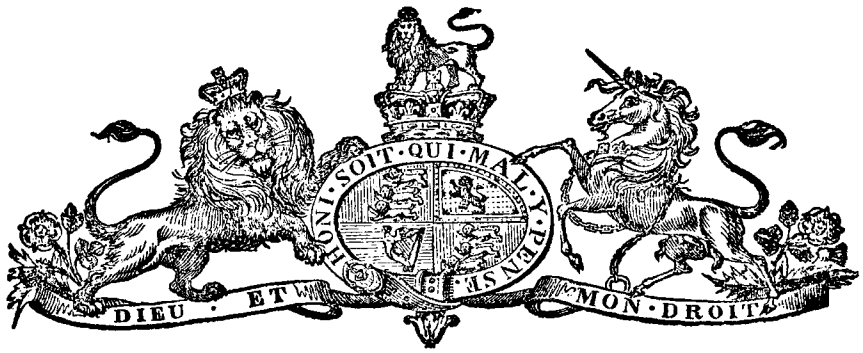


ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. LXVII.

An Act to repeal so much of an Act of the Twelfth Year of King *George* the Third, relating to the making, keeping, and Carriage of Gunpowder, as exempts therefrom certain Gunpowder Magazines and Stores near *Liverpool*, and to make certain temporary Provisions with regard to the said Magazines and Stores. [7th *August* 1851.]

WHEREAS by the Act of the Twelfth Year of the Reign of King *George* the Third, Chapter Sixty-one, certain Provisions were made for the safe-keeping of Gunpowder in *Great Britain*, and for providing Magazines for that Purpose, and for other Purposes relating thereto; but it was thereby (amongst other Exemptions) provided that that Act should not extend or be anyways construed to extend to the keeping of Gunpowder at the Magazines or Storehouses then erected near *Liverpool* in the County of *Lancaster:* And whereas the said Magazines or Storehouses referred to as aforesaid are situate in the Township of *Liscard* in the Parish of *Wallasey* in the County of *Chester*, on the Side of the River *Mersey* opposite to *Liverpool*, and are now used for the Storage of large 12 G. 3. c. 61

large Quantities of Gunpowder by Lessees under Leases granted by the Corporation of that Town: And whereas the keeping of Gunpowder in the said Magazines or Storehouses is extremely dangerous to the Inhabitants in the immediate Neighbourhood, and to the Town and Docks of *Liverpool*, and the Shipping in that Port; and it is expedient that the Exemption of the said Magazines or Storehouses in the said recited Act contained should be repealed, after a Time allowed for providing more suitable Magazines for the Purpose, and that in the meantime Precautions should be taken in relation to the said Magazines or Storehouses, and that Provision should be made for the Establishment and Regulation of such more suitable Magazines: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Exemption in recited Act as to keeping Gunpowder in certain Storehouses repealed after Expiration of Ten Months from Notification in Gazette of suitable Places for Mooring of Vessels in the River Mersey is provided.

I. So much of the said Act as exempts from the Operation thereof the keeping of Gunpowder at the Magazines or Storehouses aforesaid shall be repealed from and after the Expiration of Ten Months after such Notification in the Gazette of the Appointment of suitable Places for the Mooring of Vessels in the River *Mersey* as is hereinafter provided, and the said Magazines or Storehouses shall thenceforth cease to be used for the Storage or keeping of Gunpowder; and any Person thereafter having or keeping, or permitting to be had or kept, in the said Magazines or Storehouses or any of them, at any One Time, more than Two hundred Pounds of Gunpowder, shall be subject to the Penalties imposed by the said Act upon any Person being a Dealer in Gunpowder having or keeping at any One Time more than Two hundred Pounds of Gunpowder in any Magazine or Storehouse within any City, Borough, or Market Town of *Great Britain*, and all the Provisions of the said Act in relation to the Penalties thereby imposed shall be applicable to the Penalties imposed by this Act.

Regulations as to the Use of the Magazines previously to their Discontinuance.

II. Provided, that after the passing of this Act, and until the Time by this Act appointed for the Discontinuance of the said Magazines or Storehouses for the Storage or keeping of Gunpowder, the said Magazines and Storehouses may be used for the Storage or keeping of Gunpowder under the following Conditions and not otherwise; *viz.*, the Lessees and Occupiers and all Persons having the Care and Control of the said Magazines or Storehouses shall observe and perform all such Regulations and Directions in relation to the Care and Management of the said Magazines and Storehouses, and the Quantity of Gunpowder to be at any One Time stored in the said Magazines and Storehouses and the Storage of the

Gunpowder therein, and the bringing or Removal of Gunpowder into or from the same, as shall be from Time to Time prescribed by the Master General of Her Majesty's Ordnance; and all such Regulations and Directions shall be published in the *London Gazette*, and shall take effect at such Time as shall be therein mentioned in this Behalf, or, if no Time be mentioned, then at the Expiration of Seven Days after such Publication thereof; and if any Lessee or Occupier or Person having the Care and Control of the said Magazines or Storehouses or any of them make any wilful Neglect or Default in the Observance or Performance of the said Regulations and Directions he shall be guilty of a Misdemeanor.

Lord High Admiral, with Approval of the Master General of the Ordnance and the Conservators of the River Mersey, may appoint Places for mooring Vessels for storing Gunpowder in the said River.

III. The Lord High Admiral, or the Commissioners for the Time being for executing the Office of Lord High Admiral, may, with the Approval of the Master General of Her Majesty's Ordnance, and of the Commissioners for the Conservancy of the River *Mersey*, appoint suitable Places in such River for the mooring of Vessels to be used for the Reception and Storage of Gunpowder by the Lessees of the said Magazines or Storehouses, their Executors, Administrators, or Assigns, or any of them, Notice of which Appointment shall be inserted in the *London Gazette*; and the said Lord High Admiral or the first-mentioned Commissioners may from Time to Time, upon the Application of any other Persons desirous of mooring Vessels in the said River for the like Purposes, and with such Approval as aforesaid, appoint any other suitable Places in the said River for the mooring of such Vessels; and, subject to the Regulations and Directions to be made and given under this Act, Vessels suitable for the Reception and Storage of Gunpowder may be moored, provided, and kept in the Places for the Time being appointed as aforesaid, and may be used as Magazines for Gunpowder; and, subject to such Regulations and Directions, such Vessels shall be exempted from the Operation of the recited Act, in like Manner in all respects as the Magazines or Storehouses near *Liverpool* therein mentioned were thereby so exempted.

Ordnance to appoint Officer to superintend Stores, with Authority to enforce Regulations.

IV. That an Officer shall be appointed by the Master General of the Ordnance to superintend the said Stores; and that the said Officer so appointed shall have Authority to enforce such Regulations as shall be deemed necessary by the Board of Ordnance in the Management of such Stores, and shall be required to enforce the same; and that such Officer shall be required to report from Time to Time to the Board of Ordnance all Cases of Neglect of such Regulations on the Part of Persons engaged in the Gunpowder Trade in the River *Mersey*, or in the Management of such Stores.

V. Pro-

Power to discontinue Places appointed, and to appoint others.

V. Provided always, That if it be represented to the said Lord High Admiral or first-mentioned Commissioners that any Place in the said River for the Time being appointed under this Act for the mooring of such Vessels as aforesaid is or has become unsafe or unsuitable for such Purpose, it shall be lawful for him or them to cause Inquiry to be made thereon, and, if he or they think fit, to order that such Place shall, after such Time as he or they may limit in this Behalf, cease to be a Place for mooring Vessels to be used as Magazines for Gunpowder under this Act; and Notice of such Order shall be given by delivering or leaving a Copy thereof, signed by the Secretary for the Time being of the Admiralty, on board every such Vessel moored in such Place as aforesaid, or shall be published in the *London Gazette;* and it shall be lawful for the said Lord High Admiral or first-mentioned Commissioners thereupon, with such Approval as aforesaid, from Time to Time to appoint any other Place in the said River for the mooring of Vessels to be used for the Reception and Storage of Gunpowder in lieu of any Place discontinued under this Provision.

Master General of the Ordnance may make Regulations concerning Vessels moored in the River Mersey.

VI. It shall be lawful for the Master General of Her Majesty's Ordnance from Time to Time to make and give all such Regulations and Directions in relation to the Construction of the Vessels to be moored at the Places appointed under this Act, and the Mode of storing Gunpowder therein, and for limiting the Quantities of Gunpowder to be kept therein, and in relation to the Care and Management of such Vessels, and for the safe keeping of such Gunpowder, and in relation to the receiving and delivering of Gunpowder into and from the said Vessels, as to such Master General may seem proper; and the Officers of the Board of Ordnance shall have Power at all Times to enter the said Vessels and every Part thereof, and to examine any Person found therein touching the Observance of the said Regulations and Directions; and such Regulations and Directions shall be published in the *London Gazette*, and shall take effect at such Time as shall be therein expressed in that Behalf, or if a Time be not so expressed, then at the Expiration of Seven Days after such Publication thereof; and if any Owner, Lessee, or Occupier of any such Vessel, or any Person having the Care or Control of any such Vessel, wilfully fail in the due Performance or Observance of such Regulations and Directions, or if any Person use for the Reception or Storage of Gunpowder any Vessel in the said River, not being a Vessel moored in a Place appointed (and for the Time being continuing to be a Place) for mooring Vessels for that Purpose, he shall be guilty of a Misdemeanor.

Penalty on Persons failing to observe such Regulations.

VI. And

Power to Corporation to pay 9,780*l.* to the Lessees of Storehouses, and thereupon the Interest of the Lessees to cease.

VII. And whereas the existing Leases of the said Magazines or Storehouses at *Liscard* are for long Terms of Years at nominal Rents, and were obtained for valuable Consideration paid or given to the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* (in this Act called the Corporation) for the granting thereof, and with the Intention, on the Part of the Corporation and the Lessees respectively, that such Magazines or Storehouses should be used for the Storage or keeping of Gunpowder: And whereas the Corporation are willing to pay to the Lessees the Sum of Nine thousand seven hundred and eighty Pounds on condition that the Term and Interest whatsoever of the Lessees in the said Magazines or Storehouses, with the Appurtenances, shall thereupon cease; and the Lessees are willing to accept that Sum in full of all their Claims and Demands whatsoever with respect to the said Magazines or Storehouses upon the Corporation and the Inhabitants of *Liverpool:* Be it therefore enacted, That the Corporation shall on Demand pay to the Lessees the clear Sum of Nine thousand seven hundred and eighty Pounds, and immediately on such Payment being made all the Term, Right, and Interest whatsoever both at Law and in Equity of the Lessees and every of them under or by virtue of the several now existing Leases of the said Magazines or Storehouses, or any of them, or any Part thereof respectively, shall absolutely cease and determine, and the Payment by the Corporation to the Lessees of that Sum shall be full Satisfaction of all the Claims and Demands whatsoever of the Lessees and every of them under or by virtue of those Leases respectively, and by reason of the Operation of this Act upon or against the Corporation and the Inhabitants of *Liverpool* respectively.

The Sum of 9,780*l.* to be paid out of Borough Fund of Liverpool.

VIII. The said Sum of Nine thousand seven hundred and eighty Pounds shall be paid by the Corporation out of the Borough Fund of the Borough of *Liverpool*, or by or out of any Money which the Corporation shall duly raise by Bond or Mortgage on the Credit of the Borough Fund.

Meaning of "Lessees."

IX. The Word "Lessees" in this Act shall mean the several Persons named as the respective Lessees in the several Leases of the said Magazines and Storehouses at *Liscard* or any Part thereof respectively which have been granted by the Corporation since the Year One thousand eight hundred and forty-one, and the Survivors and Survivor of them respectively, and the Executors and Administrators of such respective Survivors.

Power to Three or more Lessees to demand Payment.

X. The Demand on the Corporation for the Payment to the Lessees of the said Sum of Nine thousand seven hundred and eighty

Pounds may be made by any Three or more of the Lessees on behalf of themselves and all the other Lessees, and shall be made by Writing delivered to or at the Office of the Town Clerk of the Borough of *Liverpool*.

Payment by Corporation to Three or more of the Lessees to be sufficient.

XI. The said Sum of Nine thousand seven hundred and eighty Pounds may be paid by the Corporation to such Three or more of the Lessees for and on behalf of themselves and all the other Lessees as the Corporation think fit, and such Three or more of the Lessees may receive the same, and their Receipts for the same shall be effectual Discharges for the same, and the said Sum of Nine thousand seven hundred and eighty Pounds, when so received, shall be apportioned by them among themselves and the other Lessees, according to their respective Interests, but the Corporation shall not be bound to see to the Apportionment or to the Application of the said Sum of Nine thousand seven hundred and eighty Pounds, or any Part thereof, or be liable for the Nonapplication or Misapplication thereof: Provided always, that in making such Apportionment each of the Sixteen Compartments into which the said Magazines or Storehouses are divided shall with the Appurtenances be deemed of the Value of Six hundred and eleven Pounds Five Shillings.

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