



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. clx.

An Act to make further Provision for the Maintenance and Repair of the *Wallasey* Embankment ; and for other Purposes.

[14th July 1864.]

WHEREAS an Act, herein-after called “ The *Wallasey* Embankment Act, 1829,” was passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for making an Embankment on the North-west Side of the Leasowes in the Townships of Wallasey and Great Meols in the County of Chester, to prevent the further Encroachment of the Sea, and the Injury to arise therefrom to the Low Lands contiguous, and to the Port of Liverpool* ; and by the said Act it was provided that the same should be put in force by Seven Commissioners, Three of whom should be appointed by the Mayor, Bailiffs, and Common Council of the Town of *Liverpool*, herein-after called “ the Corporation of *Liverpool*,” One of whom should be *Robert Vyner* Esquire, or the Lord of the Manor of *Bidston* for the Time being, and the remaining Three, being severally Proprietors of Land liable to be rated under the said Act, should be appointed by the Majority of the Proprietors, (exclusive of the said *Robert Vyner* or the said Lord,) of not less than Ten Statute Acres each, of Land within any or either of the Parishes of *Wallasey, Birkenhead, Bidston,*

10 G. 4.
c. xvi.

[*Local.*]

23 K

Overchurch,

The Wallasey Embankment Act, 1864.

Overchurch, and *West Kirby* lying under the Level of High-water Mark of a Tide Twenty-five Feet above the Sill of the *Old Dock Gates* at *Liverpool*, (as delineated upon a certain Map or Plan prepared from a Survey made by *Francis Giles* in the Year One thousand eight hundred and twenty-two, and then deposited amongst the Records of the Corporation of *Liverpool* in the Town Hall of the said Borough,) or the Proxies of such Proprietors, appointed as in the said Act mentioned, present at Public Meetings to be from Time to Time called for the Purpose in manner by the said Act provided : And whereas by the said Act the said Commissioners were empowered and required to make in and upon such Parts of the Commons or Leasowes and Lands in the Townships of *Wallasey* and *Great Meols* respectively as were comprised in a certain Map or Plan therein mentioned as having been deposited with the Clerks of the Peace for the respective Counties of *Chester* and *Lancaster*, and on the Sea Shore in front of the said Lands, an Embankment of such Dimensions and Form, and in such Course and Direction, and with such Fences and other Works adjoining, as in the Judgment of the said Commissioners should be necessary and requisite for the immediate Protection of the said Low Lands, and for the Prevention of Injury to the same and to the Port of *Liverpool* from the Encroachment of the Sea ; and the Commissioners were also authorized, from Time to Time as Occasion might require, to extend the said Embankment in the event of its becoming necessary to do so for the Protection of the said Low Lands, and the Prevention of Injury to the same and to the said Port from the Encroachment of the Sea : And whereas it was by the said Act provided that the Expenses which might from Time to Time be occasioned in the making and erecting of the said Embankment, Fences, and other Works, and any Extension thereof, and all other Expenses incidental to and attending the Execution of the several Powers and Authorities vested in the said Commissioners under and by virtue of the said Act should from Time to Time be paid and discharged by the Owners and Proprietors for the Time being of Lands situate in the said Parishes of *Wallasey*, *Birkenhead*, *Bidston*, *Overchurch*, and *West Kirby* which lay under the Level of High-water Mark of a Tide Twenty-five Feet above the Sill of the *Old Dock Gates* at *Liverpool*, and by the Corporation of the Town of *Liverpool*, in equal Moieties ; and in order to enable such Commissioners to defray such Expenses, they were authorized and required from Time to Time to assess and tax all the Proprietors of Lands situate in the said Parishes of *Wallasey*, *Birkenhead*, *Bidston*, *Overchurch*, and *West Kirby* which lay under the Level of High-water Mark above specified, with a proportionate Rate or Tax according to the respective Values of the same Lands, to be ascertained as after mentioned, and in the Scale and Ratio also after mentioned as to them should seem requisite for the Purpose of defraying

The Wallasey Embankment Act, 1864.

defraying One Moiety or equal Half Part of the said Expenses, that is to say, as to such of the said Lands as lay under the Level of High-water Mark of a Tide Twenty Feet above the Sill of the *Old Dock Gates at Liverpool*, in the Proportion of One Third Part of the clear annual Value of such Lands to let, according to the Survey and Valuation thereof by the said Act directed to be made; as to such of the said Lands as lay above the Level of High Water of the said Tide of Twenty Feet, but under the Level of High Water of a Tide Twenty-two Feet above the Sill of the said *Old Dock Gates*, in the Proportion of One Fifth Part of the clear annual Value of such Lands to let, according to such Survey and Valuation; and as to such of the said Lands as lay above the Level of High Water of the said Tide of Twenty-two Feet, but under the Level of High Water of a Tide Twenty-five Feet above the Sill of the said *Old Dock Gates*, in the Proportion of One Twelfth Part of the clear annual Value of such Lands to let, according to such Survey and Valuation; and also to assess, rate, and tax the said Corporation of *Liverpool* with the Payment of such other Sum and Sums of Money as to the said Commissioners should seem requisite for the Purpose of defraying the other Moiety or equal Half Part of the said Expenses; provided always, that not more than One full Rate or Assessment should be made in any One Year upon the said Lands: And whereas by "The *Mersey Docks and Harbour Act, 1857*," all Obligations and Liabilities of the said Corporation of *Liverpool* in relation to the said *Wallasey* or *Leasowes Embankment* were, from and after the First Day of *January* One thousand eight hundred and fifty-eight, transferred to the *Mersey Docks and Harbour Board*: And whereas in pursuance of the *Wallasey Embankment Act, 1829*, the Commissioners constructed the Embankment thereby authorized, and have from Time to Time applied the Rates which they were thereby authorized to raise in maintaining and keeping the said Embankment in repair, but owing to the frequent and serious Injuries to the said Embankment by the Sea, and the Necessity which has arisen for enlarging and extending the Embankment to prevent Encroachments on the Land and Injury to the Port of *Liverpool*, these Rates have been found insufficient for the Purpose, and a large Amount of Debt incurred in carrying the said Act into effect is now due and owing by the Commissioners, for which it is necessary that Provision should be made: And whereas at the Time of the passing of the *Wallasey Embankment Act, 1829*, the District comprised within the Area of Assessment thereby created consisted almost entirely of Land employed for Agricultural Purposes, but since the passing of that Act those Parts thereof which are situate within *Wallasey, Birkenhead, and Bidston* have been extensively built upon for the Purposes of Residence, Commerce, and of Manufacture, and in particular the said District now includes the whole of the

Birkenhead

20 & 21 Vict.
c. clxii.

The Wallasey Embankment Act, 1864.

Birkenhead Docks, and the larger Portion of the Railways, Wharves, Warehouses, and Buildings connected therewith: And whereas since the passing of the *Wallasey Embankment Act, 1829*, the Docks within the Port of *Liverpool* have greatly increased in Extent and Value, and the *Birkenhead* Docks (which did not then exist) now form an integral Portion of the *Liverpool* Dock System, and are vested in the said *Mersey* Docks and Harbour Board, and it is essential to the Preservation of certain of the said Docks, and to the Preservation of the Channels and Passages of the said Port, that the said *Wallasey Embankment* should be efficiently maintained, and, if need be, extended, and it is just and expedient that the *Mersey* Docks and Harbour Board should be charged with the One Half of the whole Rates to be levied for the Maintenance of the said Embankment, as herein-after provided: And whereas it is expedient that the Constitution of the said Commission should be altered, and that the Powers of the *Wallasey Embankment Act, 1829*, and of this Act should be transferred to and vested in Commissioners to be appointed as by this Act provided, and that fresh Provision to the Effect herein-after expressed, suitable to the altered Circumstances, should be made for raising the necessary Funds for maintaining and extending the said Embankment, and for paying off the Sums of Money now due and owing by the existing Commissioners as aforesaid, and that with this View an amended or fresh Survey and Valuation should be made, and from Time to Time altered and revised, as herein-after directed, of the Lands and Property valued, rated, and assessed under the *Wallasey Embankment Act, 1829*, as aforesaid, and including therein all Docks, Canals, Wharves, Railways, Manufactories, Works, Warehouses, Yards used for commercial and manufacturing Purposes, Houses and Buildings, and other Properties whatsoever thereon or therein, and that an Assessment should be charged and levied thereon for the Purposes aforesaid; but the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Commence-
ment of Act.

1. This Act shall commence and come into operation upon and from the First Day of *July* One thousand eight hundred and sixty-four.

Short Title.

2. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "*The Wallasey Embankment Act, 1864*," and in citing the recited Act of the Tenth *George* the Fourth, Chapter Sixteen, it shall be sufficient to use the Expression "*The Wallasey Embankment Act, 1829*."

3. The

The Wallasey Embankment Act, 1864.

3. The Limits of this Act shall comprise and include the Lands and Grounds now and heretofore rated under "The *Wallasey Embankment Act, 1829*," and included in and numbered on the Valuation, Map, and Plan made in pursuance of the Thirty-fifth Section of that Act (which Map and Plan, together with an authentic Copy of the said Valuation, the Original whereof has been lost, are now in the Custody of the Clerk of the *Wallasey Embankment Commissioners*), and also all Docks, Wharves, Railways, Manufactories, Works, Warehouses, Yards for commercial or manufacturing Purposes, Tenements, Houses, and Buildings, and Property of every Description erected or being therein or thereon.

Limits of Act.

4. The following Clauses of "The Commissioners Clauses Act, 1847," except in so far as any of the Provisions thereof may be altered by or be inconsistent with the Provisions herein contained, shall be incorporated with and form Part of this Act; (that is to say,)

Portion of 10 & 11 Vict. c. 16. incorporated.

With respect to the Contracts to be entered into and the Deeds to be executed by the Commissioners :

With respect to the Liabilities of the Commissioners, and to legal Proceedings by or against the Commissioners :

With respect to the Appointment and Accountability of the Officers of the Commissioners :

With respect to the Mortgages to be executed by the Commissioners :

With respect to the Accounts to be kept by the Commissioners :

With respect to the making of Byelaws :

With respect to the giving Notices and Orders.

5. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," are hereby incorporated with this Act, but the Commissioners shall not be entitled to take or purchase Lands for the Purposes of the recited Act or of this Act otherwise than by Agreement.

8 & 9 Vict. c. 18. and 23 & 24 Vict. c. 106. incorporated.

6. The Commissioners for executing this Act shall be called "The *Wallasey Embankment Commissioners*," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, with Power to purchase, take, hold, and dispose of Lands for the Purposes but subject to the Restrictions of the recited Act and of this Act, and the Acts incorporated herewith, and to carry this Act into execution.

Commissioners incorporated.

7. The Number of Commissioners for putting this Act in force shall be Nine, Three of whom, herein-after called "the Elective Commissioners," shall be elected in manner herein-after mentioned, and

Number of Commissioners.

[Local.]

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Six,

The Wallasey Embankment Act, 1864.

Six, herein-after called "Nominee Commissioners," shall be appointed as follows: Three by the *Mersey Docks and Harbour Board*, and One by *Robert Vyner Esquire*, or the Lord of the Manor of *Bidston* for the Time being, and Two by the Commissioners for the Conservancy of the River *Mersey*, and the Appointment of such Nominee Commissioners shall be made from Time to Time as the said *Mersey Docks and Harbour Board* and the said *Robert Vyner* or the Lord of the Manor of *Bidston* and the said Conservancy Commissioners respectively shall think fit, and shall be in Writing and deposited with the Clerk of the Commissioners before any such Nominee Commissioners shall be entitled to act.

Qualification
of Commis-
sioners.

8. Every Male Person of full Age who shall be Owner of Lands within the Limits of this Act, and who shall be resident within the County of *Chester*, and shall not be a Member of the *Mersey Docks and Harbour Board*, shall be qualified to act as an Elective Commissioner under this Act, but no such Qualification shall be required in the Case of any of the Nominee Commissioners.

Election of
First Com-
missioners.

9. As soon as conveniently may be after the passing of this Act, the Clerk to the Commissioners under the *Wallasey Embankment Act, 1829*, shall convene a Meeting, to be held in the Town of *Birkenhead*, for the Purpose of electing the First Elective Commissioners to act in the Execution of this Act; and such Meeting shall be convened by public Advertisement inserted once in Three Newspapers, One published in the City of *Chester*, One in the Town of *Liverpool*, and One in the Town of *Birkenhead*, fixing the Time and Place of such Meeting, and the Persons duly elected at such Meeting shall continue in Office until the First *Wednesday* in *August* in the Year One thousand eight hundred and sixty-seven.

Election of
future Com-
missioners.

10. The said "Elective Commissioners" shall retire from Office on the Second *Wednesday* in *August* in every Third Year, but shall be eligible for Re-election.

Election of
Commis-
sioners every
Third Year.

11. At the same Meeting in the Year One thousand eight hundred and sixty-seven, and at a similar Meeting in every Third Year thereafter, the Owners of Lands within the Limits of this Act qualified to vote, and being present by themselves or their Proxies, shall elect Commissioners to supply the Places of the Commissioners retiring as aforesaid.

How Meet-
ings to be
called.

12. Every Meeting for the Election of Commissioners shall be called by Notice, signed by the Clerk to the Commissioners, in the Manner herein-before prescribed for calling the Meeting for the Election of the First Commissioners under this Act.

13. The

The Wallasey Embankment Act, 1864.

13. The Persons qualified to attend the Meetings for the Election of the Elective Commissioners shall be the Owners of Land or other Hereditaments (but excluding the *Mersey* Docks and Harbour Board, and *Robert Vyner* Esquire, or the Lord of the Manor of *Bidston* for the Time being) valued for the Purposes of this Act at the annual Value of Five Pounds or upwards, and may attend by their Proxies.

Qualification of Persons to attend Meetings for Election of Commissioners.

14. The Number of Votes for each Candidate which such Owners may give at such Meetings are as follows :

Votes to be given at Meetings.

In respect of Five Pounds annual rated Value under this Act an Owner may give, in person or by proxy, One Vote; and in respect of every additional Fifty Pounds of annual rated Value every Owner may give, in person or by proxy, One additional Vote; but no Owner shall vote for more than Three Candidates, nor give any greater Number of Votes for One Candidate than Six.

15. Any Person qualified to attend and vote as aforesaid shall be capable of voting, either personally or by proxy, in the Appointment of himself as a Commissioner, if qualified, under this Act.

Owner may vote in his own Election.

16. To authorize a Person to attend and vote as a Proxy of an Owner at a Meeting he must produce a written Authority from the Owner on whose Behalf he attends, to attend and vote in the Absence of such Owner.

Agents, &c. to be authorized in Writing to attend Meetings.

17. At every such Election the Chairman appointed at the last General or Special Meeting of the Commissioners shall be Returning Officer and sole Judge of Qualification, and such Election shall in all respects be conducted in such Manner and Form and under such Regulations as he may from Time to Time consider convenient and advisable; and the Poll shall be closed Two Hours after the Hour fixed for commencing it by the Notice by which the Meeting shall have been convened; and in case of an Equality of Votes, the Priority shall be decided by Lot between the Candidates; and the Result of the Election shall be certified by the Clerk in the Book of the Proceedings of the Commissioners, and such Book shall be conclusive Evidence of the due Election of the Person stated therein.

The Chairman of Commissioners to be Returning Officer at Elections of future Commissioners.

18. Any casual Vacancy in the Office of an Elective Commissioner shall be filled up by Election as herein-before provided.

Casual Vacancies.

19. The Quorum of a Meeting of the Commissioners shall be any Five Members; and any Five or more Members at a Meeting may execute the Duties of the Commissioners as effectually as if all the Members were present; and at every Meeting of the Commissioners every Member present shall have One Vote, except that, in case of an

Quorum of Commissioners.

Equality

The Wallasey Embankment Act, 1864.

Equality of Votes, the Chairman (who shall be chosen for the Day) shall have a Second or Casting Vote.

General Meetings of Commissioners.

20. General Meetings of the Commissioners shall be called when necessary by the Clerk, or by any One Commissioner, by Circular sent by Post to the usual or last known Place of Abode of each of the Commissioners Three clear Days at least, excluding *Sundays*, before the holding of any Meeting of the Commissioners, and shall be held at the Time and at some Place in the Town of *Birkenhead* specified in such Circular; and at any Meeting to be so called (not being a Special Meeting called as next herein-after mentioned) any Business whatever relating to the Execution of this Act may be transacted, and such Meeting may be adjourned from Time to Time.

Special Meetings of Commissioners.

21. The Clerk shall be bound to convene a Special Meeting of Commissioners on a written Request of any Two or more of them, stating the Object of a Meeting so desired, and such Meeting may be adjourned from Time to Time.

Transfer of Powers of present Commissioners to Commissioners under this Act.

22. Upon the Commencement in operation of this Act, all the Powers, Duties, and Authorities which were vested in the Commissioners under the *Wallasey Embankment Act, 1829*, shall be transferred to and vested in the Commissioners under this Act, and shall and may, subject to the Provisions of this Act, be by them used and exercised as fully and effectually as they can now be used or exercised by the Commissioners under the *Wallasey Embankment Act, 1829*, and the said *Wallasey Embankment*, and the Works, Ways, Roads, and Fences connected therewith, shall, subject to the Provisions of this Act, be transferred to, vest in, and belong to the Commissioners under this Act.

Transfer of Property of present Commissioners.

23. All Embankments, Forelands, Fences, Drains, Sluices, Works, Lands, and Hereditaments whatsoever now belonging to the Commissioners under the *Wallasey Embankment Act, 1829*, and all the Rights, Easements, and Appurtenances belonging thereto, and all the Benefit and Advantage thereof, shall upon the Commencement in operation of this Act be and become vested in the Commissioners under this Act for all such and the same Estate and Interest, and subject to such Agreements or Leases, Clauses or Rights, if any, as those for which the same were respectively vested in the Commissioners under the *Wallasey Embankment Act, 1829*, or were subject to immediately before the Commencement in operation of this Act.

Books, &c. to be delivered up to Commissioners.

24. All Persons having in their Custody, Power, or Possession, any Books, Plans, Sections, Title Deeds, Documents, Papers, or Writings relating to the Property, Rights, Powers, and Privileges hereby

The Wallasey Embankment Act, 1864.

hereby transferred, shall deliver the same to the Commissioners under this Act, or to such Persons as they may appoint, and in case of Refusal or Neglect, the Person so refusing or neglecting shall for each Offence incur a Penalty not exceeding Fifty Pounds, and shall be liable at the Instance of the said Commissioners to the same Actions, Suits, or other Proceedings as they would respectively have been liable to at the Instance of the Commissioners under the *Wallasey Embankment Act, 1829.*

25. All Actions, Suits, and other legal Proceedings, civil or criminal, commenced or which might have been commenced by or against the Commissioners under the *Wallasey Embankment Act, 1829*, in relation to any Property, Powers, Rights, or Privileges hereby transferred, may be continued or instituted by or against the Commissioners under this Act. Actions, &c.
not to abate.

26. All Actions, Suits, and other Proceedings against the Commissioners under the *Wallasey Embankment Act, 1829*, for or in respect of any Act, Matter, or Thing done or omitted to be done, or alleged to have been done or omitted by them in the *bonâ fide* Execution of the Powers and Provisions of that Act which shall be pending at the Commencement in operation of this Act shall not thereafter be continued as against the said Commissioners, but may be continued and prosecuted against the Commissioners under this Act, upon the entering of a Suggestion or by an Order of a Judge of any of the Superior Courts; and no Action, Suit, or other Proceeding in respect of any such Act, Matter, or Thing as aforesaid shall be commenced or instituted after the Commencement in operation of this Act against the Commissioners under the *Wallasey Embankment Act, 1829*, but the same may be commenced and instituted against the Commissioners under this Act; and in any such Action, Suit, or other Proceeding commenced or continued against them, such Judgment or Decree may be pronounced or made against them as might or would have been made against the Commissioners under the *Wallasey Embankment Act, 1829*, if this Act had not passed. Existing
Suits, &c.
saved.

27. As soon as conveniently may be after the Commencement in operation of this Act the Commissioners shall ascertain the Costs, Charges, and Expenses relative or incidental to the passing of the same, the Amount of the Monies due and owing by the Commissioners under the recited Act, the Expenses of the Survey, Valuation, and Assessment next herein-after directed to be made, the Salaries of Officers, and all other Costs, Charges, and Expenses incurred by them in the Execution of this Act up to the Date of making the said Assessment. Commis-
sioners to
ascertain
Expenses of
Act, Amount
of Debt due
by former
Commis-
sioners, &c.

28. The Commissioners shall also direct a Surveyor or other Person whom they may deem competent to do so, and not being Commis-
sioners to
prepare Sur-

[Local.]

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interested

The Wallasey Embankment Act, 1864.

vey and
Valuation of
Lands within
the Limits.

interested in the Lands and Property within the Limits of this Act, or an Agent of a Person so interested, to make or cause to be made an amended or fresh Survey, Map, or Plan showing all Docks, Wharves, Railways, Canals, Manufactories, Works, Warehouses, Yards for commercial and other Purposes, Tenements, Houses, Buildings, and other Property whatsoever situate and being within and upon the Lands within the Limits of this Act, as herein-before defined in the Third Section hereof; and the Commissioners shall also direct such Surveyor or other Person to make or cause to be made a fair Valuation of such Lands and Property, showing the clear annual Value thereof to let, which amended or fresh Survey, Map, or Plan and Valuation shall be and remain in the Hands of the Clerk to the Commissioners, and all Persons interested in the said Lands and Property shall and may at all reasonable Times be permitted to inspect the same, and take any Copy or Extract therefrom; and at the Expiration of Five Years from the passing of this Act, and also at the Expiration of every Five Years from Time to Time thereafter, the Commissioners shall in like Manner from Time to Time cause the said amended or fresh Survey, Map, or Plan and Valuation to be revised and corrected, by adding to the same respectively all Docks, Wharves, Railways, Manufactories, Works, Warehouses, Yards for commercial and other Purposes, Tenements, Houses, Buildings, and other Property whatsoever which shall be erected, built, or set up in or upon the Lands within the Limits herein-before specified; and the Assessments other than the first to be from Time to Time levied for the Purposes of the recited Act and of this Act shall be made and levied upon the Basis of the said Valuation as so from Time to Time revised and corrected.

Commis-
sioners to
assess
Owners and
Mersey
Board for
Payment of
Debts, &c.

29. When and so soon as such amended Map or Plan and Valuation shall have been prepared, the Commissioners shall cause an Assessment for Payment of the said total Costs, Debts, and Expenses to be made in Writing containing the Names of the then Owners of all Lands and Property within the Limits of this Act, and denoted on the amended Map or Plan to be prepared as aforesaid, and such Assessment shall specify the Amount at which such Lands and Property have been valued under the Valuation directed to be made as aforesaid, and the rateable Proportions of such total Costs, Debts, and Expenses to be assessed on the said Lands and Property respectively, as herein-after directed; and the said Assessment shall be computed and levied as to One Half of the total Amount thereof upon the Owners of Lands and Property within the Limits of this Act in manner and according to the Scale or Ratio after mentioned, that is to say, as to such of the said Lands and Property lying, as delineated on the said Map or Plan made under the Thirty-fifth Section of the *Wallasey Embankment Act, 1829*, under the Level of High-water Mark of a Tide Twenty Feet above the Sill of the *Old Dock*

The Wallasey Embankment Act, 1864.

Dock Gates at Liverpool, in the Proportion of One Third Part of the clear annual Value of such Lands and Property as ascertained by the said Valuation, as to such of the said Lands lying, as delineated on the said Map or Plan made under the Thirty-fifth Section of the said Act, above the Level of High Water of the said Tide of Twenty Feet, but under the Level of High Water of a Tide Twenty-two Feet above the Sill of the said *Old Dock Gates*, in the Proportion of One Fifth Part of the clear annual Value of such Lands and Property ascertained as aforesaid, and as to such of the said Lands lying, as delineated on the said Map or Plan made under the Thirty-fifth Section of the said Act, above the Level of High Water of the said Tide of Twenty-two Feet, but under the Level of High Water of a Tide Twenty-five Feet above the Sill of the said *Old Dock Gates*, in the Proportion of One Twelfth Part of the clear annual Value of such Lands and Property ascertained as aforesaid; and the said Assessment shall as to the other One Half Part thereof be levied upon and from the *Mersey Docks and Harbour Board*; and the said Assessment shall also direct Payment of the Sums thereby assessed, to the Clerk of the Commissioners, on or before a certain Day to be therein named; and all Monies arising from such Assessment shall be applied by the Commissioners in Payment of such Costs, Debts, and Expenses.

30. A Copy of the Draft of the said Assessment, when so made, shall be deposited at the Office of the Clerk to the Commissioners, and Notice thereof given, by Advertisement twice in the Newspapers herein-before referred to for Advertisements, that the said Draft has been so deposited for the Inspection of the Owners, and calling upon all Persons affected thereby to state their Objections thereto (if any) within a Time to be named in such Notice, not exceeding One Calendar Month from the First Publication of such Notice.

Power to
appeal
against
Assessment.

31. If any Person think himself aggrieved by the said Assessment, he may, at any Time within One Calendar Month after the First Publication of the said Notice of the Deposit of the Draft Assessment, give Notice of his Intention to appeal to the Commissioners; but no such Appeal shall be entertained unless Ten Days Notice in Writing of such Appeal, stating the Nature and Ground thereof, be given to the Commissioners; and the Commissioners at their next Meeting after the Expiration of the said Ten Days, or at some Adjournment of such Meeting, shall hear and determine the Appeal, and the Decision of the Commissioners shall be final, unless the same shall be appealed against in manner herein-after provided.

Parties may
appeal to
Commis-
sioners,

32. If any Person think himself aggrieved by any Decision of the Commissioners made upon any such Appeal against the said Assessment,

or may
appeal to the
Quarter

The Wallasey Embankment Act, 1864.

Sessions
against the
Assessment.

Assessment, he may, at any Time within One Month after such Decision is made, give Notice of his Intention to appeal at the next Quarter Sessions to be holden not less than Fourteen Days after such Notice; but no such Appeal shall be entertained at such Quarter Sessions unless Fourteen Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, have been given by the aggrieved Party to the Commissioners.

Quarter
Sessions to
hear Appeal,
whose Deci-
sion shall be
final.

33. The Court shall hear and determine the Appeal in a summary Way at the Quarter Sessions for which any such Notice of Appeal is given, or at the following Sessions, when the Court thinks fit to adjourn the Appeal to the following Sessions; and the Decision of the Court shall be final and conclusive on all Parties; and the Costs of and incident to such Appeal shall be in the Discretion of the Court.

Order of
Court not
to be re-
moved by
Certiorari.

34. No Order or other Proceedings of the Court of Quarter Sessions upon any such Appeal shall be removed by Certiorari, or otherwise, into any of Her Majesty's Courts at *Westminster*.

Assessment
to be filed
when
settled.

35. The said Assessment, when so finally settled after such Appeal as aforesaid, or if there shall be no Appeal within the Time prescribed by such Notice as aforesaid, as made and published by the Commissioners in manner hereby directed, shall be fairly written or engrossed on Parchment, and shall be sealed by the Commissioners, and the same, with the Map or Plan and Valuation on which the same is based thereto annexed, and which shall also be sealed by the Commissioners, shall be deposited with and kept by the Clerk to the Commissioners for the Inspection of all Persons interested therein, and shall be admissible in Evidence in all Courts, and by all Judges, Justices, and others.

Commis-
sioners to
make other
Assessments
annually.

36. For the Purpose of carrying the *Wallasey Embankment Act, 1829*, and this Act into execution, the Commissioners may, and they are hereby further authorized and empowered, in every Year subsequent to such last-mentioned Assessment, to assess, tax, and charge upon the Owners for the Time being of the Lands and Property within the Limits of this Act, in respect of such Lands and Property, and upon such Sums as the same may for the Time being be valued at in the Manner herein-before provided, and upon the said *Mersey Docks and Harbour Board*, in the Proportions herein-before expressed with reference to the First Assessment, such Sums of Money as they shall find to be necessary; and they shall appoint and fix the Time and Place at which such Rates or Assessments so from Time to Time to be made shall be paid to their Clerk as aforesaid.

37. All

The Wallasey Embankment Act, 1864.

37. All Sums of Money to be annually assessed, taxed, raised, and charged in the Manner lastly before prescribed, or which may come into the Hands of the Commissioners under the Powers of this Act, (not including the Rate or Assessment first herein-before authorized for paying the Expenses of obtaining and passing this Act and other Purposes, the Application of which is before expressly provided for,) shall be from Time to Time applied in Payment of the Salaries of Officers and other Expenses attending the Execution of the *Wallasey Embankment Act, 1829*, and of this Act, and in maintaining the Works authorized by the said Acts respectively, and in doing from Time to Time whatever may be necessary for carrying the Purposes thereof into effect.

Application
of annual
Rates.

38. The Tenant or Occupier of any Lands and Property within the Limits of this Act is hereby authorized and required to pay such Sum and Sums of Money as well on account of the said first or of any annual Rate as aforesaid (not exceeding in any One Payment Half a Year's Rent) as shall at any Time be assessed, taxed, or charged upon the Owner of any such Lands and Property in his Occupation, and to deduct the same out of his Rent then due or accruing due, and every Tenant or Occupier who shall make such Payment shall be acquitted and discharged for so much Money as he shall so pay, as if the same had been actually paid unto the Person to whom his Rent was due and payable.

Tenants to
pay Rates
and deduct
the same
from their
Rents.

39. In case any Owner shall refuse or neglect to pay any Rate or Assessment assessed, taxed, or charged upon such Owner within Thirty Days next after the Day fixed for Payment shall have passed, or in case any Tenant or Occupier shall refuse or neglect to pay such Rate or Assessment to the Extent of the Rent then due from him for the said Period of Thirty Days, it shall be lawful for the Clerk to the Commissioners, or any other Person or Persons by virtue of any Warrant or Precept under the Seal of the Commissioners (which Warrant or Precept the Commissioners are hereby empowered and required to grant and issue as Occasion shall from Time to Time require), to levy the Sum or Sums so assessed, taxed, or charged, and the Costs of the Distresses and Sales next herein-after directed, by Distress or Distresses and Sale of the Goods and Chattels of the said Owner making default as aforesaid, wherever the same shall be found, and also of any Goods and Chattels that shall be found upon any Lands and Grounds of such Owner within the Limits of this Act; but upon Lands occupied by a Tenant or Tenants, no Distress made shall be available for more than Half a Year's Rent at One Time, as aforesaid.

As to Per-
sons refusing
to pay Rates.

Amount of
Rates may
be levied by
Distress.

The Wallasey Embankment Act, 1864.

Recovery of Assessments on Lands untenanted.

40. In case any of the said Lands and Grounds shall at any Time hereafter be untenanted or unoccupied, so that no sufficient Distress can be found whereupon to levy the said Rates or Assessments respectively, then the said Lands and Grounds shall remain a Security for Payment thereof; and all Goods and Chattels which shall at any Time thereafter be found thereon shall and may, as often as may be necessary, be distrained and sold in manner aforesaid until all Arrears of Rates or Assessments, and the Charges of such Distresses and Sales shall be fully paid and satisfied: Provided always, that no Distress on a Tenant or Occupier shall be available for more than Half a Year's Rent actually due.

Power to borrow Money for general Purposes of Act.

41. It shall be lawful for the Commissioners from Time to Time to borrow upon Mortgage of the Rate and Assessment hereby authorized to be first levied any Sum or Sums of Money, not exceeding in the whole Twenty thousand Pounds, at such Rates of Interest not exceeding Five Pounds *per Centum per Annum*, and upon such Terms as they may think fit, and to apply the same to the Purposes to which the said Rate or Assessment are by this Act directed to be applied, or any of them.

Power to borrow Money to pay off former Mortgages.

42. The Commissioners may also, if they shall think fit, from Time to Time borrow such Sum of Money as may be necessary for the Purpose of paying off the whole or any Part of the Principal Money due on such last-mentioned Mortgages, and may secure the Repayment of the same, and the Interest to be paid thereon, in the same Manner in all respects as the Principal Money paid off was secured.

Arrears may be enforced by Appointment of a Receiver.

43. Arrears of Interest on Monies borrowed on Mortgage by the Commissioners may be enforced by the Appointment of a Receiver on the Application of Two or more Persons entitled to not less than Five thousand Pounds of the Principal Money due by the Commissioners.

Persons having limited Interests may raise Money by Mortgage for Expenses.

44. It shall be lawful for all Husbands, Guardians, Trustees, or Committees of any Owners being under Coverture, Infants, Idiots, Lunatics, or Persons beyond the Seas, or otherwise incapacitated, and also for every Owner being Tenant in Tail, or for Life only, or Feoffees for Charitable or other Uses, or any of them, with the Consent of the Commissioners testified under their Seal, from Time to Time to charge their Lands and Grounds within the Limits of this Act with any Sum or Sums of Money which the said Commissioners shall have assessed upon such Owners respectively under the Twenty-ninth Section of this Act, or with any Portion thereof, and for

The Wallasey Embankment Act, 1864.

for securing the Repayment thereof, with Interest not exceeding Five Pounds *per Centum per Annum*, to grant, mortgage, demise, or otherwise charge the Lands and Grounds of such Owner within the Limits of this Act, or any Part thereof, to such Person or Persons as shall advance or lend the same respectively, and their respective Heirs, Executors, Administrators, and Assigns, either in Fee or for any Term of Years, and with or without Power of Sale, so as such Security be made with a Proviso for Redemption when such Sum or Sums thereby to be secured, with Interest thereon, shall be fully paid and satisfied; and so as in every such Security which shall be made by or on behalf of any Owner beneficially interested in or entitled to any such mortgaged Premises for any Estate or Interest less than a Tenancy in Tail, there be contained a Covenant to pay and keep down the Interest of the said Money to be secured during his Life; and that no Person in Succession after such Estate or Interest shall be obliged to pay in any event more than Six Months Interest which shall have accrued during the Duration of such Estate or Interest; and that any such Person paying any such Interest shall be entitled to recover any Interest so paid from the Person whose Estate or Interest has so determined, or his Real and Personal Representatives; and every Mortgage or Security so created shall take Precedence and Priority over all other Uses, Estates, Charges, Securities, and Interests whatsoever in or upon the Lands so charged.

45. The Commissioners shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by them by virtue of this Act for the Year ending on a Day down to which their Accounts shall have been made up, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of the Account duly audited and certified by the Auditor, and shall send a Copy of the Account, free of Charge, to the Clerk of the Peace for the County of *Chester* on or before the Thirty-first Day of *January* in every Year, which Account shall be open to the Inspection of the Public at all reasonable Hours on Payment of the Sum of One Shilling for every such Inspection; and if the Commissioners shall omit to prepare and transmit any such Account, they shall be liable for every such Omission to a Penalty not exceeding Twenty Pounds.

Annual Account to be prepared and transmitted to Clerk of Peace and to be open to Inspection.

Penalty on Neglect.

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