ANNO QUINTO

# GEORGII IV. REGIS.

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## *Cap.* lxxiii.

## An Act for the better Regulation and Encouragement of Pilots for the conducting of Ships and Vessels into and out of the Port of *Liverpool*.

[28th *May* 1824.]

37 G. 3. c. 78.

WHEREAS an Act was passed in the Thirty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Regulation and Encouragement of Pilots for the conducting of Ships and Vessels into and out of the Port of* Liverpool: And whereas it is expedient that the said recited Act should be repealed, and that other Provisions should be made for effectually carrying into Execution the good Purposes thereby intended: May it therefore please Your Majesty that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Parliament assembled, and by the Authority of the same, That the said recited Act shall be and the same is hereby repealed, save and except as to the recovering of any Arrears which may on the Day of passing this Act remain unpaid, and of any Fine or Penalty which shall have been incurred at any Time before the passing of this Act.

Recited Act repealed.

II. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to revive any Act or Acts of Parliament by the said recited Act repealed;

But not to revive any Act thereby repealed.

pealed; but such Act or Acts so repealed shall remain repealed to all Intents and Purposes, as if this Act had never been made.

Commissioners.

III. And be it further enacted, That the Mayor, Aldermen, Bailiffs, and Common Councilmen of the Borough and Corporation of *Liverpool* for the Time being, together with *Nicholas Ashton, John Bridge Aspinall, John Ashton, John Adams, Richard Addison, George Booth, Thomas Booth, John Bolton, George Brown, William Brown, Samuel Brown, William Bell, Thomas Barton, James Bunnell, John Bourne, Peter Bourne, Robert Bagott, John Barber, James Bateson, Robert Benn, Moses Benson, John Bibby, Thomas Brocklebank, James Brotherston, Robert Benson, William Brade, John Cragg, John Carson, John Ashton Case, William Coupland, John Cropper, John Crosthwaite, Thomas Crosthwaite, Henry Cummins, Thomas Dodson, John Drinkwater, Richard Dobson, Joseph D'Aguilar, William S. Dixon, William Dowson, William Earle, John Ewart, Edward Falkner, James Finchett, Jacob Fletcher, Jonathan Fisher, Edward Deane Falkner, Jacob Fletcher* the younger, *Caleb Fletcher, Thomas Fletcher, Edward Fleetwood, John Gladstone, James Grierson, Edward Griffin, Murray Gladstone, James Gladstone, James Gibson, Thomas Gibson, George Grant, John Garnett, William Harding, John Haughton, Richard Hall, David Halkett, George Highfield, William Hurry, Ralph Hebson, John Higginson, Charles Horsfall, Joseph Hibberson, John Hayes, George Irlam, John Irlam, John Johnson, Gabriel James, Peter Jackson, Edward Jackson, Francis Jordan, Henry Jenkins, John Livingstone, William Lewtas, William Lake, Thomas Lee, Adam Lodge, Hugh Mathie, Samuel M'Dowall, Thomas Molyneux, James Murphy, William M'Iver, William Myers, Luke Mann, William Mawdsley, Thomas Moore, Robert M'Neill, Edward Nelson, William Potter, Richard Pillfold, William Field Porter, James Robbs, James Ritson, Nicholas Robinson, William Rotheram, Samuel Richardson, John Richardson, William Scales, William Swan, William Simmons, James Smith, Charles Shand, Samuel Staniforth, Robert Scaife, William Stewart, Thomas Stavert, John Thomas, Thomas Tobin, John Tomlinson,* Sir *John Tobin* Knight, *Charles Tayleure, Fawdington Theakstone, Robert Theakstone, William Ward, John Watson, John Nelson Wood, William Wade, George Wilkinson, Joseph Brooks Yates,* Merchants or late Commanders of Vessels, shall be and they are hereby nominated, constituted, and appointed Commissioners for carrying this Act into Execution, and they or any Thirty-one or more of them (whereof the Mayor or Deputy Mayor of the said Borough and Town of *Liverpool*, for the Time being, shall be one) shall and they are hereby authorized and required, within One Month from and after the passing of this Act, to meet in the Town Hall or some other public Room within the Exchange in *Liverpool* aforesaid, upon public Notice to be given by the said Mayor or Deputy Mayor for the Time being, of the Meeting of such Commissioners, at least Seven Days before such Meeting, by Writing affixed at the Custom House, and on some public Place within the Exchange at *Liverpool* aforesaid, of the Day, Hour, and Place of Meeting, and to adjourn themselves from Time to Time as often as there shall be Occasion, or otherwise, in case no Adjournment shall be then subsisting, or previously to the Day of such Adjournment (if Necessity shall so require), to meet from Time to Time,

Time, at such Day, Hour, and Place, within the said Borough of *Liverpool*, as shall be appointed by like public Notice by the said Mayor or Deputy Mayor for the Time being.

Commissioners to appoint a Committee, and also a Clerk.

IV. And be it further enacted, That at the said first or other subsequent Meetings it shall and may be lawful for any Thirty-one or more of the said Commissioners so assembled as aforesaid (whereof the said Mayor or Deputy Mayor shall be one), or for the major Part of them, to elect, choose, and appoint, by an Instrument in Writing under their Hands, Thirteen of the said Commissioners, residing within the Borough of *Liverpool* aforesaid, or within Ten Miles thereof, to be a Committee, and also to choose and appoint a Clerk of the said Committee for the Purposes herein-after mentioned, who shall continue in such Office only during the Pleasure of the said Commissioners, or any Eight or more of them, being the major Part of the said Commissioners at any of the Meetings herein-after mentioned; and it shall be lawful to and for such Committee, or any Five or more of them, to use and exercise the several Powers and Authorities vested in them in and by this Act for the Term of Three Years, or until other Persons shall be chosen in their Place by virtue of this Act; and all Instruments or Nominations of any Person to be of such Committee shall be entered in a Book to be kept by the Clerk of the said Committee for the Time being: Provided always, that every Person to be appointed a Member of the Committee in pursuance of this Act shall, within One Calendar Month next after such Appointment, and Notice in Writing to him given thereof by the Clerk of the said Committee, meet at the Time and Place appointed in and by such Notice, and subscribe his Name at the Foot of an Instrument in Writing, to be provided for that Purpose, acknowledging his Acceptance of the said Trust, and that he is willing to act therein; and in default thereof, such Appointment shall be void and of none Effect.

Committee to acknowledge their Acceptance of the Trust.

Treasurer, &c. not to be of the Committee.

V. Provided always, and be it further enacted, That neither the Treasurer to the said Commissioners, nor any Officer in their Service or Employ, shall be competent to be chosen one of the said Committee.

Committee to settle the Clerks and other Officers Fees and Salaries.

VI. And be it further enacted, That it shall and may be lawful to and for the said Committee, or the major Part of them, to appoint and settle such Fees and Salaries of the Clerk so to be elected as aforesaid, and of such other Officers as such Committee or the major Part of them shall judge necessary to be employed under them, for carrying this Act into Execution, as to them or the major Part of them shall seem reasonable and necessary.

Treasurer and Clerk not to be the same Person.

VII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Committee; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such

such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, shall accept the Office of Treasurer, or being the Partner of any such Treasurer shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

On the Death of any of the Commissioners or Clerk, others to be elected.

VIII. And for the supplying a sufficient Number of Commissioners, and also a Clerk for the Purposes of this Act, be it further enacted, That in case any of the said Commissioners so appointed or to be appointed as aforesaid shall die or refuse to act, or in case the Clerk of the said Committee so to be appointed as aforesaid shall die, resign, or be removed by the said Commissioners, or any Eight of them, being the major Part of the said Commissioners assembled at any of their public Meetings, then and in any such Cases any Ten or more of the surviving Commissioners (whereof the said Mayor or Deputy Mayor for the Time being shall be one) may appoint a Meeting of the Commissioners in the Town Hall, or in some other public Room within the Exchange in *Liverpool* aforesaid, for the Election of One or more new Commissioner or Commissioners, or Clerk, as the Case shall require, to supply the Place of the Person so dying, refusing to act, resigning, or being removed, and shall make known the Time of such Meeting or Meetings, by affixing Notices thereof in Writing at the Custom House, and on some public Place within the Exchange in *Liverpool* aforesaid, at least Seven Days before the Time of such Meeting; and in case there shall be Fifteen or more of the said Commissioners (whereof the said Mayor or Deputy Mayor shall be one) assembled together at the Time to be appointed for such Meeting, they shall proceed to elect One or more new Commissioner or Commissioners, or Clerk, in lieu of the said Commissioner or Commissioners, or Clerk, who shall be dead, or refuse to act, or who shall resign or be removed as aforesaid; and the Person or Persons who shall be so chosen and appointed by an Instrument in Writing under the Hands of such Majority of Commissioners shall from thenceforth be a Commissioner or Commissioners, or Clerk, for all the Purposes aforesaid, and shall have the same Power and Authority, in all Matters and Things relating to this Act, as if he or they had been expressly named and appointed by this Act; and every such Instrument or Nomination of such new Commissioner or Commissioners, or Clerk, shall from Time to Time be entered in a Book to be kept by the Clerk to the said Committee for the Time being.

On the Death of any of the Committee others to be elected.

IX. And be it further enacted, That in case any of the Persons so to be appointed a Member of the Committee as aforesaid shall die or refuse to act, or shall have acted in the Execution of the said Trust for the Term of Three Years, then and in any or either of the said Cases it shall be lawful to and for any Ten or more of the surviving Commissioners (whereof the said Mayor or Deputy Mayor for the Time

Time being shall be one) to appoint a Meeting of the Commissioners in the Town Hall, or some other public Room within the Exchange in *Liverpool* aforesaid, for the Election of One or more Person or Persons, as the Case shall require, to be a Member or Members of the said Committee in the Place or Places of the Person or Persons so dying or refusing to act, or who shall have acted for the Term of Three Years, and Notice in Writing of the Time of such Meeting or Meetings, subscribed by the Clerk of the said Committee, shall be affixed at the Custom House, and upon some public Place within the Exchange in *Liverpool* aforesaid, at least Seven Days before the Time of such Meeting; and it shall be lawful for any Fifteen or more of the said Commissioners (whereof the said Mayor or Deputy Mayor for the Time being shall be one), assembled together at the Time to be appointed for such Meeting, to elect One or more Person or Persons to be a Member or Members of such Committee in the Stead or Place of such Member or Members of the said Committee as shall be dead or refuse to act, or shall have acted for the Term of Three Years; and the Person or Persons who shall be so chosen and appointed by the major Part of such Fifteen or more of the said Commissioners then present, by an Instrument in Writing under their Hands, shall from thenceforward be a Member or Members of such Committee to and for the Purposes of this Act, and shall have the same Power and Authority in all Things relating thereto as if he or they had been originally chosen a Member or Members of such Committee; and every Instrument or Nomination of such Person or Persons to be a Member or Members of the said Committee, shall from Time to Time be entered in a Book to be kept for that Purpose by the Clerk of the said Committee for the Time being.

Committee to appoint a Chairman.

X. And be it further enacted, That the said Committee shall, at their First Meeting after the passing of this Act, and also at their First Meeting after the Twenty-fourth Day of *June* in every succeeding Year, appoint One of their Members for their Chairman, who, in case of an Equality of Votes, shall besides his own Vote have the decisive or casting Vote.

Committee to keep an Account of Money received for Licences and other Disbursements.

XI. And be it further enacted, That the said Committee shall keep or cause to be kept and entered in proper Books, Minutes of their Proceedings, and shall also at such Meetings appoint a Treasurer, who shall keep fair, just, and true Accounts of all the Money which shall be received for the granting such Licences or Warrants as aforesaid, and also of all Fines, Penalties, and Forfeitures which shall be incurred under this Act, and also of all Sums of Money which shall be received, arising from the Per-centage herein-after mentioned, as also of such Money as shall be expended by him in pursuance of any Order or Orders of such Committee; all which Books of Accounts, and other Proceedings, shall be open at all convenient Hours of Business to the Inspection of all Persons who shall be licensed Pilots, and also to the Commissioners who are hereby or who shall hereafter be appointed by virtue of this Act: Provided always, that every such Treasurer shall, if required, give Security to the Satisfaction of the said Committee for the faithful Execution of his Office.

Treasurer to keep separate Accounts.

XII. And be it further enacted, That the Treasurer so to be appointed as aforesaid shall keep a separate Account of all Sum and Sums of Money by him received for the Fines, Penalties, and Forfeitures incurred under this Act, the Amount whereof shall from Time to Time be faithfully applied by him, under the Direction of the said Committee, for the Relief of distressed Pilots, their Widows and Children, whose Cases may not come within the Provisions relating to the Annuity Fund herein-after mentioned; and in case any Surplus thereof shall remain at the Time of making up the annual Accounts, the same shall be applied as Part of the Fund for providing the Annuities and Allowances after mentioned; and also that such Treasurer shall keep one other separate Account of all Sum or Sums of Money by him received for granting of Licences or Warrants as herein-after mentioned, and also one other separate Account of all Sum or Sums of Money which shall be by him expended in pursuance of this Act, and also one other separate Account of all Sum or Sums of Money by him received, arising from the Per-centage herein-after mentioned; all which Accounts shall be open at all convenient Hours of Business to the Inspection of all Persons who shall be licensed Pilots, without Fee or Reward, and also to the Commissioners who are hereby or who shall be hereafter appointed by virtue of this Act; and the said Commissioners and Pilots shall and may take Copies of or Extracts from the said several Accounts, or any Part or Parts thereof, without paying any thing for the same; and if the said Treasurer shall refuse to permit or shall not permit the said Commissioners or Pilots, or any of them, to inspect the same, or take Copies or Extracts as aforesaid, such Treasurer shall forfeit and pay any Sum not exceeding Five Pounds.

Committee to be sworn.

XIII. And be it further enacted, That every Person to be appointed a Member of the Committee by virtue of this Act at the Time of his subscribing the Instrument aforesaid, and before he shall act in or exercise any of the Powers or Authorities hereby given to him, shall take and subscribe the following Oath; which Oath shall be administered by any Two of the said Commissioners for the Time being, who are hereby authorized and empowered to administer the same; that is to say,

'I *A.B.* do swear, That I will, without Favour or Affection, Prejudice or Malice, Fee or Reward, truly and impartially, according to the best of my Skill and Knowledge, execute and perform all and every the Powers and Authorities reposed in me as a Committeeman, appointed in pursuance of an Act made in the Fifth Year of His Majesty King *George* the Fourth, intituled *An Act for the better Regulation and Encouragement of Pilots for the conducting of Ships and Vessels into and out of the Port of* Liverpool.'

Meetings of the Committeeappointed, and Adjournments provided for.

XIV. And be it further enacted, That the First Meeting of the Persons who shall be appointed of the Committee as aforesaid, or any Five or more of them, shall be on the First *Thursday* after the Appointment of such Committee, at some convenient Place within the Town of *Liverpool* aforesaid, to be for that Purpose appointed by the said Mayor or Deputy Mayor for the Time being, and they shall also

also meet on the First *Thursday* in every subsequent Month, and at such intermediate Time and Times, and at such Place and Places as they or any Five of them shall appoint, by Adjournment of such Monthly Meetings, whereof Notice in Writing shall be sent by the Clerk to the usual Places of Abode or of Business of all and every of the Members of the said Committee then residing in *Liverpool* aforesaid, or within Ten Miles thereof, at least Three Days before the Time appointed for such Meeting.

Calling Special Meetings.

XV. Provided always, and be it further enacted, That it shall be lawful for the Chairman of the said Committee for the Time being, or for any Two or more of the Members of the said Committee for the Time being, at any Time or Times as Occasion may require, whether any Adjournment of the said Committee shall be then subsisting or not, to summon a Special Meeting of the said Committee by Writing under his or their Hand or Hands, to be delivered to the Clerk of the said Committee, and specifying therein the Purpose or Purposes for which such Special Meeting shall be summoned, and thereupon the said Clerk shall forthwith send Notices in Writing of such Special Meeting, specifying therein the Name or Names of the Person or Persons so summoning the same, and the Purpose or Purposes for which the same shall be summoned, to the usual Places of Abode or of Business of all and every of the Members of the said Committee then residing in *Liverpool* aforesaid, or within Ten Miles thereof, at least One Day before the Time appointed for such Special Meeting.

Committee to examine and grant Licences to Pilots.

XVI. And be it further enacted, That it shall be lawful for the said Committee, or any Five or more of them, and they are hereby authorized and required, at any of their Meetings to be held as aforesaid, to examine and inquire into the Skill and Ability of any Person, being of the Age of Eighteen Years or upwards, who shall have served as an Apprentice in any of the *Liverpool* Pilot Boats for not less than Three Years under the Provisions of the said recited Act hereby repealed, or of this Act, or of both, or under the Provisions of any Bye Law or Bye Laws made under the Authority of the said recited Act, or to be made under the Authority of this Act, and who shall tender and offer himself, with the Consent of his Master, to be admitted as a Pilot within the Port of *Liverpool* aforesaid (such Age and such Service to be proved by such Ways and Means as to the said Committee, or any Five or more of them, shall seem proper), and also to examine and inquire into the Skill and Ability of any other Person not having so served as aforesaid, who shall tender or offer himself to be admitted as a Pilot within the Port of *Liverpool* aforesaid, and whom the said Committee, or any Five or more of them, shall think proper, in the Exercise of their Discretion, to admit to such Examination and Inquiry, as well by the Examination of Witnesses as by such other Ways and Means as to them or any Five or more of them shall seem proper; and if upon such Examination and Inquiry the Person so tendering or offering himself as a Pilot within such Port shall be approved of by the said Committee or any Five or more of them, he shall receive a Licence or Warrant containing his Name, Age, Stature, Complexion, and Place of Abode, and certifying

tifying that he is duly qualified to act as a Pilot, to conduct Vessels into and out of the said Port of *Liverpool*; which Licence or Warrant shall be subscribed with the Handwriting of Five or more of the said Committee, and from thenceforth such Person shall be deemed duly qualified to exercise the Occupation of a Pilot for the Port of *Liverpool* aforesaid.

Pilots to pay for First Licence 6*l.* 6*s.* and afterwards 3*l.* 3*s.* and the Licence to be in force for One Year.

XVII. And be it further enacted, That every Licence or Warrant granted under the said recited Act shall continue and be in force until the End of the Year for which the same was granted, any thing herein contained to the contrary in anywise notwithstanding; and for the First Licence or Warrant which shall be granted to any Person after the passing of this Act, whether the same be granted upon the first Admission of such Person as a Pilot or not, there shall be paid to the Clerk of the said Committee so to be appointed as aforesaid the Sum of Six Guineas, and for the Second and every subsequent Licence or Warrant which shall be granted to any Person under the Authority of this Act, the Sum of Three Guineas; all which Licences or Warrants, and the Persons to whom they shall or may be granted, shall be subject to the several Clauses, Regulations, and Provisions in this Act contained, and to such Orders, Rules, and Bye Laws as shall be made in pursuance thereof; and no such Licence or Warrant shall continue in force for any longer Time than One Year from the Date thereof.

Persons acting without a Licence to forfeit 20*l.*

XVIII. And be it further enacted, That if any Person shall, from and after the passing of this Act, take upon himself to conduct or pilot any Ship or Vessel into or out of the said Port of *Liverpool*, who shall not have been examined, approved, and admitted as a Pilot by the Committee so to be appointed as aforesaid, or any Five or more of them, or by the Committee appointed by virtue of the said hereby repealed Act, or any Five or more of them, and shall not have received a Licence or Warrant for that Purpose, or shall, after the Expiration of such Licence or Warrant, continue to act as a Pilot without a Renewal of the same, every such Person shall, for each and every such Offence, forfeit Twenty Pounds.

Pilots misbehaving to have their Licences recalled; and if they act afterwards, to be liable to the same Penalties as if they were not Pilots.

XIX. And be it further enacted, That in case any such Pilot now licensed, or who shall receive a Licence or Warrant as aforesaid, shall refuse to take the Charge or Conduct of any of His Majesty's Ships, or any Ship or Vessel in the Merchants Service, upon a proper Signal being made, or a Gun or Guns fired by any Ship or Vessel Inward-bound, or at the Request of the Master, Commander, Owner, Agent, or Consignee, of any Ship or Vessel Outward-bound; or in case it shall appear to the Committee so to be appointed as aforesaid, or any Five or more of them, that such Pilot shall have misbehaved himself in the Conduct of any Ship or Vessel, or in the Execution of any Part of his Duty as a Pilot; or if any such Pilot shall refuse to obey any Summons of such Committee, or any Five or more of them, requiring his Appearance before the said Committee, or any Five or more of them, or to obey the Orders of such Committee, or any Five or more of them, shall make in the Execution of this Act, or shall in anywise offend against this Act; then such Committee, or any Five or more of them, upon Examination and Proof thereof, are hereby authorized

rized to recal the Licence granted to such Pilot, and to declare the same to be from thenceforth utterly void, or to suspend the same for such Time as the said Committee or any Five or more of them shall think proper, but such Suspension shall not affect the Right of such Pilot to be interested in a Pilot Boat or Pilot Boats, under the Provisions and Regulations of this Act; and if any such Person so offending shall, after such Declaration and Notice thereof given to him in Person, or left at his usual Place of Abode, act as a Pilot in the conducting of Ships or Vessels into or out of the Port of *Liverpool*, he shall be subject to all the Penalties inflicted by this Act on Persons acting as Pilots without a Licence or Warrant.

Prices of piloting British Ships.

XX. And for preventing any exorbitant Demands by any Pilot licensed or to be so licensed as aforesaid, for the conducting or piloting of any Ship or Vessel into or out of the said Port of *Liverpool*; be it enacted, That no greater Rates or Prices shall be demanded or taken by such Pilot than what is and are hereinafter mentioned; that is to say, for piloting or conducting any Ship or Vessel belonging to His Majesty's Subjects into the said Port of *Liverpool*, not less than Six Shillings nor more than Nine Shillings for every Foot of Water such Ship or Vessel shall draw, and so in proportion for every Half Foot of Water such Ship or Vessel shall draw; and for piloting or conducting any such Ship or Vessel out of the said Port, not less than Three Shillings and not more than Five Shillings for every Foot of Water such Ship or Vessel shall draw, and so in proportion for every Half Foot of Water such Ship or Vessel shall draw; but no Allowance shall be made for any Draught of Water above or under Half a Foot: Provided always, that in case any such Ship or Vessel bound to the said Port of *Liverpool* shall not be piloted or conducted by One of the Pilots so licensed or to be licensed as aforesaid, from the Distance of the *Great Ormshead* on the Coast of *Wales*, then not less than Five Shillings nor more than Eight Shillings *per* Foot for every Foot of Water such Ship or Vessel shall draw, shall be demanded or paid for such Pilotage, and so in proportion for every Half Foot of Water which such Ship or Vessel shall draw in each of the Cases aforesaid; but no Allowance shall be made for any Draught of Water above or under Half a Foot: Provided also, that every Master or other Person having the Command of any Ship or Vessel in the Coasting Trade, including such as trade to or from *Ireland*, the Islands of *Faro* or *Ferro*, *Guernsey*, *Jersey*, *Alderney*, *Sark*, and *Man*, which shall be conducted or piloted into or out of the said Port, shall pay or cause to be paid One Half only of the said respective Rates or Prices for such Pilotage: Provided also, that no such Ship or Vessel whatsoever shall be deemed or taken or construed to be a Coasting Vessel for the Purposes of this Act, which shall not sail from the Port of *Liverpool* on a Coasting Voyage, or which shall not have been, previous to any Exemption from the Rates imposed by this Act on Ships in the Foreign Trade being claimed, really and *bonâ fide* employed in the Coasting Trade for Six Months: Provided also, that no Master or Commander of any Ship or Vessel whatsoever, including such as trade to or from *Ireland*, the Islands of *Faro* or *Ferro*, *Guernsey*, *Jersey*, *Alderney*,

Less Prices if the Vessels are not piloted from the Distance of the Great Ormshead.

What Vessels shall be deemed to be in the Coasting Trade.

Vessels not to pay for less than Eight Feet Draught of Water.

*derney*, *Sark*, and *Man*, whether Coastwise or otherwise, or of any Ship or Vessel of any other Description, which shall be conducted or piloted into or out of the said Port of *Liverpool* by any of the Pilots licensed or so to be licensed as aforesaid, shall pay any less Sum for such Pilotage than for Eight Feet Draught of Water, according to the Rates hereby directed to be paid for such Ships or Vessels; but if such Ships or Vessels shall draw more than Eight Feet Draught of Water, the Overplus shall be paid for and according to the Rates aforesaid.

Prices for piloting Alien Ships.

XXI. And whereas it is expedient that Ships or Vessels belonging to Aliens frequenting the Port of *Liverpool* should be charged with higher Rates than the before-mentioned Rates of Pilotage; be it therefore enacted, That the following and no greater Rates or Prices, for the piloting or conducting of any Alien Ship or Vessel into or out of the said Port, shall be demanded or taken; (that is to say,) for piloting or conducting any such Ship or Vessel into the said Port, not less than Nine Shillings nor more than Twelve Shillings for every Foot of Water such Ship or Vessel shall draw, and so in proportion for every Half Foot of Water in the Cases aforesaid, but no Allowance whatever shall be made for any Draught of Water above or under Half a Foot; and for piloting or conducting any such Alien Ship or Vessel out of the said Port of *Liverpool*, not less than Six Shillings nor more than Eight Shillings for every Foot of Water such Alien Ship or Vessel shall draw, and so in proportion for every Half Foot of Water, but no Allowance shall be made for any Draught of Water above or under Half a Foot: Provided always, that in case any Ship or Vessel belonging to Aliens bound to the Port of *Liverpool* shall not be piloted or conducted by One of the Pilots so to be licensed as aforesaid, from the Distance of the *Great Ormshead* on the Coast of *Wales*, then not less than Eight Shillings nor more than Eleven Shillings for every Foot of Water such Ship or Vessel shall draw, shall be demanded or paid for such Pilotage, and so in proportion for every Half Foot of Water in each of the Cases aforesaid, but no Allowance shall be made for any Draught of Water above or under Half a Foot.

Less Prices for piloting Alien Ships, if not piloted from the Distance of the Great Ormshead.

Commissioners empowered to regulate the Prices of Pilotage.

XXII. And be it further enacted, That the said Commissioners, or any Eight or more of them, being the major Part of the said Commissioners, at any of their Meetings so to be called and held for any of the Purposes herein-after mentioned, such Purpose being expressed in the Notice for calling such Meeting, shall have full Power and Authority, and they are hereby authorized and required, at their Discretion, to vary and alter, fix and determine all such Rates of Pilotage as aforesaid, and also what shall be considered the different Seasons of the Year, if the said Commissioners shall hereafter determine to make a Difference of Rate, according to the Season of the Year, provided the Alterations of such Rates are not higher or lower than those herein-before mentioned.

Only One Half the Pilotage to be

XXIII. And be it further enacted, That if any Ship or Vessel Inward-bound shall not have met with a Pilot licensed as aforesaid before

before the House at present being the only House on *Great Hilbree Island* shall bear South South West by the Compass, or shall be piloted from the Road of *Hoylake* only, no more than One Half of the Rates or Prices for piloting such Ship or Vessel Inward-bound, from any Point short of the Distance of the *Great Ormshead* on the Coast of *Wales*, hereby directed to be taken, shall be demanded or paid to such Pilot who shall conduct or pilot such Ship or Vessel from such respective Distances into the said Port of *Liverpool*: Provided always, that if none of the Pilots so to be licensed as aforesaid shall board or offer his or their Service or Services before such Ship or Vessel shall have passed the *Brazil Buoy* in the *Rock Channel*, or the *Middle Patch Buoy* in *Formby Channel*, then the Pilotage for conducting such Ship or Vessel into the Port of *Liverpool* shall be fixed at the Discretion of the Committee at their next Meeting.

paid from certain Distances.

Proviso as to Pilots not offering themselves before Vessels pass certain Places.

XXIV. And be it further enacted, That the Master or Commander of every Ship or Vessel Inward-bound, or coming into the said Port of *Liverpool*, which under the Provisions of this Act shall be liable to pay Pilotage, shall on coming within the Pilot's Stations, as fixed by the Bye Laws to be made under the Authority of this Act, display and keep flying the usual Signal for a Pilot to come on board, and that every Master or Commander who shall omit so to do shall forfeit and pay for such Omission any Sum not exceeding Five Pounds; and that if any Pilot shall come within a reasonable Distance of any such Ship or Vessel, the Master or Commander of such Ship or Vessel shall render all necessary Assistance (so far as is consistent with the Safety of the said Ship or Vessel) to enable such Pilot to come on board.

Vessels liable to pay Pilotage coming into the Port, to display a Signal for a Pilot.

XXV. And be it further enacted, That in case the Master or Commander of any Ship or Vessel Inward-bound shall refuse to take on board and employ a Pilot so to be licensed as aforesaid, who shall offer his Services, except such as shall be in Ballast in the Coasting Trade, or be under the Burthen of One hundred Tons, such Master or Commander shall pay or cause to be paid to the Pilot who first or who only shall offer his Services as aforesaid, and shall be so refused, the full Pilotage, according to the different Rates and Prices herein-before directed to be paid, as if the said Pilot had been received and employed in conducting or piloting such Ship or Vessel into the said Port of *Liverpool*.

Masters of Vessels Inward-bound, refusing to take Pilots who offer, to be liable to full Pilotage.

XXVI. Provided always, and be it further enacted, That in case any Ship or Vessel shall be in want of a Pilot, and none can be procured, and there shall be any Pilot on board any other Ship or Vessel going into or coming out of the Port of *Liverpool*, such Pilot on board any such other Ship or Vessel may lead the Way for and conduct the Ship or Vessel so in want of a Pilot, either into or out of the said Port; and the Master or Commander of every such Ship or Vessel which shall be so piloted or conducted into or out of the said Port, by any Pilot leading the Way in such other Ship or Vessel, shall and is hereby declared to be subject and liable to the same Rates of and for Pilotage, as if the Pilot had actually been on board of such Ship or Vessel, and piloted or conducted the same into or out of the said Port.

Pilots leading the Way in any Vessel, to be entitled to Pilotage.

XXVII. Pro-

Reward for Pilots assisting Ships in Distress, to be settled by the Committee.

XXVII. Provided also, and it is hereby further enacted, That in case any Ship or Vessel shall be met with in Distress by any Pilot or Pilots so to be licensed as aforesaid, and shall stand in need of any extraordinary Assistance of the Crew or Boat, then the Compensation to be made shall be settled and determined upon according to the Circumstances of the Case by the Committee aforesaid, at their next Meeting; and if any Agreement or Agreements for such extraordinary Assistance shall at any Time be made by the Pilot or Pilots, such Agreement or Agreements shall be null and void.

Pilots refusing to conduct Ships, or assist a Ship in Distress, to forfeit 10*l.* and lose their Licences.

XXVIII. And it is hereby further enacted, That if any such Pilot so to be licensed as aforesaid, after being personally required, or after a proper Signal shall be made by the Master or Commander of any such Inward-bound Ship or Vessel, shall refuse to take the Charge of such Ship or Vessel, or in case such Ship or Vessel cannot be boarded without imminent Danger, shall refuse to lead the Way with his Boat, or shall refuse such extraordinary Assistance as aforesaid to any Ship or Vessel in Distress, such Pilot shall, for each and every such Offence, forfeit any Sum not exceeding Ten Pounds, and shall and may be deprived of his Licence or Warrant, at the Discretion of the Committee so to be appointed as aforesaid.

Compensation to be made to Pilots for taking Vessels out of Port which have been forced back.

XXIX. And whereas it sometimes happens that Ships or Vessels Outward-bound from the said Port are forced back by Storm or otherwise, before such Pilots have left and parted with such Ships and Vessels, or before such Pilots have conducted such Ships and Vessels as far as is required by this Act: And whereas in such Cases it is expedient that such Pilots should have reasonable Compensation made to them over and above all other Rates of Pilotage by this Act imposed; be it therefore further enacted, That the said Committee, or any Five or more of them, at any of their Meetings, shall have full Power and Authority to fix and determine such Compensation as aforesaid; provided that such Compensation shall not in any Case exceed a Moiety of the Rates at which such Outward-bound Ships or Vessels would have been liable to pay in case such Ships or Vessels had not been forced back as aforesaid.

Ships forced back after parting with the Pilot, and piloted out again from Hoylake, to pay One Half the Prices.

XXX. And be it further enacted, That in case any Ship or Vessel which hath been piloted or conducted by any of the Pilots to be licensed as aforesaid, out of the said Port of *Liverpool*, shall afterwards be forced back by Storm or otherwise, after having, by the Consent of the Master or Commander of such Ship or Vessel, parted with such Pilot, although such Ship or Vessel may not have been piloted so far as is required by this Act, then the full Sum shall be paid for such Pilotage as is hereby directed to be taken for Pilotage Outwards, according to the Rates to be fixed by the Commissioners, as herein-before mentioned; and if the Master or Commander of such Ship or Vessel so forced back shall employ a Pilot to conduct such Ship or Vessel Inwards, such Pilot shall be paid in the same Manner and at the same Rate as if such Ship or Vessel had been Inward-bound; but if such Ship or Vessel so

forced

forced back shall be conducted by such Master or Commander himself into the Road of *Hoylake*, and such Master or Commander shall afterwards employ any of the Pilots so to be licensed as aforesaid to conduct such Ship or Vessel out of the said Road of *Hoylake* to Sea, then One Half of the full Sum shall be paid for such Pilotage as is hereby directed to be taken for Pilotage Outward, according to the Rates to be fixed by the Commissioners as herein-before mentioned.

Distances to which Vessels are to be piloted.

XXXI. And it is hereby further enacted, That every Pilot so to be licensed as aforesaid, who shall take upon himself the Charge of any Ship or Vessel sailing out of the Port of *Liverpool* through *Formby Channel*, shall and is hereby required to conduct or pilot such Ship or Vessel so far to the Westward as the Buoy commonly called or known by the Name of the *North West Buoy*; and if such Ship or Vessel shall be piloted out of the said Port through the *Rock Channel*, such Pilot shall and is hereby required to pilot and conduct such Ship or Vessel so far to the Westward as the North West Buoy of *Hoyle*, if the Captain or other Person having the Charge or Command of such Ship or Vessel shall require it, before such Pilot shall quit any such Ship or Vessel; and upon Refusal in either Case, such Pilot shall not be entitled to any of the Rates or Prices hereby directed to be paid for Pilotage, and shall and may be deprived of his Licence or Warrant, at the Discretion of the Committee appointed as aforesaid.

Places to which Vessels are to be piloted Inwards.

XXXII. And be it further enacted, That every Pilot so to be licensed as aforesaid, who shall pilot or conduct any Ship or Vessel into the said Port of *Liverpool*, is hereby required to take care (if need be) to cause such Ship or Vessel to be properly moored at Anchor in the River *Mersey*, and afterwards to conduct such Ship or Vessel into one of the Wet Docks within the said Port, without being paid any other Rate or Price than is hereby directed to be taken for the piloting or conducting such Ship or Vessel into the said Port of *Liverpool;* but in case such Attendance shall be required during such Ship or Vessel being at Anchor in the River *Mersey*, and before she is docked, Five Shillings *per* Day shall be paid: Provided always, that this Act shall not extend to prevent or hinder the Master or other Person having the Command of any Ship or Vessel in the Coasting Trade, being in Ballast, or any Ship or Vessel in the Coasting Trade, being under the Burthen of One hundred Tons by the Certificate of Registry, from conducting or piloting his said Ship or Vessel into or out of the said Port of *Liverpool*, nor to hinder any Person or Persons from assisting any Ship or Vessel in Distress, nor to subject any such Person or Persons to any of the Penalties of this Act; any thing herein contained to the contrary thereof in anywise notwithstanding.

Masters in the Coasting Trade in Ballast, or under 100 Tons, may pilot their own Vessels, and any Person may assist a Ship in Distress.

Every Master to give the Pilot a true Account of the Draught of Water of

XXXIII. And be it further enacted, That the Master or Commander of every Ship or Vessel so to be piloted or conducted into or out of the Port of *Liverpool*, shall and is hereby required to declare and give a true Account to the Pilot employed in the conducting

his Ship, and Pilot authorized to admeasure.

ducting or piloting such Ship or Vessel, of the Draught of Water such Ship or Vessel shall draw; and in case the Pilot so employed shall suspect the Truth of such Declaration, such Pilot is hereby authorized to admeasure, or cause such Ship or Vessel to be admeasured, in order to find the true Draught of Water such Ship or Vessel shall then draw; and if on such Admeasurement it shall appear that such Master or Commander gave a false Account wilfully and fraudulently, such Master or Commander shall not only forfeit a Sum equal to Double the Amount of Pilotage according to the Rate or Rates aforesaid, but also all the Expences of the Admeasurement as aforesaid, and be subject to a Fine, at the Discretion of the Committee, in any Sum not exceeding Ten Pounds nor less than Two Pounds, together with all Expences incurred in the Recovery thereof.

Pilot attending a Vessel at Anchor in the River to have 5*s.* for every Day of Attendance, except the Day of going to Sea and returning from Sea.

XXXIV. And be it further enacted, That if the Owner, Master, or Commander of any Ship or Vessel shall require the Attendance of a Pilot licensed as aforesaid, on board any Ship or Vessel during her riding at Anchor, or being at *Hoylake*, or in the River *Mersey*, such Pilot shall attend such Ship or Vessel, and be paid for every Day he shall so attend Five Shillings and no more: Provided always, that in case such Pilot shall not be employed the whole Day, but be dismissed in less Time than a Day, such Pilot shall be paid Five Shillings for his Attendance: Provided also, that the Pilot so to be licensed as aforesaid, who shall have the Charge of any Ship or Vessel, shall be paid for every Day of their Attendance whilst in the River, except the Day of going to Sea with such Ships or Vessels as shall be Outward-bound, and the Day of returning from Sea and the Day of docking for such as shall be Inward-bound.

Masters Outward-bound refusing to take Pilots to be liable to full Pilotage.

XXXV. And be it further enacted, That in case the Master or Commander of any Ship or Vessel Outward-bound, except such as shall be in Ballast in the Coasting Trade, or be under the Burthen of One hundred Tons, for which Provision is herein-before made, shall proceed to Sea, and shall refuse to take on board and employ a Pilot so to be licensed as aforesaid, such Master or Commander, Agent or Consignee of such Ship or Vessel, shall pay or cause to be paid to the Pilot who first or who only shall offer his Service as aforesaid, and shall be so refused, the full Pilotage, according to the different Rates and Prices herein-before directed to be paid, in like Manner as if the said Pilot had been received and employed in conducting and piloting such Ship or Vessel into or out of the said Port of *Liverpool*, together with all Expences to be incurred in the Recovery of the same.

Persons liable to Pilotage.

XXXVI. And be it further enacted, That all and every Person or Persons taking upon himself or themselves the Charge, Agency, or Consignment of any Ship or Ships, Vessel or Vessels, so charged or chargeable with the said respective Rates for Pilotage and extra Attendances Outward-bound, shall be accountable to such Pilot or Pilots for such Rates of Pilotage as shall be so due for such Pilotage Outward, according to the Rates or Price aforesaid; and the same shall and may be levied by Distress and Sale, in manner herein-after mentioned, of any of the Goods, Merchandize, and Effects of the said Person or Persons so taking upon himself or themselves the Charge,

Agency, or Consignment of such Ship or Ships, Vessel or Vessels, after the Expiration of Three Days from the Day on which such Pilotage shall have been demanded.

On Non-payment of Rate, Committee may distrain.

XXXVII. And be it further enacted, That in case any Owner or Master, Agent or Consignee, or any other Person or Persons having or taking upon himself the Command, Agency, or Consignment of any Ship or Ships, Vessel or Vessels, charged or chargeable with the said respective Rates or Prices for Pilotage and extra Attendances, shall refuse to pay the same, then it shall be lawful to and for the Committee so to be appointed as aforesaid, or any Five or more of them, or any other Person or Persons to be by them or any Five or more of them for that Purpose appointed, and preferable to and notwithstanding any other Right whatsoever claimable by or due to any Person or Persons whomsoever, to seize, take, and distrain any of the Goods, Merchandize, Effects, Guns, Tackle, Ammunition, Furniture, and Apparel of or belonging to any such Ship or Vessel, and the same to detain and keep until the Sum or Sums of Money due for piloting or conducting such Ship or Vessel into or out of the said Port of *Liverpool*, according to the said Rates or Prices, shall be paid and satisfied; and in case of any Neglect, Refusal, or Delay in Payment of such Sum or Sums of Money for Three Days next after such seizing, taking, or distraining, then it shall be lawful to and for any One Justice of the Peace for the Borough of *Liverpool*, or such Person or Persons as he shall authorize and appoint, to cause the same to be appraised by any Two sufficient Persons or sworn Appraisers of the said Borough and Town of *Liverpool*, and afterwards to sell and dispose of the Goods so taken and appraised, and thereout to satisfy the said Rates or Prices for Pilotage unpaid, together with all reasonable Charges of such taking, seizing, distraining, appraising, and selling the same, and also the Charges of any extra Attendances to the Pilot or Pilots entitled thereto, rendering the Overplus thereof (if any) to the Masters or Owners, Agents or Consignees of any such Ships or Vessels respectively, upon Demand.

Penalty on Masters forcibly taking away Pilots.

XXXVIII. And whereas it has sometimes happened that Pilots have been forcibly carried to Sea beyond the Limits of Pilotage herein prescribed, to the great Detriment and Inconvenience of the Public, by the Want of such Pilots so carried away, as well as to the great Loss of such Pilots themselves; be it therefore enacted, That any Master of a Ship or Vessel so forcibly carrying away any such Pilot as aforesaid shall forfeit and pay any Sum not exceeding Twenty Pounds nor less than Five Pounds, at the Discretion of any One Justice of the Peace, and the Owner, Agent, or Consignee as aforesaid shall be liable to make such reasonable Compensation to such Pilot or Pilots, according to the Discretion of the Committee; which Penalty or Penalties, Compensation or Compensations, shall be levied and recovered in such Manner and Form as is herein prescribed for the Recovery of the Rates of Pilotage.

Majority of Pilots may have a Joint Stock.

XXXIX. And be it further enacted, That if at any Time or Times hereafter a Majority of licensed Pilots of and belonging to the said Port

Port of *Liverpool* shall consent and agree to have a Joint Stock of all their Earnings for the Benefit of the whole, then it shall be lawful for them so to do, provided such Consent and Agreement be made or expressed in Writing under the Hands and Seals of such Majority as aforesaid, and be made by and with the Approbation and Consent of the Committee so to be appointed as aforesaid, and shall continue in force so long as it shall meet the Approbation of the said Committee, under such Regulations and Restrictions as the said Committee shall think proper.

To assist in raising Annuity Fund, Collector to pay 1*l.* per Centum out of gross Earnings of Pilots.

XL. And be it further enacted, That in order to assist in raising an Annuity Fund as herein-after mentioned, the Collector or Collectors, Receiver or Receivers, for the Time being, of the Rates and Pilotage herein-before mentioned, is and are hereby authorized and required to pay One Pound *per Centum* out of the gross Earnings or total Amount of the Rates or Pilotage of the several Pilot Boats, their Masters and Crews respectively, now or hereafter to be employed, into the Hands of the Treasurer of the said Committee for the Time being, to be applied as herein-after mentioned.

Pilots otherwise employed shall account to the Treasurer a like Percentage.

XLI. And be it further enacted, That for the like Purpose any licensed Pilot or Pilots who may be otherwise employed, so that his Earnings shall not come to the Hands of such Collector or Receiver, shall account for and pay to the Treasurer of the said Committee a like Amount of One Pound *per Centum* out of his gross Earnings for the past Year, before he shall be entitled to have or demand any renewed Warrant or Licence to act as a Pilot, to be applied as herein-after mentioned.

Money to be raised from Licences after Expences, to be applied for Rewards to meritorious Pilots.

XLII. And be it further enacted, That from and after the passing of this Act the several Sum and Sums of Money to be received for granting of Licences and Warrants under the Authority and Provisions of this Act shall, in the first place, be applied, under the Direction of the said Committee, in the Payment and Discharge of all Expences incurred in pursuance of this Act, and in carrying the Provisions thereof into Effect; and, in the second place, in the Payment of all such Sum and Sums of Money as the said Committee, or any Five or more of them, at any of their said Meetings, may from Time to Time think fit to grant as Rewards for the Encouragement of meritorious Pilots: Provided always, that no greater Sum than Ten Pounds shall at any one Time be granted for such Reward to any Pilot, and that no greater Sum than Fifty Pounds in the whole Amount shall be granted for such Rewards to any Pilot or Pilots in the Course of any one Year.

Accounts to be adjusted every Three Months.

XLIII. And be it further enacted, That an Adjustment and Settlement of Accounts, so far as regards the Sums of Money to be received by the said Treasurer for the granting of such Licences or Warrants as aforesaid, and the Expenditure thereof, both in carrying the Provisions of this Act into Effect, and in the Payment of such Rewards as aforesaid, shall take place once in every Three Months, at the monthly Meeting of the said Committee; and whatsoever Sum or Sums of Money

Money shall, upon such Adjustment and Settlement, appear to be in the Hands of the said Treasurer, save and except such reasonable Sum as by the said Committee, or any Five or more of them, shall be directed to be retained in the Hands of the said Treasurer, for current Expences, and for enabling the said Committee to grant such Rewards as aforesaid, if necessary, before any fresh Monies are received, shall, together with all Sum and Sums of Money which shall be received by the said Treasurer, arising from the before-mentioned Per-centage, and with any Surplus arising from the Fines before mentioned, constitute and form a Fund for providing such Annuities and Allowances, and be applied as is herein-after directed; and that it shall and may be lawful for the said Treasurer, and he is hereby authorized and required, to pay and apply all such Sum and Sums of Money as have arisen or been received by him from any Source or Sources under the Provisions of the said recited Act, and which shall be in his Hands, Custody, or Power, or in any of the *Liverpool* Banks, at the Time of the passing of this Act, in the Payment and Discharge of all Expences of obtaining this Act and attendant thereon, and then to pay and apply the Residue thereof as Part of the said Fund, for providing Annuities and Allowances as aforesaid.

Balance, with Per-centage, to constitute a Fund for Annuities, &c.

Treasurer under repealed Act to apply Money in his Hands in Payment of Expences of Act, and Residue as Part of Fund for Annuities.

XLIV. And be it further enacted, That the Monies constituting and forming the said Fund for providing Annuities and Allowances as aforesaid, and the Income and Dividends arising from such Parts thereof as shall be invested in manner herein-after mentioned, shall be and they are hereby required and directed to be applied by the said Committee as follows; that is to say, in the first Place, in the Payment of all such Pensions, Allowances, and Annuities as have at any Time or Times been granted under the Authority and Provisions of the said recited Act, and as at the Time of the passing of this Act shall be still subsisting, so long as the said Committee, or any Five or more of them, may think proper to continue the Payment thereof; and in the second Place, and after the said now subsisting Pensions, Allowances, and Annuities shall have ceased to be payable, such Money shall be applied in the Payment of Annuities, or weekly or other Allowances, to the Persons herein-after specified, and to them only; that is to say, First, to such Pilots as having attained the Age of Fifty Years, and having served as licensed Pilots under the Provisions of the said recited Act or of this Act, or of both, not less than Twenty Years, shall retire from the Service; Secondly, to such licensed Pilots as by reason of Infirmity, Sickness, or Accident, may, in the Judgment of the said Committee, or any Five or more of them, be rendered incapable of following their Trade, although they may not have attained the Age of Fifty Years, or may not have served as licensed Pilots for Twenty Years; provided always, that no Person shall be entitled to any Annuity, or weekly or other Allowance, who shall be proved to the Satisfaction of the said Committee to have brought on such Infirmity, Sickness, or Disability, by Drunkenness, Lewdness, or any other Vice; and Thirdly, to the Widows and Children of deceased licensed Pilots; the Amount of which said several Annuities, or weekly or other Allowances, and the Mode in which the same shall be claimed and paid, and the Circumstances under which

Pensions to Pilots; Annuities to disabled Pilots and Widows, &c. Children of Pilots.

the same may be continued, suspended, or forfeited, or increased or diminished, together with the general Management of the said Fund, shall be regulated and directed by such Bye Law or Bye Laws as may from Time to Time be made as herein-after is enacted, regard being always had to the Permanency of the said Fund.

**As to depositing Money in Saving Banks, &c.**

XLV. And be it further enacted, That when the Sum or Sums of Money in the Hands of the said Treasurer, from all or any of the Receipts or Sources aforesaid, shall amount to Fifty Pounds, the same shall be by him deposited in the *Liverpool* Provident Institution, or any future Saving Bank that may be formed or continued in *Liverpool* under the Provisions of the several Acts for the Encouragement of Saving Banks; and the Directors of the said *Liverpool* Provident Institution, or the Directors or other Managers of any such Saving Bank or Saving Banks to be formed or conducted in *Liverpool* aforesaid, is and are hereby authorized to receive the Deposit and Deposits of the said Treasurer, and which Deposits shall be from Time to Time made with such Institution or Saving Bank in the Name of "The *Liverpool* Pilot's Fund," or that the said Treasurer may, with the Consent and at the Election of the said Committee, or any Five or more of them, invest the Monies to be received by him as aforesaid in any of the Government Stocks or Funds, or in any of the *Liverpool* Banks, or other Places of Security, under the Directions of the said Committee, in the Names of the Mayor and Town Clerk of the Town of *Liverpool*, and of the Treasurer to the said Committee for the Time being respectively.

**Accounts to be audited by the Mayor and One of the Common Councilmen.**

XLVI. And be it further enacted, That it shall and may be lawful to and for the Mayor or Deputy Mayor, and One of the Common Councilmen of the said Borough and Corporation, and they are hereby required, once in every Year, to audit and adjust all Accounts of the Receipts and Disbursements received or expended in consequence thereof; and such Adjustment or Settlement, after the same shall have been signed by the said Mayor or Deputy Mayor, and One of the said Common Councilmen, shall be binding and conclusive upon all Parties, either directly or indirectly interested or concerned.

**Committee empowered to class Pilots.**

XLVII. And be it further enacted, That it shall be lawful to and for the said Committee for the Time being to class such licensed Pilots in such Order or Orders, Degree or Degrees, and under such Restriction or Restrictions, Regulation or Regulations, as they in their Discretion shall think fit, more particularly for the greater Safety and Preservation of Ships and Vessels of a large Draught of Water.

**Pilots not to keep Public Houses.**

XLVIII. And be it further enacted, That no Pilot or Pilots so to be licensed as aforesaid shall on any Account whatsoever be permitted or suffered to keep a Tavern, Public House, or other House, as a Dealer in or Retailer of Wines or Liquors of any Kind.



XLIX. And

Licensing Boats.

XLIX. And be it further enacted, That it shall and may be lawful for any Five or more of the Committee appointed or to be appointed under the Provisions of this Act to inquire into, or cause to be inquired into, the Sufficiency of the Boat or Boats now used and hereafter to be from Time to Time used by any such licensed Pilot or Pilots as aforesaid; and if any Boat or Boats in use at the Time of passing this Act, or any other Boat or Boats hereafter to be built or purchased for and used in such Service by any such Pilot or Pilots, shall in the Opinion of the said Committee, or any Five or more of them, be proper and sufficient for such Service, and conformable in every respect to the Bye Laws to be made in pursuance of or under the Provisions of this Act; and if the Owner or Owners of such Boat shall produce to the said Committee, or any Five or more of them, the Certificate of Registry of such Boat, granted by the Collector and Comptroller of the Customs of *Liverpool* aforesaid, or any official Copy thereof, then and in every such Case it shall be lawful for the said Committee, or any Five or more of them, if they shall so think fit, to grant a Licence to the Owner and Owners of such Boat or Boats, authorizing him or them to use and employ such Boat or Boats for piloting and conducting Vessels into and out of the Port of *Liverpool*, and for the general Pilot Service of the Port of *Liverpool*, and such Licence shall be subscribed with the Handwriting of Five or more of such Committee; and every such Licence shall continue in force so long as the Ownership of such Boat or Boats shall continue the same as when such Licence was granted, provided all such Owners shall continue capable of holding such Boat under the Provisions of this Act, and provided also that such Boat or Boats shall be kept and continued in good Repair, and properly fitted out and found agreeable to such Bye Laws as aforesaid; but every such Licence shall nevertheless be subject to be revoked as herein-after mentioned.

Fresh Licence to be granted in certain Cases.

L. And be it further enacted, That whenever any Change in the Ownership of such Boat shall take place, either from the Death of any Owner or Owners thereof, or from any Owner or Owners thereof becoming incapable under the Provisions of this Act to hold any such Boat, or any Share or Interest therein, or from any Transfer in the whole or in part to any other Person having been made, or in the Event of such Licence being revoked, or if from any other Cause whatsoever the Ownership of such Boat shall be in any Degree changed, then and in each and every such Case or Cases the said Licence shall be considered as null and void, and a new Licence shall become requisite for such Boat, and be granted by such Committee, or any Five or more of them, in like Manner as such former Licence, and subject in every respect to the like Conditions, and be determinable in like Manner.

Rates for Licences.

LI. And be it further enacted, That for every such Licence of each such Boat as aforesaid there shall be paid to the Treasurer of the said Committee the Sums following; that is to say, for the First Licence granted to each such Boat, the Sum of Six Guineas to be paid by the Owners thereof, and for every subsequent Licence

cence of the same Boat, the Sum of Three Guineas to be paid and payable by the Person or Persons becoming interested in such Pilot Boat on any Change of Ownery as aforesaid; which said Sums of Money shall be applied by the said Treasurer in the same Manner and for the same Purposes as the Monies arising from the granting of Licences or Warrants to Pilots are herein-before directed to be applied.

**Licences may be recalled.**

LII. And be it further enacted, That if any such Owner or Owners of any Boat to be licensed as aforesaid shall not keep such Boat in such good Order and Repair, and in every respect fitted for such Pilot Service as aforesaid, or if from any other reasonable Cause the Committee, or any Five or more of them, shall think proper to recal such Licence, it shall be lawful for such Committee, or any Five or more of them, and full Power is hereby given to them, to declare the same to be from thenceforth null and void; and all and every Pilot or Pilots who after such Revocation and Declaration shall use or employ such Boat in the piloting or conducting Ships or Vessels into or out of the Port of *Liverpool*, shall be liable to the same Penalties or Forfeitures as if such Boat had never been licensed.

**Pilots not to use unlicensed Boats.**

LIII. And be it further enacted, That from and after the Expiration of Three Calendar Months from the passing of this Act, it shall not be lawful (save as after mentioned) for any such Pilot or Pilots already licensed, or hereafter to be licensed, to use or employ any Boat, which shall not be so licensed as aforesaid, in the piloting or conducting Ships or Vessels into or out of the Port of *Liverpool*, or in such general Pilot Service as aforesaid, except the occasional Use of Boats belonging to other Persons, and also except any Boat or Boats which may, with the Consent and Approbation of the said Committee, or any Five of them, be hired for the Purpose of supplying the Place of any Pilot Boat or Pilot Boats that may be lost, damaged, or under Repair; and if any Boat or Boats not so licensed shall be used or employed in such Pilot Service, except as aforesaid, the Pilot or Pilots who shall so use or employ such unlicensed Boat shall forfeit and pay the Sum of Three Guineas for every Day such Boat or Boats shall be so used and employed; and it shall also be lawful for the said Committee, or any Five or more of them, to recal the Licence of every such Pilot or Pilots so using or navigating any such unlicensed Boat (except as aforesaid), and for such Offence to declare his or their Licence or Licences null and void.

**Licensed Pilots only to have Shares in licensed Boats.**

LIV. And whereas it is expedient that no Persons but such licensed Pilots should be in any way entitled to hold or be interested in any Pilot Boat or Pilot Boats licensed and to be licensed to be used as Pilot Boats under the Authority of this Act; be it therefore further enacted, That from and after the Expiration of Three Calendar Months from the passing of this Act it shall not be lawful for any Person or Persons other than a licensed Pilot or licensed Pilots, and so long only as he or they shall continue a licensed Pilot or licensed

Pilots,

Pilots, or until such Sale thereof as herein-after mentioned, to hold any Share or to have any Interest in any Pilot Boat or Pilot Boats to be licensed under the Authority of this Act by the Committee or any Five or more of them as aforesaid, save and except as herein-after mentioned.

For Sale of deceased Pilot's Boats.

LV. And be it further enacted, That when any Person or Persons, being the Owner or Owners, or having any Share or Interest in any such Pilot Boat or Pilot Boats, shall die, or cease to be a licensed Pilot from any Cause whatever, such Pilot Boat or Pilot Boats, or the Share and Interest which such Person or Persons so dying or ceasing to be a licensed Pilot or licensed Pilots held, or was or were entitled to, in such Pilot Boat or Pilot Boats, and her Appurtenances, shall within Twelve Calendar Months after be sold and disposed of by or on behalf of such Person or Persons so dying or ceasing to be a Pilot or Pilots, or his or their respective Executors or Administrators, to some other Pilot or Pilots duly licensed under the Authority of this Act; and if within such Period of Twelve Calendar Months such Pilot Boat or Pilot Boats, or such Share and Interest therein, shall not be sold or disposed of by such Person or Persons, or his, her, or their Representatives, and duly assigned and transferred to some other such licensed Pilot or licensed Pilots, then and in every such Case it shall and may be lawful for the Committee, or any Five or more of them, to direct a Sale of such Pilot Boat or Pilot Boats, or such Share and Interest thereof, by Auction, at such Time and Place as they or any Five or more of them may think proper, and shall direct such Sale to be in *Liverpool*, and to be advertised in One or more of the *Liverpool* Newspapers at least Three Times previous to the Day of Sale; and at such Sale none but Pilots duly licensed as aforesaid shall be competent to purchase.

Committee to fix the Price of the Boat or Share.

LVI. And be it further enacted, That previous to the Day of such Sale, the said Committee, or any Five or more of them, shall communicate in Writing under their Hands to the Person or Persons so ceasing to be a licensed Pilot or Pilots, or in the Case of Death to his or their personal Representatives, or his or their Agent or Attorney, the Sum of Money which shall in the Opinion of such Committee, or any Five or more of them, be equal to the intrinsic Worth of such Pilot Boat or Pilot Boats, or Share or Interest in such Pilot Boat or Pilot Boats, with the Appurtenances, in the then State of such Pilot Boat or Pilot Boats, adding thereto such a Sum for the Privileges of such Boat, as in the Opinion of the said Committee, or any Five or more of them, shall be a reasonable Compensation for such Privilege; and if at any such Sale no such licensed Pilot or Pilots shall be found to bid for such Boat or Boats, or Share or Interest therein, so much Money as shall equal the aggregate Amount of the said Sums so to be communicated as aforesaid, then and in every such Case it shall be lawful for the said Committee, or any Five or more of them, to grant a Licence in Writing for such Person or Persons to continue and be interested in such Pilot Boat or Pilot Boats, or Share or Interest in such Pilot Boat or Pilot Boats, for such further Space of Time, not

not exceeding One Year, as they or any Five of them may think reasonable, so as to give the Opportunity to any such Person or Persons of selling and disposing of the same to any such Pilot or Pilots as may thereafter choose to purchase the same; and which Licence may be renewed, after again in like Manner attempting to sell by Auction, after the said Committee, or any Five of them, shall have communicated a new Estimate and Price previous to any such further Attempt or Attempts at Sale thereof, and so from Time to Time so long as the said Committee, or any Five or more of them, shall think reasonable, under the particular Circumstances of the Case; and such Person or Persons so to be authorized shall thereupon be entitled to hold and be interested in any such Pilot Boat or Pilot Boats, or Share or Interest therein, and be entitled to a full Share or proper Portion of Profits of the said Pilot Boat or Pilot Boats, as fully as if he or they had been a licensed Pilot or licensed Pilots, and navigating or using the same; subject nevertheless to Deduction for all Repairs and Expences, or a proper Proportion thereof, which the remaining Owner or Owners, or Persons conducting and using such Boat or Boats, shall be at full Liberty to make and incur; and except that such Person or Persons so to be interested under any such Licence or Licences as aforesaid to hold such Pilot Boat or Pilot Boats, or Share or Interest in any such Pilot Boat or Pilot Boats, after such Death of any Owner or Owners, or after any such Owner or Owners shall cease to be a licensed Pilot or licensed Pilots as aforesaid, shall not in any Degree interfere, or be entitled to interfere, in the Navigation, Repair, Outfit, or Management of any such Boat or Boats, in any way, except in the Appointment of a Master or Masters to sail and navigate such Boat or Boats.

The Families of Pilots to continue to hold Shares.

LVII. Provided always nevertheless, and be it further enacted, That it shall and may be lawful for any licensed or superannuated Pilot or Pilots now living, or the Widow, now living and unmarried, of any deceased Pilot or Pilots, or the Child or Children, or the Trustee or Trustees for or Guardian or Guardians of any Child or Children of any deceased Pilot or Pilots, who now is or are respectively Owner or Owners, or possessed of or interested in any Pilot Boat or Pilot Boats, or any Share or Interest therein respectively, to continue to have, hold, and enjoy, and to be interested in such Pilot Boat or Pilot Boats, or any other Boat or Boats to be substituted for the same, with the Consent of the said Committee, or any Five or more of them, and licensed as aforesaid, or in any Share or Shares thereof, in the like Manner as he, she, or they was or were before the passing of this Act, for and during the Time and Times, and as herein-after directed; that is to say, being a licensed or superannuated Pilot or licensed or superannuated Pilots, for and during the Term of his or their natural Life or Lives, or being a Widow or Widows of any deceased Pilot or Pilots, for and during the Term of her and their natural Life or Lives, if she or they shall continue so long unmarried, or being the Child or Children, or Trustee or Trustees, or Guardian or Guardians for the Child or Children of any deceased Pilot or Pilots, until the youngest of such Child or Children shall attain his, her, or their respective Age or Ages of Twenty-one Years; and from and after the Decease

Decease of such licensed or superannuated Pilot or Pilots now living, and now interested in any such Boat or Boats as aforesaid, the Widow or Widows of such deceased Pilot or Pilots shall and may continue interested in and entitled to hold such Pilot Boat or Pilot Boats, or the Share and Interest of or to which such deceased Pilot or Pilots was or were possessed or entitled, for and during the Term of her or their natural Life or Lives, or Widowhood as aforesaid; and that from and after the Decease of any such licensed or superannuated Pilot or Pilots as aforesaid, without leaving such Widow or Widows, or after the Decease or Marriage again of such Widow or Widows, it shall and may be lawful for the Executor or Executors, or other legal Representatives of any such deceased Pilot or Pilots, to continue to be possessed of or interested in such Boat or Boats, or the Share or Shares in any Boat or Boats to which such deceased Pilot or Pilots was or were entitled, for the Benefit of and for the Maintenance, Education, and bringing up of the Child or Children of such deceased Pilot or Pilots, until the youngest of such Children shall attain his, her, or their respective Age or Ages of Twenty-one Years; and on the Expiration of such respective Periods such Pilot Boat or Pilot Boats, or the Shares or Interests in any such Pilot Boat or Pilot Boats, to which such deceased Pilot or Pilots shall have been entitled, shall be sold and disposed of in like Manner in every respect as is herein-before directed as to the Pilot Boat or Pilot Boats, or the Share or Interest of and in any such Pilot Boat or Pilot Boats, to be held by any licensed Pilot or Pilots as aforesaid under the Authority of this Act, on the Decease of such licensed Pilot, or on his ceasing to be such licensed Pilot as aforesaid.

Claims to hold such Boat or Shares to be made in a certain Time.

LVIII. And be it further enacted, That every Person or Persons claiming to hold or to continue to hold any such Boat or Boats, or Share or Interest therein, under the said Proviso last mentioned, or hereafter to claim any such Right under the same, or some Person or Persons on his, her, or their Behalf, is and are hereby required, within Six Calendar Months after the passing of this Act, to deliver or cause to be delivered, in Writing, to the said Committee at their Committee Room in *Liverpool*, an Account of such Claim, and the Grounds thereof, and of their Intention to make such Claim; and which Claim shall be duly entered and recorded in some Book to be kept by the said Committee or their Clerk for that Purpose, except only that where such Person or Persons as claim to be entitled shall at the Time of the passing of this Act be Infants under the Age of Twenty-one Years, the said Committee, or any Five or more of them, shall and may dispense with such Notice, if under the particular Circumstances of the Case (but not otherwise) they shall think it proper so to do; and unless such Claim shall be duly notified in Writing as aforesaid (except as aforesaid), every such Person or Persons shall forfeit his, her, or their Right and Claim to hold or be interested in any such Pilot Boat or Pilot Boats as aforesaid; and it shall be lawful to and for the said Committee, or any Five or more of them, and they are hereby required, to hear and determine the Right of the Person or Persons (not being Pilots) so claiming or to claim to be entitled under the said before mentioned Proviso or Provisoes to hold such Pilot Boat or Pilot Boats,

Boats, or any Share or Interest therein as aforesaid; and the Determination of such Committee, or any Five or more of them, on any such Claim being recorded in any Minute of the Proceedings of such Committee, shall be conclusive upon all Parties and Persons whomsoever; and if any such Persons so claiming shall be, in the Opinion of such Committee or any Five or more of them, entitled to such Right, a Certificate thereof, to be signed by any Five or more of such Committee, shall be granted to such Person or Persons, on Demand, and which Certificate shall, until revoked (which the said Committee, or any Five or more of them, may if they shall see Cause revoke), be sufficient Evidence of the Right of such Person or Persons to hold such Pilot Boat or Pilot Boats, or Share or Interest therein, as such Certificate shall express and declare.

Committee empowered to make Bye Laws.

LIX. And be it further enacted, That it shall and may be lawful to and for the several Persons so to be appointed of the Committee as aforesaid, or any Five or more of them, at any Time or Times hereafter to make, ordain, and establish Orders, Rules, and Bye Laws, for the better Government and Regulation of the Pilots appointed or licensed as aforesaid, and for the Management, Regulation, and Distribution of the said Fund for providing Annuities and Allowances, and also from Time to Time, as Occasion may require, to repeal, add to, amend, or alter such Orders, Rules, and Bye Laws, as to them shall seem meet and convenient, and to make, ordain, and establish other Orders, Rules, and Bye Laws, in lieu of such as shall be repealed, added to, amended, or altered; and to fix and appoint reasonable pecuniary Penalties, not exceeding Five Pounds, for the Non-observance, Non-performance, or other Breach of all or any such Orders, Rules, or Bye Laws, or any Part of them, to be levied and recovered in such Manner and Form as is herein prescribed for the Recovery of the Rates of Pilotage; and it shall be lawful to and for the several Persons so to be appointed of the Committee as aforesaid, or any Five or more of them, to suspend or deprive of the Use of his Licence any Pilot for breaking such Orders, Rules, or Bye Laws, or omitting any thing required by the same, or for acting in anywise contrary to such Orders, Rules, or Bye Laws; and if any Pilot so suspended or deprived of the Use of his Licence, during the Time of such Suspension or Deprivation, shall take upon himself to pilot or conduct any Ship or Vessel into or out of the said Port of *Liverpool*, such Pilot shall be liable to all such Pains and Penalties as are provided by this Act against such Persons as shall pilot and conduct Ships or Vessels into or out of the said Port of *Liverpool*, without being first licensed by the said Committee or any Five or more of them.

Bye Laws shall be printed; as also Lists of Pilots.

LX. And be it further enacted, That the said Committee, or any Five or more of them, shall cause the said Orders, Rules, and Bye Laws, as also a List of the Pilots so to be licensed as aforesaid, to be from Time to Time printed and distributed, and printed and pasted on Boards and hung up at the Pilots Office, and also at the Dock Office in *Liverpool*, and in the most conspicuous Places at the Custom House, and renewed as often as the same shall be obliterated, defaced, or destroyed, and to pay the Expences thereof out of the Money to

arise by the granting such Licences or Warrants: Provided always, that the said Orders, Rules, and Bye Laws, or any of them, shall not be contrary or repugnant to the Laws of that Part of the United Kingdom called *England*, or this Act, nor prejudicial nor derogatory to any Right, Authority, or Jurisdiction belonging to the Office of Lord High Admiral of *Great Britain*, or to the Powers, Provisions, or Authorities heretofore made, given, or created, and shall be subject to Appeal in manner herein-after mentioned: Provided also, that all Orders, Rules, and Bye Laws hereafter to be made for the Management, Regulation, and Distribution of the said Fund for providing Annuities and Allowances, shall be entered upon the Minutes of the said Committee, and open for the Inspection of all licensed Pilots, for at least One Calendar Month before they are passed by the said Committee, who shall attend to and consider any Alterations which may be suggested to them by the Majority of such licensed Pilots, nevertheless so as not to be concluded or bound to follow such Suggestion or Suggestions.

Bye Laws not to be repugnant to the Laws of the Realm, or the Jurisdiction of the said High Admiral.

LXI. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before the said Committee (which Summons any Two or more of the said Committee are hereby authorized to issue) shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his, her, or their Costs and Charges (without a reasonable Excuse for his, her, or their Refusal or Neglect), or appearing shall refuse to give Evidence before such Committee, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered in like Manner as any Penalty imposed by this Act may be recovered.

For compelling Witnesses to attend.

LXII. Provided also, and be it enacted, That nothing in this Act contained shall extend to the taking away, abridging, defeating, impeaching, or interrupting of any Grants, Liberties, Franchises, Powers, Authorities, or Immunities granted, given, and allowed by any Act of Parliament, Grant, or Charter, to the Master, Wardens, and Assistants of the Guild, Fraternity, or Brotherhood of the most glorious and undivided Trinity, and of *Saint Clement*, in the Parish of *Deptford Strond* in the County of *Kent*, or to the Society and Fellowship of the Master, Wardens, and Pilots of the Trinity House of *Dovor*, *Deal*, and the *Isle of Thanet*.

Not to extend to the Corporation of the Trinity Houses of Deptford Strond, Dovor, Deal, or the Isle of Thanet.

LXIII. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to take away, abridge, defeat, impeach, or interrupt any Grants, Liberties, Franchises, and Privileges heretofore granted to or which by any ancient Usage and Custom have from Time to Time been enjoyed and used by the Pilots of the Trinity House of the Town of *Kingston-upon-Hull*, or the Trinity House of *Newcastle-upon-Tyne*, or to take away, alter, abridge, lessen, change, or interrupt any Jurisdiction or Power of the Mayor, Aldermen, Bailiffs, or Common Council of the Borough and Corporation of *Liverpool*, in, about, or concerning the Docks and Harbour of

Not to extend to Hull or Newcastle;

nor to prejudice the Corporation of Liverpool.

of *Liverpool*, as settled and vested in them by any Act or Acts of Parliament, or to prejudice or take away any Right or Property or Jurisdiction of the Mayor, Bailiffs, and Burgesses of the said Borough and Corporation.

For Recovery of Penalties and Forfeitures.

LXIV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying and recovering whereof is not herein otherwise directed), shall, upon Proof of the Offences respectively before any Justice of the Peace for the said Borough of *Liverpool*, or the County wherein the Offender shall be or reside, either by the Confession of the Party offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant), and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid to the Treasurer of the said Committee, and applied for the Purposes of this Act; and in case such Penalties and Forfeitures shall not be paid forthwith upon Conviction, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give a sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is 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 can be had thereupon, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied, were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol of the said County, or to any House of Correction within the same, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid or satisfied.

Power to mitigate Penalties.

LXV. Provided always, That it shall be lawful to and for the said Justice and Justices of the Peace from Time to Time to mitigate,

gate, compound, or lessen any of the pecuniary Penalties or Forfeitures aforesaid, as he or they shall think fit, so as such Mitigation or Composition do not extend to remit above a Moiety of the Penalty inflicted by this Act; and every Payment of the Sum directed by such Mitigation or Composition shall be a sufficient Discharge for the Person or Persons offending respectively for so much of the said Penalties and Forfeitures as shall be so mitigated, lessened, or remitted.

For securing transient Offenders.

LXVI. And be it further enacted, That it shall and may be lawful for any of the said Committee, or their Clerk, or other Officers respectively, or the Collector of the said Rates of Pilotage, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or Authority than this Act, to seize or detain any Person or Persons, being unknown to such Committee, Clerk, Collector, or other Officers, who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the County, Liberty, or Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended; and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Form of Conviction.

LXVII. And for the more easy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, and over which such Justice or Justices has or have Cognizance, shall and may cause the Conviction to be drawn up in the Form of Words or to the Effect following; (*videlicet,*)

'County of } BE it remembered, That on the Day of
'to wit. } in the Year of the Reign of His
'Majesty One thousand eight hundred and
'is [*or* are] convicted before me [*or* us, *as the*
'*Case shall be*] One [*or* Two, *as the Case shall be*] of His Majesty's
'Justices of the Peace for the said County of by virtue
'of an Act of Parliament passed in the Fifth Year of the Reign of
'His Majesty King *George* the Fourth, intituled [*here insert the*
'*Title of this Act*], of [*specifying the Offence, and the*
'*Time and Place when and where the same was committed, as the Case*
'*may be*], contrary to the said Act; for which Offence I [*or* we, *as*
'*the Case shall be*] adjudge the said to have forfeited
'the Sum of [*but if mitigated*] which I [*or* we, *as the*
'*Case shall be*] mitigate to the Sum of . Given under
'my Hand and Seal [*or* our Hands and Seals, *as the Case shall be*]
'the Day and Year first above written.'

Distress not to be deemed unlawful for Want of Form.

LXVIII. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party

Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done or committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action on the Case; but no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity or other Proceedings, unless Notice in Writing shall be given to the Clerk for the Time being to the said Committee, Twenty-one Days before such Action shall be brought or commenced, of such intended Action for such Irregularity, by the Attorney for the Plaintiff, specifying the Cause of Action; nor shall the Plaintiff or Plaintiffs recover in such Action if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed or caused to have been committed any such Irregularity or wrongful Proceeding, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into such Court such Sum of Money as he or they shall see fit, whereupon such Proceedings, or Orders and Judgments, shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

**Proceedings not to be quashed for Want of Form, nor removed by Certiorari.**

LXIX. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be void, quashed, or vacated for Want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

**Persons aggrieved may appeal to the Sessions.**

LXX. And be it further enacted, That if any Person or Persons whomsoever shall think himself, herself, or themselves aggrieved by any Rate or Assessment to be made, any Order or Judgment made or given, or by reason of any of the Rules, Orders, and Bye Laws of the said Committee, by this Act authorized to be made, or any other thing done in pursuance of this Act, such Person or Persons shall and may, within Three Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be holden in and for the County of *Lancaster*, such Appellant first giving or causing to be given Fourteen Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Cause thereof, to the Clerk for the Time being to the said Committee, and to the Person or Persons who is or are intended to be or may be affected by such Appeal, and within Four Days after such Notice given entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, in the Penalty of Fifty Pounds, conditioned to try such Appeal and abide the Order

Order of and to pay such Costs as shall be awarded by the said Justices at such Quarter Sessions upon the Hearing of such Appeal; and the said Justices, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and shall award such Costs to the Appellant or Appellants, Respondent or Respondents, or Person or Persons appealed against, as the said Justices shall think proper; and the Determination of the said Justices at such Sessions shall be final, binding, and conclusive, to all Intents and Purposes.

Limitation of Actions.

LXXI. And be it further enacted, That no Action, Suit, or Information shall be commenced against any Person or Persons for any thing done or to be done in pursuance of this Act, or of the Orders and Directions herein-before given and granted, or in Execution of the Powers and Authorities hereof, until Twenty-one Days Notice thereof shall be first given in Writing to the Person or Persons against whom such Action is intended to be brought, signed by the intended Plaintiff or Plaintiffs, of the Cause and Intention of and for commencing such Action or Suit, and the Time when such Action or Suit will be commenced, or at any Time whatsoever, after sufficient Satisfaction, or Tender thereof, shall have been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed for which such Action or Actions, Suit or Suits, shall be so brought; and in case there shall be a Continuation of Damages, then not after Six Calendar Months next after the doing or committing such Damage shall cease, and not otherwise; and all such Action and Actions shall be laid and tried in the County or Place where the Cause of Action shall have arisen, and not in any other County or Place, and the Defendant or Defendants in every such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or if such Action or Suit shall be brought before Twenty-one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time herein-before for that Purpose limited, or shall be laid or brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants therein; and if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of such Action or Actions, or Judgment, after the Defendant or Defendants shall have appeared thereto, or if Judgment shall be given for the Defendant or Defendants therein, or if any Verdict shall pass upon the Plaintiff or Plaintiffs, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Double Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or may have for his, her, or their Costs in any other Cases by Law.

Public Act.

LXXII. 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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