same Effect; *videlicet*,

'Borough of *Liverpool*, in the County of *Lancaster*, to wit.' BE it remembered, That on the Day of in the Year of our 'Lord *A. B.* is convicted before me '*C. D.*, One of His Majesty's Justices of the Peace for the said 'Borough, (*specifying the Offence, and Time and Place when and 'where the same was committed, as the Case may be*); and I do adjudge 'him, her, or them to pay and forfeit the Sum of

'Given under my Hand and Seal the Day and Year 'aforesaid.'

General Saving.

LI. Saving always to the King's most Excellent Majesty, His Heirs or Successors, and to the said Mayor, Bailiffs, and Burgesses, and to all and every other Persons, Bodies Politic and Corporate, and his, her, and their Heirs, Successors, Executors and Administrators, all such Right, Title, and Interest of, in, to, and out of the same Piece of Ground so intended to be set apart as aforesaid, and the said new Church intended to be erected thereon, as they, every, or any of them had before the passing of this Act, or would have been entitled to in case this Act had not been made.

Public Act.

LII. 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, without being specially pleaded.

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