



ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

Cap. lxxix.

An Act for constructing Tidal Basins, a Dock, and other Works at *Birkenhead* in the County of *Chester*; and for other Purposes.

[19th July 1844.]

WHEREAS it would be of great public Benefit if Powers were granted for the Formation of Tidal Basins and a Dock in *Wallasey Pool*, at or near *Birkenhead*, in the County of *Chester*, and for penning up the Waters within the said Pool or Part thereof, and for such Purposes to construct an Embankment and Sea Wall across the said Pool, together with all necessary Cuts, Sluices, Wharfs, and other Works connected therewith; but such Objects 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, That the several Persons who from Time to Time shall be Commissioners for carrying into execution the Provisions of an Act passed in the Third Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for paving, lighting, watching, cleansing, and otherwise improving the Township or Chapelry of Birkenhead in the County Palatine of Chester, and for regulating the Police thereof, and for establishing a*

Commiss-
sioners.

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c.68.

[Local.]

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Market

Market within the said Township, and of the several Acts passed for altering or amending the said Act, (except such of the said Commissioners as shall be appointed by the Town Council of Liverpool,) shall be the Commissioners for carrying this Act into execution, and shall be called "the Commissioners of the Birkenhead Docks."

No Commissioner to hold Office, or be concerned in a Contract.

II. And be it enacted, That so long as any Person shall be a Commissioner under this Act he shall not accept or continue to hold any Office or Place of Trust or Profit under this Act, or be concerned in any Contract, or participate in any Manner in any Work to be done under the Authority of this Act; and any Contract which may be entered into between the Commissioners and such Person shall be absolutely void.

Persons holding Shares in other Companies not disqualified by reason of Contracts therewith.

III. Provided always, and be it enacted, That no Person being a Shareholder or Member of any Joint Stock Company established by Act of Parliament shall be prevented from acting as a Commissioner by reason of any Contract entered into between such Company and the Commissioners; but no such Commissioner, being a Member of such Company, shall vote on any Question relating to the Execution of this Act in which such Company may be interested.

Declaration by Commissioners.

IV. And be it enacted, That no Person shall be capable of acting as a Commissioner, except in administering the Declaration herein-after mentioned, until he shall have made and signed before One of the Commissioners a Declaration to the Effect following:

' I A. B. do solemnly declare, That I will faithfully and impartially, according to the best of my Skill and Judgment, execute all the Powers and Authorities reposed in me as a Commissioner by virtue of an Act of Parliament, intituled [*here insert the Title of this Act*].'

False Declaration a Misdemeanor.

V. And be it enacted, That any Person who shall falsely or corruptly make and subscribe a Declaration under this Act shall be deemed guilty of a Misdemeanor.

Declaration to be taken at the first Meeting.

VI. And be it enacted, That at the Meeting of Commissioners at which any Person shall first attend as One of such Commissioners such Person shall make and subscribe the Declaration herein required; and it shall be lawful for any Person attending as One of such Commissioners, whether he shall himself have made such Declaration or not, to administer such Declaration.

Penalty on acting as Commissioners not being qualified.

VII. And be it enacted, That if any Person shall act as a Commissioner in the Execution of this Act after he shall have ceased to be a Commissioner under the said recited Acts, or before he shall have made or subscribed such Declaration as aforesaid, or after having become disqualified, he shall for every such Offence forfeit the Sum of Fifty Pounds; and such Penalty may be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by any Person who shall sue for the same by Action of Debt or on the Case; and in every Action for the Recovery of such Penalty the Person so sued shall prove that he was qualified, and had made and subscribed the Declaration

Declaration aforesaid, or he shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff than that such Person had acted as a Commissioner in the Execution of this Act; nevertheless all Acts and Proceedings of any Person acting as a Commissioner, being incapacitated, not duly qualified, or being disqualified, done previously to the Recovery of the Penalty, shall be as valid as if such Person had been duly qualified.

VIII. And be it enacted, That the Commissioners for executing this Act shall hold their first General Meeting at the Town Hall, or some other convenient Place within *Birkenhead* aforesaid, on the Second *Friday* after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and proceed to put this Act into execution; and a yearly General Meeting of the Commissioners shall be held on the Second *Friday* in *July*, at the Place and between the Hours aforesaid, unless some other Place shall be appointed by the Commissioners; and it shall be lawful for the Commissioners present at such first or any subsequent Meeting from Time to Time to adjourn such Meeting to the same or any other Place within *Birkenhead* aforesaid; and if at any such Meeting there shall not be Five Commissioners present within One Hour after the Time appointed for such Meeting, then it shall be lawful for the Commissioners present, or the major Part of them, or any One Commissioner if only One be present, to adjourn such Meeting to another Day; and if the Meeting shall not be adjourned, then it shall be lawful for any Two of the Commissioners or the Clerk to appoint a Meeting to be held at any convenient Place within *Birkenhead* aforesaid, and not less than Seven Days Notice shall be given of such intended Meeting.

First and other Meetings.

IX. And be it enacted, That it shall be lawful for the Commissioners to hold Special Meetings, and any Three or more of the Commissioners may require a Special Meeting to be held; but no such Meeting shall be held unless Three Days Notice thereof at the least shall be given.

Special Meetings.

X. And be it enacted, That all Powers of this Act may be exercised by any Five or more of the Commissioners present at any Meeting holden in pursuance of this Act; and no Business shall be transacted at any Meeting of the Commissioners unless Five or more Commissioners shall be present at such Meeting.

Quorum of Commissioners.

XI. And be it enacted, That all Notices of any Meeting of the Commissioners to be held under the Authority of this Act shall be in Writing, and shall be delivered or sent by the Post to the usual Place of Abode or Place of Business of each of the Commissioners Three Days at least previous to such Meeting; and every Notice shall specify the Time and Place of Meeting, and in case of a Special Meeting shall specify the Object thereof; and no Business shall be transacted at any Special Meeting except such as is stated in the Notice thereof.

How Notices of Meetings of Commissioners are to be given.

XII. And be it enacted, That at all Meetings of the Commissioners they shall defray their own Expences, except for the Use of the Room in which the Meeting is held, and Books, Paper, and Fire.

Expences at Meetings.

XIII. And

General Meeting may appoint Committees.

Duration of Committees.

Quorum of Committees.

Order of Business at Meetings of Commissioners and Committees.

No Resolution of Commissioners to be revoked at a subsequent Meeting, unless under certain Circumstances.

For what Contracts may be made.

How to be signed.

XIII. And be it enacted, That it shall be lawful for the Commissioners at any General Meeting to appoint a Committee, consisting of not more than Five of the Commissioners, for carrying into effect any of the Provisions of this Act, and at any General Meeting to continue, alter, or discontinue such Committee; but no such Committee shall be appointed to act for a longer Time than until the annual General Meeting of the Commissioners next following its Appointment.

XIV. And be it enacted, That no Business shall be transacted at any Meeting of the Committee unless Three Members of the Committee are present.

XV. And be it enacted, That at every Meeting of the Commissioners or Committee One of the Commissioners present shall be elected Chairman by the Majority of the Votes of the Commissioners present at such Meeting; and all Questions considered at any such Meeting shall be decided by the Votes of the Majority present, and if there be an equal Division of Votes, the Chairman, in addition to his own Vote as a Commissioner or Member of the Committee, shall have a casting Vote: Provided always, that if at any such Meeting there shall be an Equality of Votes in the Election of the Chairman, that One of the Commissioners having an equal Number of Votes whose Name would stand first if the Names of the Commissioners present were alphabetically arranged shall be Chairman of such Meeting.

XVI. And be it enacted, That no Resolution or other Act of any Meeting of the Commissioners shall be revoked or altered at any subsequent Meeting, unless such subsequent Meeting be called expressly for such Alteration or Revocation, by Notice given Fourteen Days at least previous to the holding thereof, nor unless such Revocation or Alteration be determined upon by a Majority consisting of Two Thirds of the Commissioners present at such subsequent Meeting, if the Number of the Commissioners present at such subsequent Meeting be not greater than the Number present when such Resolution was made, or such Act was done, or if the Number of Commissioners present at such subsequent Meeting be greater than the Number present at such former Meeting, then by a simple Majority.

XVII. And be it enacted, That it shall be lawful for the Commissioners to enter into Contracts with any Person for the Execution of any Works directed or authorized by this Act to be done by the Commissioners, and for furnishing any Materials for the same, or which may be required by the Commissioners; and every such Contract shall be in Writing, and shall specify the Works to be done, and the Materials to be furnished, and a Copy thereof shall be entered in a Book to be kept by the Clerk of the Commissioners for that Purpose.

XVIII. And be it enacted, That every such Contract shall be signed by any Two of the Commissioners and the Parties thereto, and such Contracts shall be binding on the Commissioners, and Actions and Suits may be maintained thereon, and Damages and Costs recovered by or against the Commissioners or the other Parties failing in the Execution thereof.

XIX. And

XIX. And be it enacted, That during the Execution of any such Contract the Works in course of being done under such Contracts, and all the Materials of every Description brought upon or near such Works, for the Purpose of being used in the Execution of such Contracts, shall, for the Purpose of protecting the same from Injury, by Indictment as herein-after mentioned, be held to be the Property of the Commissioners.

Materials for Works contracted for to be considered the Property of the Commissioners.

XX. And be it enacted, That it shall be lawful for the Commissioners by their Clerk to prefer any Bill of Indictment against any Person who shall steal, take or carry away, deface or injure any Property, Article, or Thing belonging to the Commissioners; and in any such Bill of Indictment it shall be sufficient to state generally the Property, Article, or Thing in respect of which such Bill of Indictment shall be preferred to be the Property of the Commissioners for executing this Act, without naming the Members thereof.

Indictments how to be preferred.

XXI. And be it enacted, That nothing in any Deed or Contract by this Act authorized to be made by or on the Behalf of the Commissioners for any of the Purposes of this Act shall extend to charge or affect the Persons of any of the Commissioners, or their Heirs, Executors, or Administrators, or their or any of their own proper Lands or Goods; with or for the Performance of any thing contained in any such Instrument, but the Amount of all Damages, Costs, and Charges recovered in any Action or Suit in consequence of any such Instrument, or which any such Commissioner shall otherwise be put to by virtue of this Act, shall respectively be discharged out of the Monies to arise by virtue of this Act, or other the Goods and Chattels vested in the Commissioners by virtue of their Office, unless such Action or Suit, or any such Damages or Charges, have arisen in consequence of wilful Neglect or Default on the Part of the Commissioners incurring the same, or unless such Action or Suit have been defended without the Order or Direction of the Commissioners.

Commissioners not to be personally liable.

Liability of their Funds.

XXII. And be it enacted, That in all Actions and Suits in respect of any Matter or Thing relating to the Execution of this Act to be brought by or against the Commissioners, it shall be sufficient to state the Names of any Two of the Commissioners, or the Name of their Clerk, as the Party, Plaintiff or Defendant, representing the Commissioners in any such Action or Suit; and no such Action or Suit shall abate or be discontinued by the Death of any such Commissioner, or by the Death, Suspension, or Removal of such Clerk.

Actions or Suits to be brought in the Name of any Two Commissioners or of their Clerk.

XXIII. And be it enacted, That Executions upon every Judgment or Decree against the Commissioners in any such Action or Suit shall be executed against the Goods and Chattels belonging to the Commissioners by virtue of their Office.

Executions against Goods of Commissioners.

XXIV. And be it enacted, That every such Commissioner or Clerk in whose Name any such legal Proceedings shall be carried on, either as Plaintiff or Defendant, on behalf of the Commissioners, shall be reimbursed, out of the Monies which shall come into the Hands of the Treasurer of the Commissioners by virtue of his Office; all Damages,

Indemnity of Commissioners and Clerk.

Costs, Charges, and Expences to which any such Commissioner or Clerk may be put or with which he may become chargeable by reason of being so made Plaintiff or Defendant; and no such Commissioner or Clerk shall be personally liable for the Payment of the same, unless such Action or Suit have arisen in consequence of his own wilful Neglect or Default, or unless, if such Action or Suit have been brought by the Clerk, or Two Commissioners or more as aforesaid, it have been so brought without the Order or Direction of the Commissioners.

Proceedings
to be entered
in a Book,
and to be
open for
Inspection.

XXV. And be it enacted, That the Commissioners shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by them, and of the Orders and Proceedings of all Meetings, as well ordinary as special, of the Commissioners and of the Committees, to be duly entered in Books, to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Commissioners; and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry is made was moved or discussed; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Commissioners or Members of Committee respectively, or of the Signature of the Chairman, all of which last-mentioned Matters shall be presumed; and all such Books shall at all reasonable Times be open to the Inspection of the Commissioners and any of the Creditors or other Parties interested.

Commis-
sioners to
appoint
Treasurer
and other
Officers.

XXVI. And be it enacted, That the Commissioners shall from Time to Time appoint a Treasurer and Clerk, Collector and Assessor, and such other Officers as they shall think fit, with such Salaries and Allowances as they think reasonable, and may remove such Clerk, Treasurer, Collector, Assessor, and Officers, and appoint others in their Stead.

Offices of
Clerk and
Treasurer
to be
separate.

XXVII. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be Treasurer; and that neither the Person who shall be the Treasurer, nor the Partner of such Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall forfeit One hundred Pounds; (that is to say,)

If any Person accept both the Office of Clerk and Treasurer:

If any Person, being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer:

If any Person, being the Treasurer, or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Clerk, or act as Deputy of such Clerk, or in any Manner officiate for such Clerk:

If any such Clerk or Treasurer hold any Place of Profit or Trust under the Commissioners other than that of Clerk or Treasurer (as the Case may be):

And

And any Person may sue for such Penalty, either by Action of Debt or on the Case, in any of Her Majesty's Superior Courts of Record at *Westminster*, and shall, on Recovery thereof, be entitled to full Costs of Suit.

XXVIII. And be it enacted, That if any such Treasurer, Clerk, Collector, or other Officer employed by the Commissioners exact, take, or accept, on account of any thing done by virtue of his Office or in relation to the Functions of the Commissioners, any Fee or Reward whatsoever, other than the Salaries, Rewards, or Allowances allowed by the Commissioners, or be in anywise concerned or interested in any Bargain or Contract made by the Commissioners, he shall be incapable of being afterwards employed by the Commissioners, and he shall forfeit Fifty Pounds to any Person who shall sue for the same as aforesaid.

Officer taking Fees to lose his Office and forfeit 50%.

XXIX. And be it enacted, That the Commissioners shall take from their Treasurer, and also from all other Officers in their Employ entrusted with the Receipt or Disbursement of Money, sufficient Security for the due Execution of their respective Offices, and for answering and paying, as the Commissioners shall from Time to Time require, all Sums of Money which shall be by them respectively received, and also for their giving and making respectively true Accounts in Writing, from Time to Time when required by the Commissioners so to do, of all Monies by them respectively received or collected for the Purposes of this Act, and when, of whom, and for what the same were so received or collected.

Commissioners to take Security from all Officers entrusted with Money.

XXX. And be it enacted, That every Officer appointed or employed by the Commissioners by virtue of this Act shall, from Time to Time when required by the Commissioners, make out and deliver to them, or to any Person appointed by them for that Purpose, true and perfect Accounts in Writing under his Hand of all Monies received by him on behalf of the Commissioners; and such Account shall state how, and to whom, and for what Purpose such Monies have been disposed of; and, together with such Accounts, such Officers shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Commissioners, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Officers to account.

XXXI. And be it enacted, That if any such Officer shall fail to render such Accounts, or to produce and deliver up all the Vouchers and the Receipts relating to the same in his Possession or Power, or to pay the Balance thereof, when thereunto required, or if for Three Days after being thereunto required he shall fail to deliver up to the Commissioners, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power relating to the Execution of this Act or belonging to the Commissioners, then, on Complaint thereof being made to any Justice acting within the Jurisdiction where such Officer may be found, such Justice shall, by Warrant under his Hand and Seal, cause such Officer to be brought before any Two or more Justices,

Remedy against Officers failing to account.

or

or if such Officer cannot be found, then in his Absence such Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Commissioners are in the Hands of such Officer, or owing by him to the Commissioners, such Justices may order such Officer to pay the same forthwith, and if he shall fail to pay the Amount it shall be lawful for such Justices to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain without Bail for any Time not exceeding Three Calendar Months; and in any of the following Cases, (that is to say,)

If such Officer do not appear before such Justices at the Time appointed; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justices the several Vouchers and Receipts relating to such Account in his Possession or Power; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, relating to the Execution of this Act or belonging to the Commissioners, in his Possession or Power,

Such Justices may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody without Bail until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power.

Commitment not to discharge Sureties.

XXXII. And be it enacted, That no such Proceedings against or Dealing with any such Officer as aforesaid shall deprive the Commissioners of any Remedy which they might otherwise have against any Surety of such Officer.

Books of Account to be kept, and to be open to Inspection.

XXXIII. And be it enacted, That the Commissioners shall cause a Book to be kept by their Clerk, in which such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received and expended for the Purposes of this Act, and of the several Matters for which such Sums of Money shall have been received or expended; and such Book shall at all seasonable Times be open to the Inspection of the Commissioners, and of every Creditor on the Rates and Tolls by this Act authorized to be made, without any Fee being demanded for such Inspection; and it shall be lawful for any of the Commissioners or Creditors, at seasonable Times, to take Copies of or Extracts from the said Book without paying any thing for the same; and if, on Request for that Purpose, the Clerk shall fail to permit any of the Commissioners or Creditors to inspect such Book, or to take Copies or Extracts as aforesaid, such Clerk shall for each such Default forfeit a Sum not exceeding Five Pounds.

XXXIV. And

XXXIV. And be it enacted, That the Accounts of the Monies received and expended by the Commissioners shall be produced at the annual Meeting of the Commissioners which shall take place on the Second *Friday* in *July* in every Year, or at some Adjournment thereof; and the Accounts shall be examined and settled by the Commissioners, and if the same shall be found just and true they shall be allowed by the Commissioners, and certified accordingly, under the Hand of the Chairman of such Meeting.

Accounts to be settled and examined at the annual Meeting.

XXXV. And be it enacted, That within One Month after the Meeting so to be held for examining and passing the Accounts of the Commissioners the Commissioners shall apply to Two Justices to nominate Two or more Persons, not being Commissioners, to be Auditors of the Accounts of the Commissioners; and the said Commissioners shall pay, out of the said Rates and Tolls, a reasonable Remuneration to the said Auditors for their Time and Trouble, and the Expences they may incur in the Execution of their Duty.

Auditors may be appointed.

XXXVI. And be it enacted, That the Auditors so nominated shall meet, as soon after their Appointment as conveniently may be, at the Office of the Commissioners, or at some other convenient Place to be appointed by the Commissioners, and from Time to Time shall, in the Presence of the Clerk to the Commissioners, in case he should desire to be present, proceed to audit the Accounts of the Commissioners for the Year preceding the Appointment of such Auditors; and the Commissioners shall, by their Clerk, produce and lay before such Auditors at every such Meeting the Statement and Account herein-before mentioned, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings in their Custody or Power relating thereto; and if such Auditors think there is just Cause to disapprove of any Part of the said Accounts, it shall be lawful for such Auditors, or any other Person interested in the said Accounts, to appeal against any such Parts of the said Accounts as shall be so disapproved of to one of the Two next General Quarter Sessions of the Peace for the County of *Chester*, Notice in Writing of such Appeal being given to the Clerk of the Commissioners Fourteen Days at the least prior to the hearing of such Appeal.

Auditors to inspect Accounts, and to appeal if they think fit.

XXXVII. And be it enacted, That 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 virtue of this Act for the Year ending on the Thirtieth Day of *June* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited, and certified by the Clerk for the Time being of the Commissioners, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County of *Chester* on or before the Thirty-first Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Times: Provided always, that if the Commissioners shall omit to prepare and transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

An annual Account to be transmitted to the Clerk of the Peace.

An annual Account to be laid before Parliament.

XXXVIII. And be it enacted, That the said Commissioners for executing this Act shall yearly lay or cause to be laid before each House of Parliament a true Account of the Receipt and Application of all Monies which shall be received by the said Commissioners by virtue of this Act, and in every such Account shall be set forth what Alteration, if any, shall have been made in any of the Rates or Duties made payable by this Act; and the said Commissioners shall also at the same Time lay before each House of Parliament a Report of the Progress which shall have been made by the said Commissioners in constructing and building the several Tidal Basins, Dock, and other Works directed by this Act to be built and constructed, and what Sums of Money shall have been yearly expended thereon, distinguishing the Expences of constructing the said Sea Wall and Embankment from the Expences of the other Works authorized by this Act.

Power to borrow on Mortgage.

XXXIX. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to borrow at Interest, on the Credit of the several Rates and Tolls by this Act granted, and of any Property which may be vested in the Commissioners by virtue of this Act, any Sum of Money which shall not exceed the Sum of Four hundred thousand Pounds, and in the event of any Part of such Sum of Money being repaid by the Commissioners to reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security aforesaid any more than the Sum of Four hundred thousand Pounds in the whole at any one Time; and, for securing the Repayment of the Monies so borrowed, with Interest, the Commissioners or any Five of them may assign over the said Rates, Tolls, and Property, or any Part thereof, to the Person who shall advance or lend such Money, or his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Form of Mortgage.

XL. And be it enacted, That every such Assignment or Mortgage shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be under the Hands and Seals of Five of the Commissioners, and may be according to the Form in Schedule (A.) to this Act annexed, or to the like Effect.

Mortgages to be without Preference.

XLI. And be it enacted, That all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums therein respectively mentioned, be Creditors on the said Rates, Tolls, or Property equally one with another, without any Preference in respect of the Priority of advancing such Monies, or of the Dates of any such Assignments respectively.

Expences of Mortgages.

XLII. And be it enacted, That the Expences of every Assignment or Mortgage shall from Time to Time be defrayed by the Commissioners out of the Money raised by the same.

Register of Mortgages to be kept, and to be open to Inspection.

XLIII. And be it enacted, That a Register of such Mortgages or Assignments shall be kept by the Clerk to the Commissioners, and within Fourteen Days after the Date of any such Mortgage or Assignment an Entry or Memorial of the Number and Date thereof, and of

of the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any Person interested therein, without Fee or Reward.

XLIV. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Assignment may transfer his Right and Interest therein to any other Person, by Deed duly stamped, wherein the Consideration shall be truly stated; and any such Transfer may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect. Assignment of Mortgages.

XLV. And be it enacted, That within Thirty Days after the Date of every such Transfer it shall be produced to the Clerk to the Commissioners, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage or Assignment, and for such Entry the Clerk may demand a Sum not exceeding Five Shillings; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Assignment in all respects; and no Party having made such Transfer shall have Power to make void, release, or discharge the Mortgage or Assignment so transferred, or any Money thereby secured. Register of Transfers to be kept.

XLVI. And be it enacted, That, unless otherwise provided by any Mortgage or Assignment, the Interest of the Money borrowed upon every such Mortgage or Assignment shall be paid half-yearly to the several Parties entitled thereto. Interest on Mortgages to be paid half-yearly.

XLVII. And be it enacted, That if the Commissioners can at any Time borrow or take up any Sums of Money at a lower Rate of Interest than any Securities given by them, and which shall then be in force, shall bear; then from Time to Time it shall be lawful for them to borrow such Sums of Money as they shall think proper, at such lower Rate as aforesaid, in order to pay off and discharge the Securities bearing such higher Rate of Interest, and to charge the Rates, Tolls, and Property, or any Part thereof, with Payment of such Sum and such lower Rate of Interest, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed on Mortgage. Power to take up Money at a less Rate of Interest.

XLVIII. And in order that no undue Preference may be given in paying off any Mortgages or Assignments, be it enacted, That when and as often as the Commissioners shall, under the Provisions of this Act, be enabled and think it expedient to pay off One or more out of the Number of such Mortgages upon which the same Rate of Interest shall be payable, or a Part of the Money secured on any such Mortgage, they shall cause the several Numbers of such Mortgages to be written upon distinct Slips of Paper of an equal Size, and all such Slips shall be rolled or folded up in a similar Form, and put into a Box; and the Clerk to the Commissioners shall, in the Presence of Five or more of the Commissioners, draw separately out of the said Box One of the said Slips, and thereupon the Mortgage corresponding with Mode of paying off Mortgages.

with the Number so drawn, or the Part of the Money due thereon so proposed to be paid off, shall accordingly be paid off by the Commissioners; and after every such Ballot the Commissioners shall cause a Notice, signed by their Clerk, to be given to the Person entitled to the Money to be paid off pursuant to such Ballot; and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such Notice; and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid on Demand pursuant to such Notice; but such Principal Money, and the Interest thereof to the End of the said Six Months, shall nevertheless be payable on Demand.

Application
of Money
borrowed.

XLIX. And be it enacted, That the Money so to be borrowed as aforesaid shall be applied by the Commissioners in Manner following; that is to say, in the first place in paying and discharging all the Costs, Charges, and Expences incurred previous and incident to the preparing, obtaining, and passing of this Act, and in the next place in paying and discharging the Costs and Expences of constructing the Tidal Basins, Dock, Sea Wall, Embankment, Cuts, Sluices, Wharfs, and other Works and Conveniences by this Act authorized to be made.

Commis-
sioners may
make Bye
Laws to
govern
themselves
and their
Servants.

L. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to make such Bye Laws for regulating the carrying on of their Business and the Business of their Committees, and for the Government of the Officers, Servants, or other Persons in their Employ, as they shall think fit, and to repeal or alter such Bye Laws as they shall think fit, so as no such Bye Law be contrary to the Laws of *England*, or the Provisions of this Act, and so as the same be reduced into Writing, and signed by Three or more of the Commissioners.

Fines for
Breach of
such Bye
Laws.

LI. And be it enacted, That it shall be lawful for the Commissioners by such Bye Laws to impose such reasonable Forfeitures and Fines upon their Officers and Servants, or other Persons in their Employ, offending against the same, as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Laws be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the Whole or a Part only of such Penalty to be paid.

Service of
Notice on
Commis-
sioners.

LII. And be it enacted, That any Summons, Notice, or Writ, or other Proceeding at Law or in Equity, requiring to be served upon the Commissioners, may lawfully be served by delivering the same personally to the Clerk of the Commissioners, or to some Inmate at his usual Place of Abode, or by leaving the same at the Office of the Commissioners, or in case there be no Clerk, or his Place of Abode shall be unknown, then by delivering the same to any One Commissioner, or to some Inmate at the Place of Abode of any such Commissioner.

Authentica-
tion of
Notices.

LIII. And be it enacted, That every Summons, Demand, or Notice, or other such Document, under this Act, may be in Writing or Print, or partly

partly in Writing or Print, and if the same require Authentication by the Commissioners, the Signature thereof by One Commissioner or by the Clerk of the Commissioners shall be a sufficient Authentication.

LIV. And with respect to Actions brought in respect of any Proceeding under the Provisions of this Act, be it enacted, That if before an Action be brought any Party, having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority thereby given, make sufficient Tender of Satisfaction the Plaintiff shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made, it shall be lawful for the Party offending, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Tender of
Amends.

LV. And whereas Her Majesty, in right of Her Crown, is or claims to be entitled to the Fundus or Soil between High and Low Water Mark of the said Pool called *Wallasey Pool*, and of the *Cheshire Shore* of the River *Mersey* adjoining the Eastern Limits of the said Pool: And whereas it is expedient that the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall be empowered, with such Consent as herein-after mentioned, to grant all the Estate, Right, Title, and Interest of Her Majesty, Her Heirs and Successors, of and in so much of the said Fundus or Soil of the said Pool and River as will be required for the Purposes of this Act, or any Purposes consequent on the passing of this Act; be it therefore enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby authorized and empowered, with the Consent in Writing of the Lord High Treasurer or Commissioners for executing the Office of Lord High Treasurer of the United Kingdom, or any Three of them, to give and grant to the said Commissioners for executing this Act all the Estate, Right, Title, and Interest of Her Majesty, Her Heirs and Successors, of and in so much and such Parts of the Soil and Shore of the said Pool and River as they shall deem it expedient to give or grant to the said Commissioners, without taking any Consideration in Money for the giving or granting thereof; and in such Case the Estate, Right, Title, and Interest of Her Majesty, Her Heirs and Successors, of and in the Residue of the said Soil and Shore shall remain vested in Her Majesty, Her Heirs and Successors, as Parcel of the Possessions and Land Revenues of the Crown within the ordering and survey of the Court of Exchequer in *England*, as if this Act had not been passed; and any such Grant to be made as aforesaid shall be subject to such Stipulations, Restrictions, and Provisions as to the Appropriation and Enjoyment of the Land granted as the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall think fit; and all such Stipulations, Restrictions, and Provisions may at all Times thereafter be enforced in a Court of Equity, by or at the Instance of the said last-named Commissioners: Provided always, that if the Sea Wall, Embankments, and Tidal Basins

Commis-
sioners of
Woods em-
powered to
make free
Grants to
the Commis-
sioners for
executing
this Act.

[Local.]

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or

or Harbours in this Act mentioned shall not be constructed within Ten Years from the passing of this Act, or shall at any Time be discontinued, and the Use thereof for the Purposes of this Act shall be abandoned, all such Land, Soil, and Shore now belonging to Her Majesty in right of Her Crown as shall have been granted, taken, or used for the Purposes of this Act shall revert to Her Majesty, Her Heirs and Successors, and any Grant made in pursuance of the Powers hereby given shall determine and be void.

Commis-
sioners of
Woods em-
powered to
sell or lease.

LVI. And be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby authorised and empowered, with the Consent in Writing of the Lord High Treasurer or Commissioners for executing the Office of Lord High Treasurer, or any Three of them, to sell and convey all the Estate, Right, Title, and Interest of Her Majesty, Her Heirs and Successors, of and in all or any Part of the reclaimed Land and Soil or Shore of the said River and Pool, and the Creeks running into the same, which shall not be granted to the Commissioners for executing this Act under the Powers hereinbefore contained, to any Person or Persons whomsoever, either by public Auction or by private Contract, for such Prices as the said Commissioners of Her Majesty's Woods shall think reasonable, and subject to such Stipulations and Provisions as to the Appropriation and Enjoyment of the same, and as to the Title thereto, as the said Commissioners shall think fit; and as regards any Stipulations or Provisions which may be contained in any such Conveyance, the same may at all Times thereafter be enforced in a Court of Equity by the said Commissioners for the Time being, in such Manner in all respects as the said Commissioners may think fit; and it shall also be lawful for the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby further authorized and empowered, with such Consent as aforesaid, (if they shall so think fit,) to demise and lease the Estate, Right, Title, and Interest of Her Majesty, Her Heirs and Successors, of and in all or any Part of the said Soil and Shore to any Person or Persons whomsoever, for any Number of Years, as they shall think fit, and under such Conditions, and either at a Rent or without any Rent, as the said Commissioners shall deem expedient; and the said Commissioners may, if they think fit, accept and take any Fine for the granting of any such Lease, and may enter into any Agreement for the granting any Lease or Leases on such Terms and Conditions as they may think fit, and on the granting the Leases in pursuance of such Agreements may alter the Amount of the Rents agreed to be reserved in such Leases, and may apportion the same, and grant separate Leases of any Part of the Hereditaments by any such Agreement agreed to be leased, as they think fit; and may also, as they think fit, alter or rescind any Agreement as aforesaid, and may accept any Surrender of any Lease granted for the Purpose of granting separate Leases of the same Premises at apportioned Rents or under different Covenants or otherwise, in all respects as the said Commissioners shall think fit: Provided nevertheless, that in case of Sales or Leases being made by the said Commissioners, with a view to the Formation of Docks or Basins, other than Docks or Basins for the public Service, the first Offer of such Sale or Lease, as far as regards any reclaimed

reclaimed Land or Shore adjoining any of the Works to be constructed under this Act, shall be made to the Commissioners for carrying this Act into execution, and as far as regards the Shores or Soil above the intended Dam in *Wallasey Pool*, shall be made to the several Owners of or Persons interested in the Land or Ground immediately abutting upon the said Shores; and in case such last-mentioned Owners or Persons interested as aforesaid shall, within Five Years after the passing of this Act, apply to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to purchase the Rights of the Crown in the Soil or Shore of the said Pool, or the Creeks running into the same, upon which their several Lands abut, or to take Leases of the same, it shall be lawful for the said Commissioners to sell and convey such Rights at such Prices, and to lease the same at such Rents, as shall be fixed by Arbitration, or Arbitration and Umpirage, to be the fair and proper Value of the same.

LVII. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Commissioners to purchase the Lands described in the Schedule (C.) to this Act annexed, and to agree with the Parties interested in such Lands for the absolute Purchase thereof, for a Consideration in Money, or such Parts thereof as they shall think proper, and of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all commonable or other Rights to which such Lands may be subject, and all other Estates or Interests in such Lands, of what Kind soever; and all Contracts, Sales, and Conveyances of any such Lands, or of any Interest therein, may be in the Form prescribed in the Schedule (D.) to this Act annexed, or as near thereto as the Circumstances of the Case may require.

Power to purchase Lands.

LVIII. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispose, and convey or release the same to the Commissioners, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any partial or qualified Estate or Interest, married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in reversion, remainder, or expectancy after them, if incapacitated, unborn, or not to be found, and as to such married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability; and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Females Covert, or other Persons, and

Parties under Disability enabled to sell and convey.

and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Consideration to be a gross Sum.

LIX. And be it enacted, That, except as herein mentioned, the Consideration to be paid for the Purchase of any Lands, or for any Damage done thereto, shall be in a gross Sum.

Acceptance of Compensation for Price of or Damage to Lands.

LX. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept Satisfaction for the Value of such Lands, or any Interest therein, to which such Party shall be entitled; and in addition to Compensation for the Value of such Lands, or of the Interest therein to be so conveyed, such Parties shall be entitled to and may in like Manner accept Compensation for Damage by them sustained by reason of the Exercise of the Powers of this Act.

Owners of Land adjoining the Pool or River to be compensated for the Loss of their Water Frontage, and their free Access thereto up the Pool.

LXI. And be it enacted, That the Owners of the Lands adjoining *Wallasey Pool* or the River *Mersey*, and all Persons having any Estate or Interest therein, either in possession, remainder, or reversion, shall be entitled to Compensation for any Injury, Loss, or Damage which they may sustain, and for the Deterioration which may be caused in the Value of such Land, by reason or in consequence of the Water Frontage of such Lands being taken away either wholly or partially, or the free Access to or from such Lands up, from, or through the said Pool or River being prevented, hindered, or obstructed, or in any Manner interrupted or impeded, by the Sea Wall or Embankment, or the Dam herein-after authorized to be made across or along the said Pool or River, or otherwise by reason of the Exercise of any of the Powers of this Act; and it shall be lawful for such Owners and Persons, whether Corporations, Tenants for Life or in Tail, or for any other Estate or Interest in such Lands in respect of which Estate or Interest such Owners or Persons would be enabled to sell and convey the same under the Provisions of this Act, in case such Lands had been authorized to be purchased and taken for the Purposes of this Act, to agree to accept, and, subject to the Restrictions and Directions in this Act contained as to the Payment thereof, to accept Compensation for the Injury, Loss, or Damage which they may sustain; and for the Deterioration in the Value of such Lands which may be caused or occasioned by reason or in consequence of the Water Frontage of such Lands being taken away either wholly or partially, or the free Access thereto or therefrom up, from, or through the said Pool or River being prevented, hindered, or obstructed, or in any Manner interrupted or impeded, by the said Sea Wall and Embankment, or the said Dam, or otherwise by reason of the Exercise of any of the Powers of this Act, and the Consideration to be paid for any such Damage as aforesaid shall be in a gross Sum.

For settling the Compensation to

LXII. And be it enacted, That in case the Commissioners and the Owners of any of the Lands adjoining the said Pool or River, or the Persons having any such Estate or Interest therein as aforesaid, shall not agree

agree as to the Amount of Compensation to be paid for the Injury, Loss, or Damage to such Lands, or for the Deterioration in the Value thereof, by reason of the Water Frontage thereof being taken away, or the free Access thereto or therefrom up, from, or through the said Pool or River being prevented, hindered, or obstructed, or in any Manner interrupted or impeded, by the said Sea Wall or Embankment, or in any or either of the aforesaid Cases, or otherwise by reason of the Exercise of any of the Powers of this Act, then the Amount of such Compensation shall be ascertained and settled by the Verdict of a Jury in the same Manner as the Compensation in respect of Lands required for the Purposes of this Act is directed to be ascertained; and all Clauses and Provisions in this Act contained with regard to the Purchase and Sale of the Lands comprised in Schedule (C.) to this Act annexed, and for ascertaining the Value thereof, and any Damage sustained by the Persons interested therein, and for the Payment and Investment of the Purchase or Compensation Money, and for the Payment of the Expences attending the Purchase of any such Lands, and ascertaining the Damage done thereto, and of depositing such Purchase or Compensation Monies in the Bank of *England*, and of investing or paying out the same, and of all Applications to the Court of Chancery in respect thereof, shall extend and be applicable and be applied to the Compensation Money to be paid in respect of the Damage or Injury to and of the Deterioration in the Value of the Lands adjoining the said Pool or River, and prejudicially affected by the Exercise of the Powers of this Act.

Owners of
Lands ad-
joining the
Pool:

LXIII. And whereas *Richard Smith* Esquire is Owner of certain Lands lying and being within the Bounds and Limits of the Township of *Poulton-cum-Seacombe*, and *John Bibby*, *Alexander Druce*, *John Bibby* the younger, and certain Parties trading under the Firm of the *Seacombe Mill Company*, are Lessees or Sub-Lessees or Possessors of certain Parts and Portions of certain Lands called *Askews* in the said Township of *Poulton-cum-Seacombe*; be it enacted, That if any Difference shall arise, or if no Agreement can be come to, between the Commissioners and the Owners, Lessees, Sub-Lessees, or Possessors of such Lands, or any Part thereof, or of any Interest in such Lands taken or required for or of such Lands, or of any Part thereof, or of any Interest therein, which shall be in any Manner injuriously affected by or by reason of the Execution of the Basins, Dock, Quays, Wharfs, and other Works hereby authorized, as to the Value of such Lands, or of any Part thereof, or of any Interest therein, or as to the Compensation to be made in respect thereof, or if by reason of Absence any such Owner, Lessee, Sub-Lessee, or Possessors, or his or their Assigns respectively, be prevented from treating, or if they or any of them fail to disclose or prove his or their Title to any such Lands, or any Interest therein, or if by reason of any Impediment or Disability they or any of them be incapable of making any Agreement, Conveyance, or Release necessary for enabling the Commissioners to take such Lands, or to proceed in making the Basins, Dock, Quays, Wharfs, and other Works hereby authorized, or if any such Difference arise as to the Amount of the Damages occasioned to any such Lands, or any Part thereof, by the temporary Occupation thereof in the making of the Basins, Dock, Quays, Wharfs, and other Works hereby authorized, or otherwise in the Exercise of the Powers given by this Act, and for

Compensation to
Richard Smith, Esq.
and certain
other
Parties.

[Local.]

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which

which they or any of them may be entitled to claim Compensation according to the Provisions of this Act, the Amount of Compensation to be paid by the Commissioners in every such Case shall be settled by the Verdict of a Jury in manner herein-after mentioned.

Verdict of Jury in case of Richard Smith, Esq., and certain other Parties, to be for Purchase of Lands and for Damage, assessed separately.

LXIV. And be it enacted, for the Protection of Messieurs *Richard Smith, John Bibby, Alexander Druce, John Bibby the younger*, and the Parties trading under the Firm of the *Seacombe Mill Company*, That such Jury shall deliver their Verdict for the Sum of Money to be paid for the Purchase of the Lands required for the Basins, Dock, Quays, Wharfs, and other Works hereby authorized, or of any Interest therein, belonging to the Party with whom such Questions of disputed Compensation shall so have arisen, and also the Sum of Money to be paid for the Injury done to the Lands of any such Party, or to any Interest in such Lands, by or by reason of the Execution of the Works, whether it be for Damage sustained before the Time of the Inquiry, or for future Damage, either temporary or permanent Damage, or for any recurring Damage of which the Cause is then only in part obviated, and which cannot or will not be further obviated by the Commissioners; and the Sums of Money to be paid by way of Compensation for any such Damage as aforesaid shall in every Case be assessed separately from the Value of the Lands, or the Sum to be paid for the Purchase thereof, or of any Interest therein.

Amount of Compensation to be ascertained by Valuation, in case of Parties under Disability.

LXV. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any other Lands belonging to such Party, be it enacted, That such Consideration Money or Compensation shall not (except where the same shall have been determined by the Verdict of a Jury, under the Provision herein-after contained,) be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Commissioners and the other by the other Party; and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Compensation to absent Parties to be ascertained by Valuation.

LXVI. And with respect to the Compensation Money to be paid for any Lands to be purchased from any Party who by reason of Absence, or from any other Incapacity or Accident, is prevented from treating, or cannot be found, and the Compensation Money to be paid for any permanent Injury to any Lands belonging to such Party, be it enacted, That such Consideration or Compensation shall not be less than shall be determined by the Valuation of such able practical Surveyor as Two Justices shall nominate for that Purpose; and such Surveyor shall annex to the Valuation a Declaration of the Correctness thereof.

Purchase Money pay-

LXVII. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect

respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life or any other partial or qualified Interest, married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall under the Powers of this Act be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* "The Commissioners of the *Birkenhead Docks*," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds, and Endorsements thereon, as likewise Endorsements on South Sea Bonds*, and pursuant to the general Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of England belonging to the Suitors of the said Courts, for the Ease of the said Suitors, by applying the Interest therefrom for answering the Charges of the Office of the Accountant General of the said Court*; and such Monies shall remain so deposited until the same be applied to some one or more of the following Purposes; (that is to say,)

able to Parties under Disability amounting to 200%. to be deposited in the Bank of England.

12G. 1. c. 32.

12G. 2. c. 24.

- In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Lands in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or
- In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or
- If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or
- In Payment to any Party becoming absolutely entitled to such Money.

LXVIII. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Chancery made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or in Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold or converted into Money

Order for Application.

Money for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands; and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds thereof may be made on the like Petition.

Sums from 20*l.* to 200*l.* to be deposited, or invested in Trustees.

LXIX. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may be lawfully paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Commissioners approve thereof and of the Trustees named for the Purpose, such Approval to be signified in Writing under their Common Seal; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums not exceeding 20*l.* to be paid to Parties.

LXX. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiocy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Where Parties refuse to convey, or do not show Title, the Purchase Money to be deposited.

LXXI. And for the Purpose of providing for the Payment and Application in certain Cases of the Purchase Money or Compensation to be paid in respect of any such Lands not belonging to Parties under Disability, be it enacted, That in the following Cases, (that is to say,) if the Owner of any such Lands, or of any Interest therein, on Tender of the Purchase Money or Compensation either agreed or awarded to be paid, refuse to accept the same, or if any such Person fail to make out a Title to the Lands in respect whereof such Purchase Money or Compensation shall be payable, or to the Interest therein claimed by him, to the Satisfaction of the Commissioners, or if such Owner be gone out of the Kingdom, or cannot be found, or be not known, or refuse to convey or release such Lands as directed by the Commissioners, it shall be lawful for the Commissioners to deposit the Purchase Money or Compensation payable in respect of such Lands, or any Interest therein, in the Bank of *England*, in the Name and with
the

the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there to the Credit of the Parties interested in such Lands (describing them, so far as the Commissioners can do), subject to the Control and Disposition of the said Court; and upon Receipt of such Money the Cashier of such Bank shall give to the Commissioners, or to the Party paying in such Money, a Receipt for such Money, specifying therein for what and for whose Use (described as aforesaid) the same shall have been received, and in respect of what Purchase the same shall have been paid in; and thereupon all the Interest in such Lands in respect whereof such Purchase Money or Compensation shall have been deposited shall vest absolutely in the Commissioners.

LXXII. And be it enacted, That upon the Application by Petition of any Party making claim to the Money so deposited as last aforesaid, or any Part thereof, or to the Lands purchased or taken by the Commissioners, or any Part thereof, or any Interest in the same, the said Court of Chancery may, in a summary Way, as to such Court shall seem fit, order such Money to be laid out or invested in the Public Funds, or may order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Parties making claim to such Money or Lands, or any Part thereof, and may make such Order in the Premises as to such Court shall seem fit.

Application of Monies so deposited.

LXXIII. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in possession or receipt of the Rents of such Lands at the Time of such Lands being purchased or taken shall be deemed to have been lawfully entitled to such Lands until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid the Parties so in possession, and all Parties claiming under them, or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Party in possession deemed to be the Owner.

LXXIV. And with respect to Costs in Cases of Monies deposited in the Bank of *England*, be it enacted, That the Court of Chancery may in all such Cases, except where Monies shall have been so deposited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to convey or release the Lands in respect whereof the same shall be payable, order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Commissioners; (that is to say,) the Costs of the Purchase or of the taking or using of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies in Government or Real Securities, and of the Reinvestment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of

Costs in Cases of Money deposited.

the Orders for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Payment of Price to be made previous to Entry, except to survey, &c.

LXXV. And be it enacted, That the Commissioners shall not, except by Consent of the Owner and Occupier, enter upon any Lands which shall be required to be purchased or permanently used for the Purposes of this Act until they shall either have paid to every Party having any Interest in such Lands, or deposited in the Bank of *England*, in the Manner herein mentioned, the Purchase Money or Compensation agreed or awarded to be paid to such Parties respectively for their respective Interests therein: Provided always, that for the Purpose merely of surveying and taking Levels of such Lands it shall be lawful for the Commissioners to enter upon the same without the previous Consent of the Owners, making Compensation for any Damage thereby occasioned to the Owners or Occupiers of such Lands.

Penalty on Commissioners entering upon Lands without Consent before Payment of the Purchase Money.

LXXVI. And be it enacted, That if the Commissioners or any of their Contractors shall, except as aforesaid, wilfully enter upon and take possession of any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, without such Consent as aforesaid, or without having made such Payment or Deposit as aforesaid, the Company shall forfeit to the Party in possession of such Lands the Sum of Ten Pounds, over and above the Amount of any Damage done to such Lands by reason of such Entry and taking possession as aforesaid, such Penalty and Damage respectively to be recovered before Two Justices; and if the Commissioners or their Contractors shall, after Conviction in such Penalty as aforesaid, or after Notice from the Party in possession of such Lands, continue in unlawful Possession of any such Lands, the Commissioners shall be liable to forfeit the Sum of Twenty-five Pounds for every Day they or their Contractors shall so remain in possession as aforesaid, such Penalty to be recoverable by the Party in possession of such Lands, with full Costs of Suit, in any of the Superior Courts: Provided always, that nothing herein contained shall be held to subject the Commissioners to the Payment of any such Penalties as aforesaid if they shall *bonâ fide* and without Collusion have paid or deposited the Compensation agreed or awarded to be paid in respect of the said Lands to any Person whom the Commissioners may have reasonably believed to be entitled thereto, although such Person may not have been legally entitled thereto.

Decision of Justices not conclusive as to Commissioners Right.

LXXVII. And be it enacted, That on the Trial of any Action for any such Penalty as aforesaid the Decision of the Justices under the Provision herein-before contained shall not be held conclusive as to the Right of Entry on any such Lands by the Commissioners.

Notice of Intention to take Lands.

LXXVIII. And be it enacted, That when the Commissioners shall require to purchase any of the Lands which by this Act they are authorized

authorized to purchase or take, they shall give Notice thereof to all the Parties interested in such Lands, or enabled by this Act to sell and convey or release the same, or such of them as shall be known to the Commissioners, and by such Notice shall demand from such Parties the Particulars of their Estate and Interest in such Lands, and of the Claims made by them in respect thereof; and every such Notice shall be in Writing, and shall state the Particulars of the Lands so required, and shall state that the Commissioners are willing to treat for the Purchase of the Interest of such Party in such Lands, and as to the Compensation to be made for the Damage that may be sustained by him by reason of the making of the Basins, Dock, Quays, Wharfs, and other Works hereby authorized.

LXXIX. And be it enacted, That if for One Month after the Receipt of such Notice any such Party shall fail to state the Particulars of his Claim in respect of any such Lands, or to treat with the Commissioners in respect of his Interest therein, or if such Party and the Commissioners shall differ as to the Amount of the Compensation to be paid to such Party for any such Interest, or for any Damage that may be sustained by him by reason of the Execution of the said Basins, Dock, Quays, Wharfs, and other Works hereby authorized, the Amount of such Compensation shall be settled in the Manner herein-after provided for settling Cases of disputed Compensation.

Parties interested in Lands to state their Claims.

LXXX. And be it enacted, That where, according to the Provisions of this Act, the Commissioners are authorized to purchase any Lands required for the Purposes thereof, if the Owner or Occupier of any such Lands, or any other Person, refuse to give up the Possession thereof, or hinder the Commissioners from entering upon or taking possession of the same, it shall be lawful for the Commissioners to issue their Precept, under the Hands of any Five or more of the Commissioners, or their Chairman or Clerk, to the Sheriff to deliver Possession of the same to the Person appointed in such Precept to receive the same, and upon the Receipt of such Precept the Sheriff shall deliver Possession of any such Lands accordingly; and the Costs accruing by reason of the issuing and Execution of such Precept, to be settled by the Sheriff, shall be paid by the Persons refusing to give Possession; and such Costs, if not paid on Demand, shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly.

Proceedings in case of Refusal to deliver Possession of Lands.

LXXXI. And for the Purpose of making Provision for settling Cases of disputed Compensation arising under this Act, be it enacted, That if any Difference shall arise, or if no Agreement can be come to, between the Commissioners and the Owners of any Lands, or of any Interest in any such Lands, taken or required for or injuriously affected by the Execution of the Basins, Dock, Quays, Wharfs, and other Works hereby authorized (including among such Owners all Parties by this Act enabled to sell or convey Lands), as to the Value of such Lands, or of any Interest therein, or as to the Compensation to be made in respect thereof, or if by reason of Absence any such Owner be prevented from treating, or if any such Owner fail to disclose or prove his Title to any such Lands, or any Interest therein, or if

Dispute as to Compensation to be settled by a Jury.

if by reason of any Impediment or Disability any such Owner be incapable of making any Agreement, Conveyance, or Release necessary for enabling the Commissioners to take such Lands, or to proceed in making the Basins, Dock, Quays, Wharfs, and other Works hereby authorized, or if any such Difference arise as to the Amount of the Damages occasioned to any Lands by the temporary Occupation thereof in the making of the Basins, Dock, Quays, Wharfs, and other Works hereby authorized, or otherwise in the Exercise of the Powers given by this Act, and for which any Party may be entitled to demand Compensation according to the Provisions of this Act, the Amount of Compensation to be paid by the Commissioners in every such Case shall be settled by the Verdict of a Jury in manner hereinafter mentioned.

Claims not exceeding 50*l.* to be settled by Two Justices.

LXXXII. Provided always, and be it enacted, That if the Compensation claimed in any of the Cases mentioned in the preceding Enactment shall not exceed Fifty Pounds the same shall be settled by Two Justices.

Notice by Commissioners of Intention to have a Jury summoned.

LXXXIII. And be it enacted, That where it shall be necessary to refer any such Question to the Determination of a Jury, by reason of any such Difference as aforesaid, then One Month at the least before issuing their Warrant for summoning a Jury, as herein-after provided, the Commissioners shall give Notice in Writing to the Party with whom such Difference shall have arisen of their Intention to cause such Jury to be summoned; and in such Notice the Commissioners shall state what Sum of Money they are willing to give such Party for his Interest in such Lands, and for the Damage to be sustained by him by the Execution of the Basins, Dock, Quays, Wharfs, and other Works hereby authorized.

Requisition by Party claiming Compensation to have a Jury summoned.

LXXXIV. And be it enacted, That if any Party who shall be entitled to any Compensation in respect of any Lands, or of any Interest therein, taken for or injuriously affected by the making of the Basins, Dock, Quays, Wharfs, and other Works hereby authorized, shall desire the Amount of such Compensation to be determined by a Jury, it shall be lawful for such Party to give Notice in Writing to the Commissioners of such his Desire, and he shall in such Notice state the Nature of the Interest claimed by him in such Lands, and the Amount of the Compensation claimed by him in respect thereof; and unless the Commissioners be willing to pay the Amount of Compensation so claimed, and shall enter into a written Agreement for that Purpose, then, within Twenty-one Days after the Receipt of any such Notice from any Party so entitled, they shall issue their Warrant to the Sheriff to summon a Jury accordingly in the Manner herein mentioned.

Warrant for summoning Jury to be addressed to the Sheriff.

LXXXV. And be it enacted, That in every Case in which any such Question of disputed Compensation shall be required to be determined by the Verdict of a Jury the Commissioners shall issue their Warrant to the Sheriff, under the Hands of any Five or more of the said Commissioners, or of the Chairman or Clerk to the said Commissioners for the Time being, requiring him to summon a Jury for that Purpose; and

and if such Sheriff be interested in the Matter in dispute, by being One of the Commissioners or otherwise, such Application shall be made to some Coroner of the County of *Chester*; and if all the Coroners of such County be so interested such Application may be made to some Person, having filled the Office of Sheriff or Coroner in such County, and who shall be then living there, and who shall not be interested in the Matter in dispute; and with respect to the Persons last mentioned Preference shall be given to one who shall have most recently served either of the said Offices.

LXXXVI. And be it enacted, That throughout the Enactments contained in this Act relating to the Reference to a Jury, where the Term "Sheriff" is used, the Provisions applicable thereto shall be held to apply to every Coroner or other Person lawfully acting in his Place; and in every Case in which any such Warrant shall have been directed to any other Person than the Sheriff, such Sheriff shall, immediately on receiving Notice of the Delivery of the Warrant, deliver over, on Application for that Purpose, to the Person to whom the same shall have been directed, or to any Person appointed by him to receive the same, the Jurors Book and the Special Jurors List belonging to the County of *Chester*.

Provisions applicable to Sheriff to apply to Coroner.

LXXXVII. And be it enacted, That upon the Receipt of such Warrant the Sheriff shall summon a Jury of Twenty-four indifferent Persons, duly qualified to act as Common Jurymen in the Superior Courts, to meet at the Time and Place named in the Warrant for that Purpose.

Summoning of Jurymen.

LXXXVIII. And be it enacted, That out of the Jurors appearing upon such Summons a Jury of Twelve Persons shall be drawn by the Sheriff in such Manner as Juries for Trials of Issues joined in the Superior Courts are by Law required to be drawn; and if a sufficient Number of Jurymen do not appear in obedience to such Summons the Sheriff shall return other indifferent Men, duly qualified as aforesaid, of the By-standers, or others that can speedily be procured, to make up the Jury to the Number aforesaid; and all Parties concerned may have their lawful Challenges against any of the Jurymen, but no such Party shall challenge the Array.

Impanneling of Jury.

LXXXIX. And be it enacted, That Fourteen Days Notice of the Time and Place of the Inquiry shall be given in Writing by the Commissioners to the other Party.

Notice of Inquiry.

XC. And be it enacted, That the Sheriff shall preside on the said Inquiry, and the Party claiming Compensation, if he shall appear, shall be deemed the Plaintiff, and shall have all such Rights and Privileges as the Plaintiff is entitled to in the Trial of Actions at Law; and if either Party so request in Writing, the Sheriff shall summon before him any Person considered necessary to be examined as a Witness touching the Matters in question; and on the like Request the Sheriff shall order the Jury, or any Six or more of them, to view the Place or Matter in controversy, in like Manner as Views may be had in the Trials of Actions in the Superior Courts; provided always, that

Sheriff to preside;

Witnesses to be summoned.

[Local.]

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if

if either Party shall fail to appear at the Day and Hour appointed for such Inquiry the Sheriff and Jury shall proceed in such Inquiry *ex parte*.

Oath of Jurymen.

XCI. And be it enacted, That before the Jury proceed to inquire of and assess the Compensation or Damage in respect of which their Verdict is to be given they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage; and the Sheriff shall administer such Oaths, as well as the Oaths of all Persons called upon to give Evidence.

Verdict of Jury to be for Purchase of Lands and for Damage, assessed separately.

XCII. And be it enacted, That such Jury shall deliver their Verdict for the Sum of Money to be paid for the Purchase of the Lands required for the Basins, Dock, Quays, Wharfs, and other Works hereby authorized, or of any Interest therein belonging to the Party with whom such Questions of disputed Compensation shall so have arisen, and also the Sum of Money to be paid for the Injury done to the Lands of any such Party by the Execution of the Works, whether it be for Damage sustained before the Time of the Inquiry, or for future Damage, either temporary or permanent, or for any recurring Damage of which the Cause is then only in part obviated, and which cannot or will not be further obviated by the Commissioners; and the Sums of Money to be paid by way of Compensation for any such Damage as aforesaid shall in every Case be assessed separately from the Value of the Lands, or the Sum to be paid for the Purchase thereof, or of any Interest therein.

Value of Interests previously purchased to be deducted.

XCIII. And be it enacted, That in assessing the Sum of Money to be paid for the Purchase of any such Lands the Value of any Interest in such Lands as shall have been theretofore rightfully purchased by the Commissioners shall be first deducted.

Verdict and Judgment to be recorded.

XCIV. And be it enacted, That the Sheriff before whom such Inquiry shall be held shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and the said Verdict and Judgment shall be signed by the Sheriff, and, being so signed, shall be kept by the Clerk of the Peace of the County of *Chester* among the Records of the Quarter Sessions of the said County; and such Verdicts and Judgments shall be deemed Records, and the same, or true Copies thereof, shall be good Evidence in all Courts and elsewhere; and all Persons may inspect the said Verdicts and Judgments, and may have Copies thereof or Extracts therefrom, on paying for each Inspection thereof One Shilling, and for every One hundred Words copied or extracted therefrom Sixpence.

Costs of the Inquiry.

XCV. And be it enacted, That on every such Inquiry before a Jury, where the Verdict of a Jury shall be given for the same or a greater Sum than the Sum previously offered by the Commissioners, all the Costs of such Inquiry shall be borne by the Commissioners, but if the Verdict of the Jury be given for a less Sum than the Sum previously offered by the Commissioners one Half of the Costs shall be defrayed by the Owner of the Lands, and the other Half by the Commissioners: Provided always, that in every Case where
by

by reason of Absence in Foreign Parts or of any Disability the Owner of the Land shall have been prevented from treating with the Commissioners, all the Costs shall be borne by the Commissioners.

XCVI. And be it enacted, That such Costs shall be settled by the Sheriff, and shall include all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, taking the Inquiry, the Attendance of Witnesses, the Employment of Counsel, recording the Verdict and Judgment thereon, and otherwise incident to such Inquiry; and with respect to any such Costs payable by the Commissioners, if within Seven Days after Demand such Costs be not paid to the Party entitled to receive the same, the same shall be recoverable by Distress, and on Application to any Justice he shall issue his Warrant accordingly; and with respect to any such Costs payable by the Owner of the Lands, or of any Interest therein, the same may be deducted out of any Money awarded by the Jury to be paid to such Owner as so much Money advanced for his Use, and the Payment of the Remainder of such Money shall be a good Payment and Satisfaction of the whole thereof.

Particulars
of the Costs.

XCVII. And be it enacted, That if the Sheriff make default in any of the Matters herein-before required to be done by him in relation to any such Trial or Inquiry he shall forfeit Fifty Pounds for every such Offence; and if any Person summoned and returned upon any Jury under this Act, whether common or special, do not appear, or appear but refuse to make Oath, or in any other Manner unlawfully neglect his Duty, he shall, unless he show reasonable Excuse to the Satisfaction of the Sheriff, forfeit a Sum not exceeding Ten Pounds; and every such Penalty payable by a Sheriff or Juryman shall be applied in satisfaction of the Costs of the Inquiry, so far as the same will extend; and in addition to the Penalty hereby imposed every such Juryman shall be subject to the same Regulations, Pains, and Penalties as if Jury had been returned for the Trial of any Issue joined in any of the Superior Courts.

Penalty on
Sheriff and
Jury for
Default.

XCVIII. And be it enacted, That if any Person duly summoned to give Evidence upon any such Inquiry, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time and Place specified in the Summons, without sufficient Cause, or if any Person, whether summoned or not, who shall appear as a Witness, refuse to be examined on Oath touching the Subject Matter in question, every Person so offending shall forfeit a Sum not exceeding Ten Pounds.

Penalty on
Witnesses
making
Default.

XCIX. And be it enacted, That if either Party desire any such Question of disputed Compensation as aforesaid to be tried before a Special Jury, and before the Commissioners have issued their Warrant to the Sheriff give Notice in Writing of such Desire, such Question shall be so tried; and for that Purpose the Commissioners shall, by their Warrant to the Sheriff, require him to nominate a Special Jury for such Trial, and thereupon the Sheriff shall, as soon as conveniently may be after the Receipt by him of such Warrant, summon both the Parties to appear before him, by themselves or their

Special Jury
to be sum-
moned at
the Request
of either
Party.

Attornies,

Attornies, at some convenient Time and Place (not being less than Five Days from the Service of such Summons) appointed by him; for the Purpose of nominating a Special Jury; and at the Place and Time so appointed the Sheriff shall proceed to nominate and strike a Special Jury in the Manner in which such Juries shall be required by the Laws for the Time being in force to be nominated or struck by the proper Officers of the Superior Courts; and the Sheriff shall appoint a Day for the Parties or their Agents to appear before him to reduce the Number of such Jury, and thereof shall give Four Days Notice to the Parties; and on the Day so appointed the Sheriff shall proceed to reduce the said Special Jury to the Number of Twenty, in the Manner used and accustomed by the proper Officers of the Superior Courts.

Deficiency
of Jurymen.

C. And be it enacted, That the Special Jury on such Inquiry shall consist of Twelve of the said Twenty who shall first appear on the Names being called over, the Parties having their lawful Challenges against any of the said Jurymen; and if a full Jury do not appear; or if after such Challenges a full Jury do not remain, then, upon the Application of either Party, the Sheriff shall add to the List of such Jury the Names of any other disinterested Persons qualified to act as Special or Common Jurymen who shall not have been previously struck off the aforesaid List, and who may then be attending the Court, or can speedily be procured, so as to complete such Jury, all Parties having their lawful Challenges against such Persons; and the Sheriff shall proceed to the Trial and Adjudication of the Matters in question by such Jury; and such Trial shall be attended in all respects with the like Incidents and Consequences as are herein-before provided in the Case of a Trial by Common Jury.

Other In-
quiries be-
fore same
Special Jury
by Consent.

CI. And be it enacted, That any other Inquiry than that for the Trial of which such Special Jury may have been struck and reduced as aforesaid may be tried by such Jury, provided the Parties thereto respectively shall give their Consent to such Trial.

Jurymen not
to attend
more than
once.

CII. And be it enacted, That no Special Jurymen shall, without his Consent, be summoned or required to attend any such Proceeding as aforesaid more than once in any Year.

Reference of
Dispute as
to Compens-
ation to
Justice.

CIII. And with reference to any such Question of disputed Compensation, or other Matter of Difference by this Act authorized to be referred to the Determination of Two Justices, be it enacted, That either Party may apply to such Justices in respect to any such Matter; and thereupon such Justices, in Presence of the Parties, or such of them as shall appear, being duly summoned for that Purpose, shall examine into the Matter in dispute, and shall award such an Amount of Compensation, or shall make such Determination in respect of the Matter so referred to them, as to them shall seem fit; and the Costs of every such Inquiry shall be in the Discretion of such Justices, and they shall settle the Amount thereof, and in default of Payment of such Costs as directed by such Justices the same shall be levied by Distress, and the said Justices shall issue their Warrant accordingly.

CIV. And

CIV. And be it enacted, That if at any Time after the Commissioners shall have entered upon any Lands which under the Provisions of this Act they were authorized to purchase, and which shall be permanently required for the Purposes of the Basins, Dock, Quays, Wharfs, and other Works hereby authorized, any Party shall appear to be entitled to any Estate, Right, or Interest in or Charge affecting such Lands which the Commissioners shall have failed or omitted duly to purchase or to pay Compensation for, then, whether the Period granted for the Purchase of Lands shall have expired or not, the Commissioners shall remain in the undisturbed Possession of such Lands; provided, within Six Calendar Months after Notice of such Estate, Right, Interest, or Charge, in case the same shall not be disputed by the Commissioners, or in case the same shall be disputed, then within Six Calendar Months after the Right thereto shall have been finally established by Law in favour of the Party claiming the same, the Commissioners shall purchase or pay Compensation for the same, and shall also pay to such Party, or to any other Party who may establish a Right thereto, full Compensation for the mesne Profits or Interest which would have accrued to such Parties respectively in respect thereof during the Interval between the Entry of the Commissioners thereon and the Time of the Payment of such Purchase Money or Compensation by the Commissioners, so far as such mesne Profits or Interest may be recoverable in Law or Equity; and such Purchase Money or Compensation shall be agreed on or awarded and paid in like Manner as according to the Provisions of this Act the same respectively would have been agreed on or awarded and paid in case the Commissioners had purchased such Estate, Right, Interest, or Charge before their entering upon such Lands, or as near thereto as Circumstances will admit.

Commissioners empowered to purchase the Interest in Lands the Purchase whereof may have been omitted by Mistake.

CV. And be it enacted, That in estimating any Compensation to be given for any such last-mentioned Lands, or any Estate or Interest in the same, or for any mesne Profits thereon, the Jury shall assess the same at such Price as they shall find to be the Value of such Lands, Estate, or Interest and Profits, without regard to any Improvements or Works made on the said Lands by the Commissioners, and as though the Basins, Dock, Quays, Wharfs, and other Works hereby authorized had not been constructed.

How Value of such Lands to be estimated.

CVI. And be it enacted, That in addition to the said Purchase Money, Compensation, or Satisfaction, and before the Commissioners shall become absolutely entitled to any such Estate, Interest, or Charge, or to have the same merged or extinguished for their Benefit, they shall, when the Right to any such Estate, Interest, or Charge shall be disputed, pay the full Costs and Expences of any Proceedings at Law or in Equity for the Recovery of the same to the Parties with whom any Litigation in respect thereof shall have taken place; and such Costs and Expences shall, in case the same shall be disputed, be settled by the proper Officer of the Court in which such Litigation took place.

Commissioners to pay the Costs of Litigation as to such Lands.

CVII. And with respect to any such Lands which shall be subject to any Mortgage, be it enacted, That the Commissioners may purchase or redeem the Interest of the Mortgagee of such Lands, and that

Power to redeem Mortgages.

[Local.]

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whether

whether they shall have previously purchased the Equity of Redemption of such Lands or not, and whether the Mortgagee thereof be entitled thereto in his own Right or in trust for any other Party, and whether he be in possession of such Lands by virtue of such Mortgage or not, and whether such Mortgage affect such Lands solely, or jointly with any other Lands not required for the Purposes of this Act; and in order thereto the Commissioners may pay or tender to such Mortgagee the Principal and Interest due on such Mortgage, together with his Costs and Charges, if any, and also Six Months additional Interest, and thereupon such Mortgagee shall immediately convey his Interest in the Lands comprised in such Mortgage to the Commissioners, or as they shall direct; or the Commissioners may give Notice in Writing to such Mortgagee that they will pay off the Principal and Interest due on such Mortgage at the End of Six Months, computed from the Day of giving such Notice; and if they shall have given any such Notice, or if the Party entitled to the Equity of Redemption of any such Lands shall have given Six Months Notice of his Intention to redeem the same, then at the Expiration of either of such Notices, or at any intermediate Period, upon Payment or Tender by the Commissioners to the Mortgagee of the Principal Money due on such Mortgage, and the Interest which would become due at the End of Six Months from the Time of giving either of such Notices, together with his Costs and Expences, if any, such Mortgagee shall convey or release his Interest in the Lands comprised in such Mortgage to the Commissioners, or as they shall direct.

Deposit of
Mortgage
Money on
Refusal to
accept Re-
demption.

CVIII. And be it enacted, That if in either of the Cases aforesaid, upon such Payment or Tender, any Mortgagee shall fail to convey or release his Interest in such Mortgage as directed by the Commissioners, or if he fail to adduce a good Title thereto to their Satisfaction, then it shall be lawful for the Commissioners, at any Time after such Failure, to pay into the Bank of *England*, in the Manner provided by this Act in Cases of Money directed to be deposited in such Bank, the Principal and Interest, together with the Costs, if any, due on such Mortgage, and also, if such Payment be made before the Expiration of Six Months Notice as aforesaid, such further Interest as would at that Time become due; and thereupon, as well as upon such Conveyance by the Mortgagee, if any such be made, all the Estate and Interest of such Mortgagee, and of all Persons in trust for him, or for whom he may be a Trustee, in such Lands shall vest in the Commissioners, and they shall be deemed to be in the actual Possession thereof in case such Mortgagee were himself entitled to such Possession.

Sum to be
paid when
Mortgage
exceeds
Value of
Lands.

CIX. And with respect to any such mortgaged Land which shall be of less Value than the Principal, Interest, and Costs secured thereon, be it enacted, That the Value of such Lands, or the Compensation to be made by the Commissioners in respect thereof, shall be settled by Agreement between the Mortgagee of such Lands and the Party entitled to the Equity of Redemption thereof on the one Part, and the Commissioners on the other Part; and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation,

compensation, the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Commissioners to the Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and upon Payment or Tender thereof the Mortgagee shall convey or release all his Interest in such mortgaged Lands to the Commissioners, or as they shall direct.

CX. And be it enacted, That if upon such Payment or Tender as aforesaid being made any such Mortgagee fail so to convey his Interest in such Mortgage, or to adduce a Title thereto to the Satisfaction of the Commissioners, then they may pay the Amount of such Value or Compensation into the Bank of *England* in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank; and every such Payment or Deposit shall be accepted by the Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of such mortgaged Lands from all Money due thereon; and thereupon such Lands, as to all such Estate and Interest as were then vested in the Mortgagee, or any Person in trust for him, shall become absolutely vested in the Commissioners, and they shall be deemed to be in the actual Possession thereof in case such Mortgagee were himself entitled to the Possession thereof; nevertheless all Rights and Remedies possessed by the Mortgagee against the Mortgagor, by virtue of any Bond or Covenant or other Obligation other than the Right to such Lands, shall remain in force in respect of so much of the Mortgage Debt as shall not have been satisfied by such Payment or Deposit.

Deposit of
such Money
when refused
on Tender.

CXI. And with respect to any such mortgaged Lands of which only a Part shall be required for Purposes of this Act, be it enacted, That if the Part so required be of less Value than the Principal Money, Interest, and Costs secured on such Lands, and the Mortgagee shall not consider the remaining Part of such Lands a sufficient Security for the Money charged thereon, or be not willing to release the Part so required, then the Value of such Part, and also the Compensation (if any) to be paid in respect thereof, or otherwise, shall be settled by Agreement between the Mortgagee and the Party entitled to the Equity of Redemption of such Land on the one Part, and the Commissioners on the other; and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation, the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Commissioners to such Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and thereupon such Mortgagee shall convey or release to them, or as they shall direct, all his Interest in such mortgaged Lands the Value whereof shall have been so paid; and a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage, and shall be signed by the Mortgagee, and a Copy of such Memorandum shall at the same Time (if required) be furnished by the Commissioners, at their Expence, to the Party entitled to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

Sum to be
paid where
Part only of
mortgaged
Lands taken.

CXII. And

Deposit of
such Money
when refused
on Tender.

CXII. And be it enacted, That if upon Payment or Tender to any such Mortgagee of the Amount of the Value or Compensation so agreed upon or determined such Mortgagee shall fail to convey or release to the Commissioners, or as they shall direct, his Interest in the Lands in respect of which such Compensation shall so have been paid or tendered, or if he shall fail to adduce a good Title thereto to the Satisfaction of the Commissioners, it shall be lawful for the Commissioners to pay the Amount of such Value or Compensation into the Bank of *England* in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank; and such Payment or Deposit shall be accepted by such Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of the Portion of the mortgaged Lands so required from all Money due thereon; and thereupon such Land shall become absolutely vested in the Commissioners as to all such Estate and Interest as were then vested in the Mortgagee, or any Person in trust for him, and in case such Mortgagee were himself entitled to such Possession they shall be deemed to be in the actual Possession thereof; nevertheless every such Mortgagee shall have the same Powers and Remedies for recovering or compelling Payment of the Mortgage Money, or the Residue thereof, (as the Case may be,) and the Interest thereof respectively, upon and out of the Residue of such mortgaged Lands, or the Portion thereof not required for the Purposes of this Act, as he would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally comprised in such Mortgage.

Release of
Lands from
Rent-
charges.

CXIII. And with respect to any such Lands which shall be charged with any Rent Service, Rent-charge, or chief or other Rent, or other Payment or Incumbrance, be it enacted, That if any Difference shall arise between the Commissioners and the Party entitled to any such Charge respecting the Consideration to be paid for the Release of such Lands therefrom, or from the Portion thereof affecting the Lands required for the Purposes of this Act, the same shall be determined as in other Cases of disputed Compensation.

Release of
Part of
Lands from
Charge.

CXIV. And be it enacted, That if Part only of the Lands charged with any such Rent Service, Rent-charge, chief or other Rent, Payment or Incumbrance, be required to be taken for the Purposes of this Act, the Apportionment of any such Charge may be settled by Agreement between the Party entitled to such Charge and the Owner of the Lands on the one Part, and the Commissioners on the other Part; and if such Apportionment be not so settled by Agreement, the same shall be settled by Two Justices; but if the remaining Part of the Lands so jointly subject be a sufficient Security for such Charge, then, with Consent of the Owner of the Lands so jointly subject (such Owner not being under legal Disability or Incapacity), the Party entitled to such Charge may release therefrom the Lands required, on condition or in consideration of such other Lands remaining exclusively subject to the whole thereof.

Deposit in
case of

CXV. And be it enacted, That upon Payment or Tender of the Compensation so agreed upon or determined to the Party entitled to any

any such Charge as aforesaid such Party shall execute to the Commissioners a Release of such Charge; and if he fail so to do, or if he fail to adduce a good Title to such Charge, to the Satisfaction of the Commissioners, they shall pay the Amount of such Compensation into the Bank of *England* in the Manner provided by this Act in the like Cases of Monies required to be deposited in such Bank; and thereupon the Rent Service, Rent-charge, chief or other Rent, Payment or Incumbrance, or the Portion thereof in respect whereof such Compensation shall so have been paid, shall cease and be extinguished.

Refusal to
release.

CXVI. And be it enacted, That if any such Lands be so released from any such Charge or Incumbrance, or Portion thereof, to which they were subject jointly with other Lands, such last-mentioned Lands shall alone be charged with the whole of such Charge, or with the Remainder thereof, as the Case may be, and the Party entitled to the Charge shall have all the same Rights and Remedies over such last-mentioned Lands for the whole or for the Remainder of the Charge, as the Case may be, as he had previously over the whole of the Lands subject to such Charge; and if upon any such Charge or Portion of Charge being so released the Deed or Instrument creating or transferring such Charge be tendered to the Commissioners for the Purpose, they shall affix their Common Seal to a Memorandum of such Release endorsed on such Deed or Instrument, declaring what Part of the Lands originally subject to such Charge shall have been purchased by virtue of this Act, and if the Lands be released from Part of such Charge, what Proportion of such Charge shall have been released, and how much thereof continues payable, or if the Lands so required shall have been released from the whole of such Charge, then that the remaining Lands are thenceforward to remain exclusively charged therewith; and such Memorandum shall be made and executed at the Expence of the Commissioners, and shall be Evidence in all Courts and elsewhere of the Facts therein stated, but not so as to exclude any other Evidence of the same Facts.

Charge to
continue on
Lands not
taken.

CXVII. And with respect to any such Lands which shall be comprised in a Lease for a Term of Years unexpired, Part only of which Lands shall be required for the Purposes of this Act, be it enacted, That the Rent payable in respect of the Lands comprised in such Lease shall be apportioned between the Lands so required and the Residue of such Lands; and such Apportionment may be settled by Agreement between the Lessor and Lessee of such Lands on the one Part, and the Commissioners on the other Part; and if such Apportionment be not so settled by Agreement between the Parties, such Apportionment shall be settled by Two Justices; and after such Apportionment the Lessee of such Lands shall, as to all future accruing Rent, be liable only to so much of the Rent as shall be so apportioned in respect of the Lands not required for the Purposes of this Act; and the Lessor shall have all the same Rights and Remedies for the Recovery of such Rent as previously to such Apportionment he had for the Recovery of the whole Rent reserved by such Lease; and all the Covenants, Conditions, and Agreements of such Lease, except as to the Amount of Rent to be paid, shall remain in force with regard to that Part of the Land which shall not be required for the Purposes of this Act, in the same Manner as they would

Where Part
only of
Lands under
Lease taken,
the Rent to
be appor-
tioned.

[Local.]

44 B

have

have done in case such Part of the Land had been included in the Lease.

Tenants to be compensated.

CXVIII. And be it enacted, That every such Lessee as last aforesaid shall be entitled to receive from the Commissioners Compensation for the Damage done to him in his Tenancy by reason of the Execution of any of the Works by this Act authorized.

Tenants at Will, or from Year to Year, to cede Possession on Six Weeks Notice.

CXIX. And with respect to any such Lands which shall be in the Possession of any Person having no greater Interest therein than as Tenant at Will, or Lessee for a Year, or from Year to Year, be it enacted, That at the Expiration of Six Weeks after receiving Notice to that Effect from the Commissioners, or at any other Time when required, after the Expiration of such Period, all such Persons shall respectively deliver up to the Commissioners, or to the Person appointed by them to take possession thereof, any such Lands in their Possession required for the Purposes of this Act; and any such Notice shall be effectual, whether it be given with reference to the Time of the Commencement of such Tenant's holding or not, and whether such Notice be given before or after the Purchase of such Lands by the Commissioners.

Compensation to such Tenants.

CXX. Provided always, and be it enacted, That if any such Person as last aforesaid be required to give up Possession of any Lands so occupied by him before the Expiration of his Term or Interest therein, he shall be entitled to Compensation for the Value of his unexpired Term or Interest in such Lands, or, if a Part only of such Lands be required, Compensation for the Damage done to him in his Tenancy by the Severance of the Lands required from those not required; and the Amount of such Compensation shall be determined by Two Justices, in case the Parties differ about the same.

On Refusal, Sheriff to give Possession.

CXXI. And be it enacted, That if any such Person refuse to give up such Possession it shall be lawful for the Commissioners, after making Payment or Tender of such Compensation as herein-before mentioned, but not otherwise, to issue their Precept, signed by any Five or more of the said Commissioners, or by the Chairman or the Clerk to the Commissioners for the Time being, to the Sheriff, to deliver up Possession of such Lands to the Person in such Precept nominated to receive the same; and upon the Receipt of such Precept the Sheriff shall deliver Possession of such Lands in obedience thereto; and the Party so refusing to give up Possession shall pay the Costs incurred in the issuing or Execution of such Precept, to be settled by the Sheriff, and if, on Demand, he fail to pay the same, they shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly.

Production of Leases.

CXXII. And be it enacted, That if any Party claim Compensation in respect of any unexpired Term or Interest under any Lease or Grant of any such Lands the Commissioners may require such Party to produce the Lease or Grant in respect of which such Claim shall be made, or the best Evidence thereof in his Power, and if, after Demand made in Writing by the Commissioners, such Lease or Grant, or such best

best Evidence thereof, be not produced within a reasonable Time, the Party so claiming Compensation shall be considered as a Tenant holding only from Year to Year, and be entitled to Compensation accordingly.

CXXIII. And be it enacted, That the Power of the Commissioners for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Five Years from the passing thereof.

Compulsory
Purchase
limited to
Five Years.

CXXIV. And be it enacted, That it shall be lawful for the Commissioners to contract for the Sale and Disposition of and to convey or demise unto any Person, either in consideration of a Sum of Money in gross or of a Rent reserved upon Demises for Terms not exceeding Fourteen Years, to be payable in such Manner as the Commissioners shall think fit, all Lands vested in the Commissioners by virtue of this Act which shall not be wanted for the said Basins, Dock, and Works; and to every Rent reserved to the Commissioners pursuant to this Act shall be incident the usual Power of Entry upon the Lands out of which the same shall be issuing; and the Rent shall be recoverable by the same Means as Rents are recoverable by Law; and all such Contracts, Conveyances, or Demises from the Commissioners may be under the Hands and Seals, or under the Hands only, as the Case may require, of any Three of the Commissioners; and upon Payment of the Purchase Money or Rent it shall be lawful for the Treasurer of the Commissioners to sign and give a Receipt for the Amount by him received, and such Receipt shall be a sufficient Discharge to the Person paying the same, and he shall not be bound to see to the Application thereof.

Commis-
sioners
empowered
to resell or
lease.

CXXV. And be it enacted, That (subject to the Provisions of this Act) it shall be lawful for the Commissioners, according to the Plan and Section to be deposited as herein-after mentioned, and upon the Lands delineated upon the said Plan, and described in the Book of Reference thereto, and in Schedule (C.) to this Act, to form, and from Time to Time to maintain and repair, a Sea Wall adjoining the River *Mersey*, along the Eastern Limits of the said Pool called *Wallasey Pool*, and between the Ferries known as *Seacombe Ferry* and *Woodside Ferry*, with a sufficient Entrance therein to a Tidal Basin or Harbour for Shipping; and also to form, and from Time to Time to maintain, repair, dredge, deepen, scour, and cleanse, a Tidal Basin or Harbour within the said Pool, and a Tidal Basin at or near *Woodside Ferry* aforesaid, together with all Docks, Basins, Jetties, Flood-gates, Locks, Sluices, Drains, Culverts, Embankments, Quays, Wharfs, Slips, and Stairs, and other Works and Conveniences connected therewith; and also to construct an Embankment across the said Pool, from or near a Place called *Bridge End*, in the said Township of *Birkenhead*, to the opposite Shore of the said Pool, near the Smelt Works now occupied by Messieurs *Maudsley* and *Smith*, in the Township of *Poulton-cum-Seacombe*, for the Purpose of penning up the Tidal and other Waters of the said Pool between the Western Side of the said intended Embankment across the same and the Bridge known as *Warrington's Bridge*; and it shall also be lawful for the said Commissioners to shut up

Power to
construct
Works.

up

up and discontinue a certain Sluice at *Warrington's Bridge* aforesaid, used for the Purposes of Drainage, and to construct, and from Time to Time maintain, repair, and cleanse, a Cut, Drain, or Culvert, with proper Sluices and other Works in connexion therewith, to commence by a Communication with the Drain at or near the Junction of *Ford Brook* and *New Carr Brook*, and to pass from thence into and terminate at the Tideway on the Eastern Side of the said intended Embankment across *Wallasey Pool* aforesaid, for the Purpose of carrying off the Drainage Waters which now usually flow through the said Pool from above the said Bridge; and also to form, and from Time to Time maintain and repair, a new Road in the Line of the said intended Cut, Drain, or Culvert, in continuation of the Road known as the *Corporation Road*, from or from near *Gill Brook* to or near to a new Road leading from the *Corporation Road* aforesaid to a new Bridge called *Wallasey Pool Bridge*, within the Parishes, Townships, and Places aforesaid, or some of them; and the said Commissioners, within Six Months from the Period when any Basin or Dock shall be constructed by them and be used for the Purposes of this Act, shall (except as regards the Basin at or near *Woodside Ferry*) surround the said Basin or Dock with a substantial Stone or Brick Wall, not less than Five Feet high above ordinary High-water Spring Tide, and shall at all Times thereafter keep the said Wall in good and complete Repair.

Commissioners to make Flights of Steps in certain Places.

CXXVI. And be it enacted, That the Commissioners for executing this Act shall make in the said Sea Wall between *Seacombe* and *Woodside* not less than Two several and distinct Slips or Flights of Stairs in such Parts of the said Wall, one between *Seacombe Ferry* and the large Basin, the other between *Woodside Ferry* and the said Basin, at nearly equal Distances from each, both which said Slips and Stairs shall be landing and embarking Places for the Accommodation of the Public, and shall respectively be not less than Six Feet wide, and of easy Ascent; and the Public shall have free Access thereto and therefrom: Provided nevertheless, that nothing herein-before or in this Act contained shall prejudice, diminish, alter, or take away the Rights and Privileges of the Ferries of *Woodside* and *Seacombe*, or of either of them.

As to the Tidal Basin on North Side of *Woodside Ferry*.

CXXVII. And be it enacted, That the Commissioners shall, before they commence the Construction of the said Sea Wall extending from the said large Tidal Basin to near *Woodside Ferry* Slip, make the Tidal Basin on the North Side of and adjoining the same Slip for the Accommodation of the Coasting Trade of the Port, of such Dimensions as the Commissioners for executing the Office of Lord High Admiral of the United Kingdom shall direct, such Direction to be signified in Writing under the Hand of the Secretary of the Admiralty for the Time being.

As to the Accommodation for Coasting Trade at *Seacombe* End of the River Wall.

CXXVIII. And be it enacted, That the said Commissioners shall, if required so to do by the Commissioners for executing the Office of the Lord High Admiral, expressed in Writing under the Hand of the Secretary of the Admiralty, and by the Conservators of the River *Mersey*, expressed in Writing under the Hand of the acting Conservator of the said River, make at the *Seacombe* End of the said River

River Wall such further Accommodation for the Coasting Trade of the said Port as shall be thereby ordered.

CXXIX. And be it enacted, That the said Commissioners shall keep and maintain, by dredging or otherwise, the said small Tidal Basin near *Woodside Ferry* Pier at a Depth of Six Feet at Low Water at the Entrance thereof, and at a graduated Depth from the said Entrance to the South-western Boundary of the said Basin, as defined on the said Plan, and so that Low Water of an ordinary Spring Tide shall freely flow up to the said South-western Boundary, and shall gradually slope the Beach from the said Boundary of Low Water for the Space or Area of Six Acres, and maintain the same as and for a Beaching Ground.

Directions as to Tidal Basin near Woodside Ferry Pier.

CXXX. And be it enacted, That in the meantime, and until the Tide Harbour Basin at *Woodside Ferry* shall be completed and made fit for the Reception of Coasting Vessels, at least Twenty-five Acres on the Northern Shore and Twenty-five Acres on the Southern Side of *Wallasey Pool* shall be kept and be maintained in its present State, and left free for the Use of such Coasting Vessels as usually resort thereto; and no Portion of the Works by this Act authorized, which can in any Way affect the said Beaching Ground of the said Pool, or prevent Coasting Vessels from anchoring or lying therein, shall be commenced or proceeded with until the said Tidal Basin shall be fit and ready for the Reception of the Coasting Vessels using the said Pool.

Until Basin at Woodside Ferry completed, 25 Acres on North and South Sides of Wallasey Pool to be maintained as at present.

CXXXI. And be it enacted, That it shall be lawful for the Commissioners and they are hereby required, at their own Cost, within Two Years after the passing of this Act, to raise *Woodside Ferry* Slip to a Level with the Sea Wall by this Act authorized to be made.

Woodside Ferry Slip may be raised to a Level with the Sea.

CXXXII. Provided always, and be it enacted, That notwithstanding any thing in this or any Act contained it shall not be lawful for the Commissioners of the *Birkenhead* Docks, or any Person or Persons whomsoever, to cast or throw into the River *Mersey*, or any River, Pool, Creek, or Inlet communicating therewith, (excepting *Wallasey Pool*, within the Wall to be built from *Seacombe Point* to *Woodside Ferry* Pier,) any Mud, Sand, Stone, or other Materials dredged or dug up from any Dock, Basin, or other Work now or by virtue of this Act or otherwise hereafter to be constructed, but all such Mud, Sand, Stone, or other Materials so dredged or dug up shall be deposited inland of the said Line of River Wall, from *Seacombe Point* to *Woodside Ferry* Pier as aforesaid, or at the Back of such River Wall or Embankment as they are by this Act authorized to construct, or as the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners for the Conservancy of the River *Mersey*, may at any Time allow to be constructed for the better Protection of the Banks and Shores within the said *Wallasey Pool* Dock; and every Person who shall cast or throw into the said River *Mersey*, or any River, Pool, Creek, or Inlet communicating therewith, excepting *Wallasey Pool* as aforesaid, any such Mud, Sand, Stone, or other Materials, or shall not

As to Deposit of Mud, &c.

[Local.]

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deposit

7 & 8 Vict.
c. 80.

deposit the same as aforesaid, shall for every Offence forfeit a Sum not less than One Pound, and not exceeding One hundred Pounds: Provided always, that nothing in this Enactment contained shall be held to alter or affect in any Manner the Provisions of an Act passed in the present Session of Parliament, intituled *An Act for enabling the Trustees of the Liverpool Docks to construct additional Wet Docks and other Works, and to raise a further Sum of Money; and for amending and extending the Acts relating to the Docks and Harbour of Liverpool.*

Penalty on
throwing
Ballast, &c.
into the
River
Mersey.

CXXXIII. And be it enacted, That if any Person shall throw, cast, or empty any Ballast, Ashes, or other Rubbish out of any Vessel lying in the said Tidal Basins or Dock into the River *Mersey*, or from any of the Piers or Wharfs of any of the said Basins or Dock into the River *Mersey*, or if any Person shall empty or throw any Mud or Rubbish taken out of the said Basins or Dock into the River *Mersey*, then and in any or either of the Cases aforesaid every Person so offending shall forfeit and pay a Sum not exceeding Ten Pounds for each such Offence.

For Protec-
tion of Sea-
combe
Ferry.

CXXXIV. Provided always, and be it enacted, That nothing herein contained shall authorize or empower the said Commissioners to make or maintain the said Sea Wall or Works fronting the River *Mersey*, or to take, use, appropriate, or occupy, in any Way whatsoever, any Part of the Fundus or Soil of the Shore of the River *Mersey*, within the Distance of Two hundred and thirty Feet from the Southern Side or of Three hundred and thirty Feet from the Northern Side of the Slip of *Seacombe Ferry*, belonging to *Richard Smith* Esquire, measuring along the Line of the intended River Wall, or within One hundred and thirty Feet from the said Slip, on its South Side, on the Line of the present Stone Pier or Wharf out of which the said Slip runs, without the Consent in Writing of the said *Richard Smith*, his Heirs or Assigns; and that the Line of the Return Wall of the said intended Works on the North Side of the said Slip shall be a Continuation in a straight Line with the front Wall of the said existing Pier or Wharf, and that the Line of the Return Wall of the said intended Works on the South Side of the said Slip shall be constructed in a straight Line.

As to Con-
struction of
proposed
Drain and
Culvert from
Ford Brook
to Wallasey
Bridge
Road.

CXXXV. And be it enacted, That the Drain and Culvert to be constructed as aforesaid shall consist of an open Drain from its Junction with *Ford Brook*, at the Place described in the Plan deposited as herein mentioned, to its Junction with the Road leading from *Wallasey Bridge* to *Birkenhead*, having its Bottom Ten Feet wide, and Slopes on each Side One Foot and a Half horizontally to One Foot perpendicularly, and that the Remainder of the said Drain and Culvert, from the said open Drain to the Outlet at the proposed large Tidal Basin of the *Birkenhead* Dock, as shown in the said Plan, shall consist of a Culvert, having its Bottom Ten Feet in Width, and flatly inverted; that such Culvert shall be Nine Feet in central Height from its said Junction with the open Drain to the Point where *Livingstone Street* crosses the *Corporation Road*, and Ten Feet in central Height from *Livingstone Street* aforesaid to its Outlet at the said large Tidal Basin; that the Sides shall be upright, and the Top consist of a semi-circular Arch; that the Level at the Bottom of the said open Drain at its Junction with *Ford Brook* aforesaid shall be Seven Feet above the *Liverpool Old Dock* Sill, and the
Outlet

Outlet of the said Culvert at the said large Tidal Basin shall be level with the said *Liverpool Old Dock* Sill; that the bottom Line of the said open Drain and Culvert shall have a graduated and uniform Fall throughout its entire Length, and the Outlet of the said Culvert shall consist of a self-acting Sluice, so constructed as to close by the Action of the Tide flowing against it, and prevent any Tidal Water from flowing into the said Drain or Culvert, and to open by the Action of the Land Waters when the Tide shall have ebbed from it, so as thereby to discharge through the said Sluice into the said large Tidal Basin all the Drainage Waters which now usually flow through *Wallasey Pool* from above *Warrington's Bridge*; and that the Opening of the said Sluice shall be of the full Size or Area of the aforesaid Culvert at its Outlet at the said large Tidal Basin.

CXXXVI. Provided always, and be it enacted, That it shall be lawful for the said Commissioners, in making the said Drain or Culvert from *Ford Brook* through the Lands of *Robert Vyner* Esquire, to deviate from the Line thereof as shown on the Parliamentary Plan into any other of the Lands of the said *Robert Vyner*, his Heirs or Assigns, (if they shall think fit so to do,) and to purchase any such Lands for the Site of such Drain or Culvert, on the Request of the said *Robert Vyner*, his Heirs or Assigns, or with his or their Consent in Writing first had and obtained.

Commissioners, in making proposed Drain, may deviate into other Lands of Robert Vyner, Esq. with Consent.

CXXXVII. And be it enacted, That (notwithstanding any thing in this Act contained to the contrary, and notwithstanding the Construction of any of the other Works by this Act authorized or required,) the said Commissioners shall and they are hereby required, at their own Expence, by means of a Culvert or Culverts, or by other sufficient Means, effectually from Time to Time, and at all Times hereafter, to receive, take, convey, and carry off from all the Land above the Line of High-water Mark of the *Cheshire* Shore of the River *Mersey*, comprised within the Boundaries described in Schedule (C.) to this Act annexed, and from the Messuages or Dwelling Houses, Erections, and Buildings erected and to be hereafter erected thereon, or on any Part thereof, all the Surface and other Drainage and Refuse Water issuing or discharged therefrom, and so and in such Manner that the same may be freely passed and delivered into the upper End of the intended open Space or Basin on the Southern Side of *Seacombe* Pier or Slip.

For Construction of Culvert for carrying off Surface Water from certain Lands.

CXXXVIII. And be it enacted, That a Quay of Twenty Yards in Width along and within the said River Wall shall and may be used as a Parade or Walk for the Recreation of the Public, and the Surface thereof shall be gravelled and kept in repair by and at the Expence of the said Commissioners for executing this Act.

A Parade for the Recreation of the Public.

CXXXIX. And for the Purpose of providing against Deficiencies in the Assessments for Land Tax, occasioned by the Construction of the Works in the several Parishes, Townships, or Places wherein the same or any Part thereof may be situate, be it enacted, That if the Commissioners become possessed, by virtue of this Act, of any Lands charged with the Land Tax, the Commissioners shall from Time to Time, until the Works shall be completed and assessed to such Land

Land Tax to be made good.

Land Tax, be liable to make good the Deficiency in the several Assessments for Land Tax arising within such Parishes, Townships, or Places, by reason of such Lands having been taken or used for the Purposes of the Works; and such Deficiency shall be computed according to the Rental at which such Lands, with any Buildings thereon, were valued or rated at the Time of the passing of this Act, and on Demand of such Deficiency the Treasurer of the Commissioners shall pay all such Deficiencies to the Collector of the said Assessments; nevertheless, if at any Time the Commissioners think fit to redeem such Land Tax they may do so in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax.

Deposited
Plans and
Books of
Reference to
be open for
Inspection.

CXL. And whereas Plans and Sections of the said Works respectively, showing the Line, and Situation, and Levels thereof, and also Books of Reference, containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers, of the Lands in or through which the same are intended to pass or be made, have been deposited with the Clerk of the Peace of the County of *Chester*: And whereas since depositing the said Plans and Sections an Alteration in the Line and Situation of the Sea Wall adjoining the River *Mersey*, between *Seacombe* and *Woodside* Ferries aforesaid, and also an Alteration of several of the said Works, as laid down and defined upon such Plans and Sections, have been agreed upon and determined; be it therefore enacted, That the said Plans, Sections, and Books of Reference so deposited shall remain with and be kept by the said Clerk of the Peace, and that a Map or Plan, describing the Line and Situation of the said Sea Wall, and other Works respectively, as the same are intended to be made by virtue of this Act, authenticated by the Signature of the Secretary of the Admiralty, together with Sections thereto respectively, shall, within One Calendar Month after the Admiralty and the Lords Conservators have given their Consent thereto, be deposited with the said Clerk of the Peace; and all Persons interested may at all reasonable Times inspect such Plans, Sections, and Books of Reference, and may require to be furnished by such Clerk of the Peace with Extracts therefrom or Copies thereof; and such Clerk of the Peace shall give Access to such Documents, and, if required, furnish Copies thereof, or Extracts therefrom, and certify the same to be true Copies or Extracts, and in respect thereof he shall be entitled to One Shilling for every Inspection of such Document, and One Shilling for every Hour such Inspection shall continue beyond the First Hour, and Sixpence for every One hundred Words copied or extracted therefrom; and if such Clerk of the Peace shall fail to comply with any of the Provisions aforesaid he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Errors and
Omissions
to be cor-
rected.]

CXLI. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on the said Plans so to be deposited, or in the said Books of Reference, or the Schedule (C.) hereto, be it enacted, That the Correction of any such Matter may be referred by the Commissioners to the Determination of Two Justices, and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake they shall

shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace of the said County, and Copies or Extracts thereof with the Clerks of the several Parishes in which the Lands affected thereby shall be situate; and such Certificate, and such Extracts or Copies respectively, shall be kept by such Clerk of the Peace and Clerks of the Parishes respectively along with the Documents to which they relate; and thereupon such Document, or the Schedule (C.) to this Act, shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Commissioners to make the Works in accordance with such Certificate.

CXLII. And be it enacted, That true Copies of such Plans and Books of Reference or of any Correction thereof, or Extracts therefrom; certified by such Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Copies of Plans, &c. to be Evidence.

CXLIII. And be it enacted, That the Commissioners shall not take or injure any Property of the following Kinds, except such as shall be specified in the Schedule (C.) to this Act, without the Consent in Writing of the Owners and Occupiers thereof, unless the Omission in such Schedule be certified, according to the Provisions herein-before contained, to have proceeded from Mistake; (that is to say,) any House or Building erected on or before the Thirtieth Day of *November* One thousand eight hundred and forty-three, or any Ground on or before that Day enclosed or set apart and used as a Garden, Orchard, Nursery Ground, Yard, Paddock, Plantation, planted Walk, or Avenue to a House.

Houses and enclosed Grounds not to be taken unless specified in Schedule.

CXLIV. And be it enacted, That it shall not be lawful for the Commissioners permanently to pen up or impound the Waters of the said Pool between *Warrington's Bridge* aforesaid and the Western Side of the said intended Embankment across the said Pool to a greater Level than Fifteen Feet above the Sill of the old Dock at *Liverpool*; nor shall it be lawful for the Commissioners to shut up or discontinue the said Sluice at *Warrington's Bridge* aforesaid, nor to obstruct the existing Drainage through *Wallasey Pool* aforesaid, until they shall have completed the said intended new Cut, Drain, or Culvert.

Restriction as to penning up Water in *Wallasey Pool*.

CXLV. And be it enacted, That if the Commissioners shall shut up or discontinue the said Sluice at *Warrington's Bridge* aforesaid, or obstruct or impede the free Flow of the Drainage Waters through the said Pool, before they shall have completed the said new Drain and Culvert in the Manner by this Act required, or if by reason of the said Drain and Culvert, or either of them, being out of repair, or not sufficiently cleansed, the Flow of the said Drainage Waters shall be in any-wise obstructed or impeded, the said Commissioners shall forfeit the Sum of Twenty Pounds, and a further Sum of Twenty Pounds for every Day during which such Obstruction shall continue, and shall moreover pay and make Compensation and Satisfaction for any Damage which may be occasioned to the Owner or Occupier of any Land or

Penalty for obstructing Drainage.

other Property affected thereby, such Penalties and Compensation to be recoverable, by such Owner or Occupier, by Action of Debt or on the Case, against the said Commissioners or their Treasurer, in any of Her Majesty's Courts of Record, together with full Costs of Suit.

Compensation not exceeding 10% to be recovered before Justices.

CXLVI. Provided always, and be it enacted, That when the Amount of any such Compensation sought to be recovered shall not exceed Ten Pounds it shall and may be ascertained and determined by Two or more Justices, and be recoverable in such Manner as other Compensations are by this Act directed to be summarily ascertained and recovered.

As to Erection of Bridges for the Transit of Carts, &c. across Drain.

CXLVII. And be it enacted, That it shall be lawful for the Commissioners and they are hereby required, at their own Expence, to erect, maintain, and repair not less than Three sufficient Occupation Bridges for the Transit of Carts and Carriages across the said Drain, such Bridges to be of the Span of Fifteen Feet, and of the Width of Fifteen Feet, in the Roadway at the least, and to be constructed of Timber, Cast Iron, or Stone, and not to be raised higher than the Level of the Side Banks of the said Drain, the same to be erected between the Commencement of the said Drain at *Ford Brook* and the *Wallasey Bridge Road*, in such Situations as shall be selected by *Robert Vyner* Esquire, the Owner of the Land situate on either Side of the said intended Drain; and that it shall be lawful for the said *Robert Vyner*, or the Owner of the said Land for the Time being, at his own Expence, to erect, maintain, and repair such Number of other Bridges, and in such Situations, as he shall deem expedient, for the Transit of Carts and Carriages across the said Drain; and that it shall be lawful for the said *Robert Vyner*, or the Owner of such Land for the Time being, to construct the Abutments of such last-mentioned Bridges in and upon the sloping Sides of the said Drain, making good all Damage occasioned thereby, and not interrupting the free Flow of the Drainage Waters.

Gas and Water Pipes may be carried across Embankment.

CXLVIII. And be it enacted, That it shall be lawful for the *Birkenhead* and *Cloughton* Gas and Waterworks Company to carry their Mains and Pipes for the Supply of Gas or Water upon and across the Embankment to be constructed by virtue of this Act, with the Consent and subject to the Approval and under the Superintendence of the Engineer for the Time being of the Commissioners.

No Works below High-water Mark without the Consent of the Admiralty.

CXLIX. Provided always, and be it enacted, That nothing in this Act contained shall authorize the Commissioners to make or maintain any Works below the ordinary High-water Mark at Spring Tides without the previous Consent of the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom for the Time being, signified in Writing under the Hand of the Secretary of the Admiralty for the Time being, and the Commissioners for the Conservancy of the River *Mersey*, or the Acting Conservator of the said River.

After Three Years from passing of Act, Com-

CL. And whereas in and by an Act of Parliament passed in the Sixth Year of the Reign of Her present Majesty, relating to the Conservancy of the said River *Mersey*, an annual Sum, not exceeding in the

the whole in any One Year the Sum of Six hundred Pounds, is directed to be paid for the Salary and Expences of the Acting Conservator and other Persons as in the same Act mentioned, of which annual Sum Two Third Parts thereof are to be paid by the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool*, and One Third Part thereof by the Trustees of the *Liverpool* Docks: And whereas the Works to be constructed under the Provisions of this Act will, when completed, derive Benefit from the Conservancy established by the said Act; be it therefore enacted, That from and after the Expiration of Three Years from the passing of this Act the Commissioners of the *Birkenhead* Docks shall pay to the Commissioners of the said Conservancy a proportionate Part of the One Third which the said Trustees pay in respect of the said Salary and Expences, according to the Amount of Rates which may be annually received by the Commissioners of the *Birkenhead* Docks, and what the said Trustees may annually receive for their Docks; but in the event of no proportionate Part of the said One Third being paid by the Commissioners of the *Birkenhead* Docks, then the said Trustees shall be liable to the Payment of the whole of the said One Third as if this Act had not been passed.

Commissioners of *Birkenhead* Docks to pay to Commissioners of Conservancy of River *Mersey* a proportionate Part of One Third of certain Expences now paid by Trustees of *Liverpool* Docks.

CLI. And be it enacted, That the said Commissioners shall erect or provide such Cranes, Weighing and other Machines, Conveniences, Weights, and Measures, upon the Quays, Wharfs, or Dock made under this Act, as are necessary for loading, unloading, measuring, and weighing any Goods, Articles, or Things exported from or imported into the said Basins and Dock, and shall also erect or provide Huts or Offices fit and proper for the Officers of the Revenue, and shall keep the same Cranes, Weighing and other Machines, Conveniences, Weights, Measures, Huts or Offices, at all Times in good and sufficient Repair.

Commissioners to provide and keep in repair Cranes, Weighing Machines, &c., and Huts for the Officers of the Revenue.

CLII. And be it enacted, That it shall be lawful for the Commissioners, if they shall think fit, to inclose all or any of the Basins, Dock, Quays, Wharfs, and other Works hereby authorized, in such Manner as they shall deem necessary and proper, by Walls of Brick or Stone, or both, as they shall think fit, with Gates therein for Entrances.

Basins, Dock, &c. may be inclosed by Walls.

CLIII. And be it enacted, That it shall be lawful for the Commissioners to demand and receive for every Vessel which shall enter any of the Basins or Docks to be constructed under the Authority of this Act any Sum not exceeding the several Rates following; (that is to say,)

Rates to be taken.

For every Vessel to or from any Port or Place within the United Kingdom of *Great Britain* and *Ireland*, the Sum of Sixpence for each Ton thereof:

For every Vessel to or from any other Port or Place, the Sum of One Shilling and Sixpence for each Ton thereof:

For every Vessel which shall remain in any of the said Basins or Dock for a longer Period than Six Months, a further Sum equal to Half of the Rates which shall have been paid in respect of such Vessel, and so on for every further Period of Six Months.

CLIV. And

Vessels to pass through Gates after having paid Rates ;

CLIV. And be it enacted, That all Vessels which shall have entered the said Basins or Dock, and become liable to the Payment of the Rates herein-before mentioned, shall be at liberty, without further Charge, to pass through the Gates in the said Embankment into the said Pool, at all Times when the Water in the said intended Tidal Basin shall be at the same Level as the Water within the said Pool between the said Embankment and *Warrington's Bridge* aforesaid; and if the said Commissioners shall refuse to permit such Vessel to pass through such Gates as aforesaid, they shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

and through the Locks.

CLV. Provided always, and be it enacted, That any Vessel having become liable to the Payment of the said Rates as aforesaid shall be permitted at all Times (except when the same shall be under repair) to pass through the Locks to be constructed by the Commissioners.

Exemption for Vessels returning from Stress of Weather, &c.

CLVI. Provided always, and be it enacted, That if any Vessel for which the Rates herein-before mentioned shall have been paid shall, after leaving the said Basins or Dock, be obliged, from Stress of Weather or other Cause, to return with the same Cargo, the Rates so paid shall not again be payable in respect of such Vessel.

Rates for Vessels entering for Shelter.

CLVII. Provided also, and be it enacted, That all outward or inward bound Vessels which shall enter the large Tidal Basin or Harbour for Shelter only, and not for loading or unloading, shall pay a Sum not exceeding Sixpence for each Ton thereof.

Exemption in favour of Vessels conveying certain Articles put on board within the Limits of the River Mersey, &c.

CLVIII. Provided also, and be it enacted, That this Act shall not extend to charge with any Rates and Duties any Flats, Lighters, or other Vessels conveying Salt, Coals, Cannel, or Goods and Merchandize which shall have been put on board the same within the Limits of the River *Mersey*, or brought from any inland Canal or any inland navigable River, communicating or hereafter to communicate, either by itself or by any navigable Canal, with the said River *Mersey*; and that all such Flats, Lighters, or other Vessels shall be permitted to pass, free of Charge, through the Gates, Locks, and Openings in the said Embankment hereby authorized to be constructed, at all Times when the said Gates and Openings are opened for the Passage of Water; and further, that the said Locks shall be opened, free of Charge, for the Passage of such Flats, Lighters, and other Vessels at all such Times as other Vessels liable to Rates shall be entitled to pass through the same.

Coasting Vessels, &c.

CLIX. Provided also, and be it enacted, That the Rates herein mentioned shall not be charged in respect of any Vessel of less than One hundred Tons Register, or any Coasting Vessel, of whatever Tonnage she may be, entering the said intended Basin at or near *Woodside Ferry* from any Port or Place within the United Kingdom, and remaining there for not more than Eight Tides, or during Gales of Wind or adverse Winds; and Vessels shall be at liberty to enter the said intended Basin at all Times.

Steam Boats, the Property of the Liverpool Steam-

CLX. And be it enacted, That nothing in this Act contained shall render any of the Steam Boats which shall be the Property of the Proprietors

prietors for the Time being in a certain Company called "The *Liverpool* Steam-Tug Company," and used for the Purpose of towing only, and not for the Conveyance of Cargo or Passengers, liable to the Payment of any Rates under this Act, for at reasonable Times entering, passing, and repassing through the said large Tidal Basin, and the Gates of the said Embankment, but that the said Steam Boats shall be at liberty, without any Charge, to pass and repass through the said large Tidal Basin, and the Gates in the said Embankment, into and from the said Pool, at all Times when any other Vessel would be at liberty to pass through the said Gates.

Tug Company, to be allowed to pass and repass through large Tidal Basin and Gates in Embankment free of Charge;

CLXI. Provided always, and be it enacted, That nothing in this Act contained shall authorize the said Steam Boats of the said *Liverpool* Steam-Tug Company to remain in the said large Tidal Basin free of Charge.

but not to remain in Basin free of Charge.

CLXII. And be it enacted, That the Tonnage of every *British* Vessel liable to the Payment of any Tonnage Rate under this Act, and duly registered according to Law, shall be ascertained according to the certified Tonnage in the Register; and the Tonnage of all other Vessels shall be ascertained according to the Rules of Admeasurement established by an Act of Parliament passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Admeasurement of the Tonnage and Burden of the Merchant Shipping of the United Kingdom*, or any Law for the Time being regulating such Admeasurement.

Tonnage of British registered Vessels to be ascertained by Register; of other Vessels by Measurement, according to 5 & 6 W. 4. c. 56.

CLXIII. And be it enacted, That it shall be lawful for the Commissioners to demand and take, for the Use of any Cranes and Weighing Machines erected by the Commissioners, of and from the Owner or Person having the Charge of any Goods, Articles, or Things loaded or unloaded, weighed or measured, by means of the same, such reasonable Rates as the Commissioners shall from Time to Time appoint.

Rates for d Cranes and Weighing Machines.

CLXIV. Provided always, and be it enacted, That any Duties, Rates, or Charges chargeable by this Act upon Vessels not entitled to the Privileges of a *British* Ship, or upon Goods imported or exported in such Vessels, shall not be applicable to Vessels belonging to Countries with which Treaties of Reciprocity have been concluded or may hereafter be concluded, so long as such Treaties shall continue in force, nor to the Goods imported or exported therein, but the same Duties, Rates, or Charges shall be levied upon the Vessels of such Countries during such Period as aforesaid, and upon the Goods imported or exported therein, as may be from Time to Time payable by this Act upon Vessels entitled to the Privileges of *British* Ships, or upon Goods imported or exported in such Vessels.

Rates on Foreign Vessels to be reduced to the Rates on British Ships where Reciprocity Treaties shall be entered into with Foreign Countries.

CLXV. Provided always, and be it enacted, That the several Rates authorized to be taken by this Act shall at all Times be charged equally and after the same Rate in respect of the same Description of Vessel and Goods.

Rates to be charged equally.

[Local.]

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CLXVI. And

Masters to report Arrival of Vessels within the Basins, &c.

CLXVI. And be it enacted, That the Master or Commander of any Vessel liable to any of the said Rates shall, within Six Hours after the Arrival of such Vessel within the said Basins or Dock (except the said Basin near *Woodside Ferry*), report to the Dock Master for the Time being the Arrival of such Vessel, and the Place from whence it came; and any Master or Commander of any such Vessel who shall fail to make such Reports within the Time aforesaid, or who shall make a false Report as to the Place from whence such Vessel came, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Master of Vessel to produce Certificate of Registry. Penalty.

CLXVII. And be it enacted, That the Master or Commander of every registered Vessel shall, on Demand, produce the Certificate of the Registry of such Vessel to any Person authorized by the Commissioners to collect the Rate in respect of such Vessel; and if any such Master or Commander shall refuse or neglect to produce such Certificate to any such Person on Demand, he shall forfeit any Sum not exceeding Five Pounds.

Recovery of Rates by Distress of Ship and Tackle.

CLXVIII. And be it enacted, That if any Master or other Person having Command of any Vessel in respect of which any Rates shall be payable to the Commissioners shall refuse or neglect to pay the same, then it shall be lawful for the Person appointed by the Commissioners to collect such Rates to go on board of such Vessel, and demand such Rates, and on Nonpayment thereof, or any Part thereof, to take and distrain such Vessel, and all the Tackle, Apparel, and Furniture belonging thereto, or any Part thereof, and to detain such Distress until the Rates shall be paid; and in case any of the said Rates shall remain unpaid for the Space of Fourteen Days next after any Distress so made, then it shall be lawful for the said Collector to cause such Distress to be appraised by Two or more sworn Appraisers, and afterwards to sell the Distress, and therewith to satisfy the Rates so unpaid, and all the Expences of taking, keeping, appraising, and selling such Distress, rendering the Overplus (if any) to the Master or other Person having the Command of such Vessel, upon Demand.

Penalty on evading Payment of Rates.

CLXIX. And be it enacted, That if any Master or Commander of any Vessel shall evade the Payment of any Rates payable to the Commissioners he shall pay to them Three Times the Amount of such Rates, and the same shall be recovered from such Master or Commander in the same Manner as Penalties imposed by this Act are directed to be recovered, or by Action in any of the Superior Courts.

Collector of Customs may withhold a Discharge to any Vessel until Rates paid.

CLXX. And be it enacted, That it shall be lawful for the Collector or other proper Officer of Her Majesty's Customs within the said Harbour, with the Consent of the Commissioners of Her Majesty's Customs, to refuse to receive any Entry, or give any Cocquet, Discharge, or Clearance, or to take any Report inwards or outwards for any Vessel liable to the Rates imposed by this Act, until the Master or Commander of such Vessel shall produce to such Collector or Officer a Certificate, under the Hand of the Person appointed by the Commissioners to collect such Rates, that the Rates payable under this Act in respect of such Vessel,

Vessel, and any Goods, Articles, or Things imported or exported by such Vessel, have been paid.

CLXXI. And be it enacted, That if any Dispute shall arise concerning the Amount of any Rates or Tolls due, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Person distraining to detain such Distress until the Amount of the Rates or Tolls due, or the Charges of such Distress, (as the Case may be;) shall be ascertained by some Justice of the Peace, who, upon Application made to him for that Purpose, shall determine the Amount of the Rates or Tolls due, and award such Costs to be paid by either of the Parties to the other of them as he shall think reasonable; and such Costs, if not paid on Demand, shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Disputes concerning Rates, &c., and Distress, to be settled by a Justice.

CLXXII. And be it enacted, That the Commissioners shall from Time to Time cause to be painted on Boards, in large and legible Characters, and affixed in the Front of the principal Office of Business of the Commissioners, and on some conspicuous Place near where the Rates or Tolls respectively shall be payable, a List of the several Rates or Tolls which shall be from Time to Time payable under this Act; and no Rate or Toll shall be payable during such Time as such Lists shall not continue so affixed, or for any Matter or Thing not specified in such List: Provided always, that if any such List shall be destroyed, injured, or obliterated, the Rates or Tolls shall continue to be payable during such Time as may be reasonably required for the Restoration or Reparation of such List in the same Manner as if such List had continued affixed and in the State required by this Act.

List of Rates, &c. to be set up.

CLXXIII. And be it enacted, That if any Person shall wilfully pull down, deface, or destroy any Board whereon any Rates or Tolls shall have been painted according to the Directions of this Act, or shall concur or aid therein, he shall, on Conviction, forfeit a Sum not exceeding Five Pounds.

Penalty on defacing Boards used for that Purpose.

CLXXIV. Provided always, and be it enacted, That the Master or Owner of any Vessel entering the Tidal Basins and Dock to be constructed under the Authority of this Act (except the Queen's Ships of War, and others employed in Her Majesty's Service, and in the Service of the Commissioners of Her Majesty's Customs and Excise, and in the Service of the Postmaster General, and Vessels driven in by stress of Weather, and except Vessels in respect of which or of the Cargo thereof the said Trustees of the *Liverpool* Docks shall be authorized or empowered to claim or receive any Dock Rates,) shall pay to the said Trustees of the *Liverpool* Docks, for every Ton of Register Burden of such Vessel, the Rates specified in the Schedule hereunto annexed, for and in respect of the Maintenance of the Buoys, Land-marks, and Telegraphs established or to be established by the said Trustees, and of the Expence of Lights and Life-boats, and the Expence of the Office of Marine Surveyor of the said Trustees, and for and towards the Improvement of the said Port and Harbour of *Liverpool* in any other respect (save and except as regards the Construction and Maintenance of the Docks, Basins, and Wharfs, and Quays of the said

Certain Rates to be payable by Vessels using the Tidal Basins and Dock.

said Trustees, and the Works and Establishments immediately belonging thereto or connected therewith); and it shall be lawful for the said Trustees, and for any Person whom they shall appoint in that Behalf, to demand, collect, receive, and take Tonnage Rates not exceeding the said Rates hereby imposed; and such Rates shall be paid, collected, and received in like Manner as the Rates and Duties now payable to the said Trustees are paid and collected, and the Evasion or Nonpayment of the said Rates shall be punishable in the same Manner as the Evasion or Nonpayment of the Rates and Duties authorized to be taken by the said recited Acts, or any of them:

SCHEDULE referred to in the foregoing Clause.

	Lighthouses.	Floating Lights.	Buoying and maintaining.	Total.
	<i>d.</i>	<i>d.</i>	<i>d.</i>	<i>d.</i>
All Vessels sailing to or from the Port of Liverpool to any Port or Place between Duncan's Bay Head and the Land's End on the West Side of Great Britain, and between Mallinthead and Cape Clear on the East Side of Ireland - - -	0 $\frac{1}{4}$	0 $\frac{1}{8}$	0 $\frac{3}{4}$	1 $\frac{1}{8}$
All Vessels sailing to or from the Port of Liverpool to any Port or Place between Duncan's Bay Head and the Land's End on the East and Southern Coast of Great Britain, and between Mallinthead and Cape Clear on the West Coast of Ireland.	0 $\frac{1}{2}$	0 $\frac{1}{4}$	1	1 $\frac{3}{4}$
All Vessels sailing to or from the Port of Liverpool to any Port or Place not being within the United Kingdom of Great Britain and Ireland, or the adjacent Islands, to the Northward of the Cape of Good Hope and the Northward of Cape Horn - - - - -	1	0 $\frac{1}{2}$	1 $\frac{1}{4}$	2 $\frac{3}{4}$
All Vessels sailing to or from the Port of Liverpool to any Port or Place to the Eastward of the Cape of Good Hope and the Westward of Cape Horn.	1	1	1 $\frac{1}{2}$	3 $\frac{1}{2}$

And the said Rates shall be subject to Revision at the Times and in the Manner expressed in an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for enabling the Trustees of the Liverpool Docks to erect Transit Sheds on the West Quay of the Prince's Dock, to make a Wet Dock with Warehouses on the Quays, and to construct other Works, and to raise a further Sum of Money; and for enlarging the Powers of the Acts relating to the Docks and Harbour of Liverpool; and for other Purposes relating thereto.*

4 & 5 Vict.
c. 30.

For Recovery of the Rates payable to the

CLXXV. And be it enacted, That the said Rates and Duties hereby made payable to the Trustees of the *Liverpool Docks* shall be collected, levied, and paid in the same Manner, and by and subject to the same Rule

Rules and Regulations as to the Collection thereof, as the Tonnage Rates, and other Rates and Duties granted by the Acts relating to the Docks and Harbour of *Liverpool*, or any of them, are directed to be collected, levied, and paid; and all the Powers, Penalties, and Provisions contained in such Acts, or any of them, and now in force, relating to the Tonnage Rates, and other Rates and Duties thereby granted, and the collecting, levying, and paying the same, so far as the same are applicable to the said Rates and Duties herein-before made payable to the said Trustees, shall remain in full Force, and shall and may be applied and used in the same Manner, to all Intents and Purposes whatsoever, in relation to such Rates and Duties as if they had been re-enacted in this Act with reference to such Rates and Duties.

Dock Trustees for Lights.

CLXXVI. Provided always, and be it enacted, That nothing in this Act contained shall be construed to exempt Vessels or Cargoes using the said large Tidal Basin or Dock of the said Commissioners from paying the Tonnage Rates and other Rates and Duties authorized to be levied by the Trustees of the *Liverpool* Docks, in and by the One hundred and fourth Section of an Act passed in the Fourth Year of Her present Majesty, intituled *An Act for enabling the Trustees of the Liverpool Docks to erect Transit Sheds on the West Quay of the Prince's Dock, to make a Wet Dock, with Warehouses on the Quays, and to construct other Works, and to raise a further Sum of Money; and for enlarging the Powers of the Acts relating to the Docks and Harbour of Liverpool; and for other Purposes relating thereto, in the Event and for the Purposes in the same Section mentioned.*

As to Rates for lighting, &c.

4 & 5 Vict. c. 30.

CLXXVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to appoint such Dock Masters as they shall think necessary, and at pleasure to remove such Dock Masters.

Power to appoint Dock Masters.

CLXXVIII. And be it enacted, That it shall be lawful for the Dock Master for the Time being to give Directions for all or any of the following Purposes; (that is to say,)

Powers of Dock Master.

For regulating the mooring, unmooring, placing, or removing, within the said Basins and Dock, or within One hundred Yards from any Point in a Line between the intersectional Points of the North Wall produced and the Sides of the Basin produced, of any Vessels entering into, lying in, or going out of the said Basins or Dock:

For regulating the Time and Manner of any Vessels coming into or going out of the said Basins or Dock, and of their Position while loading or discharging Cargoes therein:

For regulating the Manner in which any Vessels entering the said Basins or Dock shall be dismantled for Safety of such Vessel, and for preventing Injury to other Vessels, and to the said Basins, Dock, and Moorings:

For regulating the Quantity of Ballast or dead Weight in the Hold each Vessel shall have during the Delivery of her Cargo in the said Basins and Dock, or when discharged therein.

Penalty on exercising such Powers unreasonably.

CLXXIX. And be it enacted, That in case any Dock Master appointed under this Act shall, without reasonable Cause, exercise any of the Powers or Authorities vested in him by this Act, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Dock Master may remove Vessels within Basins or Dock, or within limited Distance.

CLXXX. And be it enacted, That if any Master or Commander of any Vessel in the said Basins or Dock, or within the Limits defined as aforesaid, shall not moor, unmoor, place, or remove the same according to the Directions of the Dock Master for the Time being appointed under this Act, after Notice in Writing of such Directions, signed by such Dock Master, shall be served on him, or if there shall be no Person on board of any such Vessel it shall be lawful for such Dock Master to cause such Vessel to be moored, unmoored, placed, or removed, as he shall think fit, within the said Basins or Dock, or within the Limits defined as aforesaid; and the Expences attending the mooring, unmooring, placing, or removing such Vessel shall be paid to the said Dock Master by the Master or Commander of the same.

Dock Master may cut Ropes.

CLXXXI. And be it enacted, That if any Master or Commander or other Person on board of any Vessel which shall be moored or fastened within the said Basins or Dock, or within the Limits defined as aforesaid, shall not, on Demand of the said Dock Master, unloose or slacken the Rope or Chain by which such Vessel shall be fastened, or if there be no Person on board of any such Vessel so moored or fastened it shall be lawful for the Dock Master to cut the Rope or slacken the Chain by which such Vessel shall be moored or fastened: Provided always, that before the Dock Master shall cut the Rope or slacken any Chain by which any Vessel without any Person on board shall be moored or fastened he shall cause a sufficient Number of Persons for the Protection of the same to be put on board such Vessel, and all Expences thereby incurred shall be paid by the Master or Commander of such Vessel.

Steam Boats, &c. belonging to Liverpool Steam-Tug Company may be moored alongside their Premises.

CLXXXII. And be it enacted, That nothing in this Act contained shall authorize any Dock Master or other Person appointed under this Act to remove, disturb, or interfere with, or cause to be removed, disturbed, or interfered with, any Steam Boat or other Vessel which shall at any Time belong to the said *Liverpool* Steam-Tug Company which shall be moored or fastened alongside of or adjacent to any Wharf, Land, or other Premises belonging to the said Steam-Tug Company.

Vessels entering Basins or Dock to be dismantled as Dock Master shall direct.

CLXXXIII. And be it enacted, That no Vessel shall enter the said Basins or Dock (other than the intended Basin at or near *Woodside Ferry*) except the same shall be dismantled as shall be directed by the Dock Master for the Time being appointed under this Act; and if any Vessel shall enter the said Basins or Dock without being dismantled in the Manner required by such Dock Master, after Notice in Writing, signed by such Dock Master, shall have been served on the Master or Commander of such Vessel to dismantle the same in the Manner aforesaid, such Master or Commander shall for every such Offence forfeit a Sum not exceeding Ten Pounds.

CLXXXIV. And

CLXXXIV. And be it enacted, That every Vessel in the said Basins or Dock shall have substantial Hawsers, Tow Lines, and Fastings fixed to the Dolphins, Moorings, Booms, Buoys, or Mooring Posts when required by the said Dock-Master; and if any Vessel shall be in the said Basins or Dock without such substantial Hawsers, Tow Lines, or Fastings fixed as aforesaid, after Notice in Writing from the said Dock-Master to the Master or Commander of such Vessel to furnish or fix the same, such Master or Commander shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Vessels to have Hawsers, &c. fixed to Moorings.

CLXXXV. And be it enacted, That it shall be lawful for the Dock Master for the Time being appointed under this Act to regulate the Equipment, Rigging, and Lading of all Vessels in the said Basins or Dock as he shall think proper; and if he shall judge any Act or Proceeding in the Equipment, Rigging, or Lading of any Vessel entering or departing from the said Basins or Dock unsafe for such Vessel, or likely to produce Injury to other Vessels, or to the said Basins or Dock, it shall be lawful for him to give Notice in Writing, signed by him, to the Master or the Commander of such Ship, to discontinue or alter the same; and if such Master or Commander shall not, according to such Notice, discontinue or alter such Act or Proceeding immediately after such Notice shall have been served on him, or some Person on board the said Vessel, every such Master or Commander shall for every such Offence forfeit a Sum not exceeding Ten Pounds.

Dock Master to regulate Equipment, &c. of Vessels in Basins or Dock.

CLXXXVI. And be it enacted, That as soon as the said intended Basins or Dock are so far completed as to admit Ships to enter therein no Vessel shall lie within the Limits defined as aforesaid, unless for the Purpose of coming in or going out of the said Basins or Dock, so that at all Times the Entrance may be kept clear and without Obstruction.

No Vessel to lie within limited Distance of Basins or Dock.

CLXXXVII. And be it enacted, That if the Master or Commander of any Vessel shall place any Vessel, or suffer the same to remain within the Limits defined as aforesaid, and shall not, immediately on being required by the said Dock Master for the Time being, remove such Vessel, every such Master or Commander so offending shall for every such Offence forfeit a Sum not exceeding Twenty Shillings for every Hour that such Vessel shall remain within the Distance aforesaid after a reasonable Time for removing the same shall have expired after the Service of such Notice.

Penalty on suffering the Vessel to remain within limited Distance.

CLXXXVIII. And be it enacted, That before any Vessel shall enter into the said Basins or Dock (other than the intended Basin at or near *Woodside Ferry*) such Vessel shall have her Sails lowered or furled; and in case any Master or Commander of any Vessel shall navigate the same under sail into or in the said Basins or Dock, every such Master or other Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Vessels to have their Sails lowered when entering and navigating Basins or Dock.

CLXXXIX. And be it enacted, That every Vessel, having a Cargo on board thereof, which shall go into the said Basins or Dock, other than

Delivery of Cargoes in Basins or

Dock, and
placing of
discharged
Vessels.

than the intended Basin at or near *Woodside Ferry* (except Vessels entering the said Tidal Basin for Shelter only), shall be discharged of her Cargo as soon as conveniently may be after entering therein; and after the Delivery of such Cargo such Vessel shall, without Loss of Time, be removed into such Part of the said Basins or Dock as shall be set apart for light Vessels; and the said Dock Master for the Time being shall cause to be removed all light Vessels accordingly; and if the Master or Commander of any such Vessel shall not remove the same into such Part of the said Basins or Dock as shall be set apart for light Vessels within Twenty-four Hours after Notice in Writing, signed by the said Dock Master, shall have been served on him, then he shall forfeit a Sum not exceeding Ten Pounds; and it shall be lawful for the said Dock Master to cause such Vessel to be removed into the Part of the said Basins or Dock set apart for light Vessels, and the Expences of removing the same shall be paid to such Dock Master by the Master or Commander of such Vessel.

Penalty for
undue Pre-
ference of
Wharfingers.

CXC. And be it enacted, That if any Wharfinger or Servant of the Commissioners shall give any undue Preference or show any Partiality in loading or unloading any Goods or other Things at any Wharf, Quay, House, Warehouse, Landing Place, Crane, or Machine belonging to the Commissioners, he shall for every such Offence forfeit a Sum not exceeding Ten Pounds.

Power to
lease Wharfs.

CXCI. And be it enacted, That it shall be lawful for the Commissioners to lease or grant the Use or Occupation of any Quays, Wharfs, Houses, Landing Places, Buildings, Cranes, Machines, or other Conveniences provided by them for the Purposes of this Act, (other than those of the intended Basin at or near *Woodside Ferry*, or Twenty Yards in Depth along the Front of the River Wall,) at such Rents, Terms, and Conditions as shall be agreed upon between the Commissioners and the Persons taking, using, or occupying the same; provided that no such Lease shall be granted for a longer Term than Seven Years.

Combustible
Matter on
Quays, &c.
to be re-
moved.

CXCII. And be it enacted, That if any Tar, Pitch, Rosin, Spirituous Liquors, Turpentine, Oil, or combustible Thing being on any Quay, Dock, or Wharf belonging to the Commissioners, or on the Deck of any Vessel within the Limits of the said Basins or Dock, shall not be removed from the Place where the same may be to a Place of Safety within Two Hours after Notice in Writing for that Purpose, signed by the said Dock Master for the Time being, shall have been served on the Owner or Person having the Charge of the same, every such Owner or Person shall for every such Offence forfeit a Sum not exceeding Five Pounds for every Hour such combustible Thing shall remain in any such Place as aforesaid after the Expiration of Two Hours from the Service of the said Notice.

Penalty.

Combustibles to be
guarded
during the
Night.

CXCIII. And be it enacted, That if any such combustible Thing as aforesaid shall remain on any of the said Quays, Wharfs, or Works, or on the Deck of any Vessel within the said Basins or Dock, after Daylight, the Owner or Person having Charge of the same, or in his Default the Commissioners, at the Expence of such Owner or Person,

Person, shall provide a sufficient Number of Persons to guard the same from Half an Hour before Sunset to Half an Hour after Sunrise; and such Expence, if not paid to the Commissioners on Demand, shall be ascertained and recovered in the same Manner as Damages for the Recovery of which no special Provision is herein contained are by this Act directed to be ascertained and recovered.

CXCIV. And be it enacted, That every Person who shall commit any of the following Offences shall be liable to a Penalty not exceeding Five Pounds; (that is to say,)

1. Every Person who shall boil or heat any Pitch, Tar, Rosin, Turpentine, Oil, or other combustible Matter, in any Vessel lying in the said Basins, Dock, or other Works, or in any Place within the same, except in such Place and in such Manner as shall be specially appointed by the Commissioners for that Purpose: Penalties against Fire.
Boiling or heating Pitch, &c.
2. Every Person who shall have or cause to be had any Fire or lighted Candle or Lamp in any Vessel within the said Basins, Dock, or Works, other than the intended Basin at or near *Woodside Ferry*, except with the Permission of the Commissioners: Fires in Vessels.
3. Every Person who shall have or cause to be had any Fire, Candle, or Lamp lighted within any of the said Basins or Dock, or the Works belonging to the same, except such Fires or lighted Candles or Lamps as shall be necessary to be used in repairing or improving the same, or at such Times as shall be permitted by the Bye Laws of the Commissioners: Fires within Docks.
4. Every Person who shall bring any loaded Gun on the said Wharfs, Quays, or Works, or into the said Basins or Dock, or the Works of the same, or shall have or suffer to remain any loaded Gun in any Vessel in the said Basins or Dock, or within One hundred Yards of the said Wharfs, Quays, or Works: Loaded Guns.
5. Every Person who shall, without the Permission of the Commissioners, bring or suffer to remain any Gunpowder on the said Wharfs, Quays, or Works, or within the said Basins or Dock, or in any Vessel within the said Basins or Dock. Gunpowder.

CXCV. And be it enacted, That if any Person shall throw or put any Ballast, Earth, Dust, Ashes, Stones, or other Thing into any of the said Basins or Dock, or into or upon any of the said Works, to the Injury or Prejudice thereof, or do any other Injury to the same, he shall for every such Offence forfeit a Sum not exceeding Forty Shillings. Penalty for throwing Ballast, &c. into Harbour.

CXCVI. And be it enacted, That if any Person, other than the Dock Master in execution of the Powers of this Act, shall wilfully cut, break, or destroy any Rope or other Thing by which any Vessel lying in the Limits of the said Basins, Dock, or Works shall be moored or fastened, he shall for every such Offence forfeit a Sum not exceeding Twenty Pounds. Penalty for cutting Ropes.

CXCVII. And be it enacted, That every Master, Pilot, or other Person having the Charge of any Vessel or Float of Timber through whose Remedies for Damage to Basins, &c.

[Local.]

wilful Act or Negligence any Damage shall be done to the said Basins, Quays, Dock, Wharfs, Machinery, or other Works or Property of the Commissioners, by means of such Vessel or Float of Timber, shall pay for and repair all such Damage; and all such Damage, if the Amount claimed does not exceed Fifty Pounds, shall be ascertained and recovered in the same Manner as any Damages for the Recovery of which no special Provision is contained in this Act are hereby directed to be recovered; and in addition to the Remedies hereby provided for the Recovery of the same, it shall be lawful for the Justice before whom the same is recovered to cause the Vessel or Float of Timber causing such Damage, and any Tackle and Furniture thereof, to be distrained and detained until the Amount of Damage and Costs awarded by him shall be paid, and if the same shall not be paid within Seven Days after the taking of such Distress, to cause the Property so distrained, or any Part thereof, to be sold, and out of the Proceeds of such Sale to pay the Amount of Damage and Costs awarded by such Justice, and all the Charges incurred by the Distress, Detention, and Sale of such Property.

Owner or
Master of
Vessel an-
swerable for
Servants.

CXCVIII. And be it enacted, That the Owner or Master or Commander of every Vessel or Float of Timber shall be answerable to the Commissioners for any Damage done by such Vessel or Float of Timber, or any Person employed about the same, to the said Basins, Dock, Quays, Wharfs, Machinery, or other Works or Property of the Commissioners; and all such Damage, in case the Amount claimed in respect thereof shall not exceed Fifty Pounds, shall be ascertained by and be recovered before any Justice; and it shall be lawful for the Dock Master for the Time being appointed under this Act to detain any such Vessel until sufficient Security shall have been given for the Amount of the Damage done by the same, or by any Person employed therein.

Masters may
recover from
Servants.

CXCIX. And be it enacted, That if the Owner, Master, or Commander of any Vessel shall make Satisfaction for any such Damage as aforesaid done by any Person employed in such Vessel, the Person doing such Damage shall repay to the said Owner, Master, or Commander the Amount of the Damage so paid, together with the Costs (if any) incurred by him in respect of such Damage; and the Amount of such Damage, together with the Costs, shall, if such Damage does not exceed Fifty Pounds, be ascertained by and recovered before any Justice.

Dock Police.

CC. And be it enacted, That it shall be lawful for any Two or more Justices to appoint such Persons as shall be nominated for that Purpose by the Commissioners to be Special Constables within the Premises of the Commissioners, and within One hundred Yards of the same; and every Person so appointed shall be sworn in by any such Justices duly to execute the Office of a Constable within the Limits aforesaid, and when so sworn in shall have the same Powers, Protections, and Privileges, within the Limits aforesaid, and shall be subject to the same Liabilities, as Constables have or are subject to by the Common Law of *England*.

CCI. And

CCI. And be it enacted, That it shall be lawful for any Two or more Justices to dismiss or suspend any such Constable for Neglect of Duty, and no Person so dismissed or suspended shall be re-appointed, except with the Consent of Two Justices; and when any Person shall be so dismissed or suspended all Powers vested in him as Constable shall cease.

Power of
Justices to
dismiss
Constables.

CCII. And be it enacted, That any Person who shall assault or resist any Constable or obstruct him in the Execution of any Duty which he is authorized by this Act to perform, or shall aid or incite any Person so to assault or resist, shall for every such Offence forfeit a Sum not exceeding Five Pounds, or, in the Discretion of the Justice before whom he is convicted, may be imprisoned for any Term not exceeding One Month.

Penalty for
assaulting
Constables.

CCIII. And be it enacted, That any Person who shall obstruct or aid in obstructing any Constable, or other Person having Instructions from the Commissioners or their Dock Master, from entering into or being in any Vessel within the said Basins or Dock for the Purpose of searching for or extinguishing any Fire, Candles, or Light in or suspected to be in such Vessel contrary to the Provisions of this Act, or of any Bye Law made in pursuance thereof, or for the Purpose of discovering any Theft or Embezzlement suspected to have been committed therein, or of quelling any Disturbance, or for any Purpose authorized by this Act or any Bye Law made in pursuance thereof, shall for every such Offence forfeit a Sum not exceeding Ten Pounds.

Penalty for
obstructing
Constables
from enter-
ing Vessels.

CCIV. And be it enacted, That it shall be lawful for the Commissioners to appoint and license a sufficient Number of Persons to be Meters and Weighers in the said Basins and Dock, and to remove any such Persons at their Pleasure, and to make Regulations for their Government, and to fix reasonable Rates to be paid to such Meters and Weighers.

Power to
appoint
Meters and
Weighers.

CCV. And be it enacted, That if any Person, other than a Meter or Weigher licensed by the Commissioners, or a Meter or Weigher appointed by the Commissioners of Her Majesty's Customs, shall weigh or measure any Goods, Articles, or Things shipped, unshipped, or delivered within the Limits of the said Basins or Dock, he shall forfeit for every such Offence a Sum not exceeding Five Pounds; and the weighing or Measurement of any such Goods, Articles, or Things by any such Person shall be deemed illegal.

Penalty on
other than a
licensed
Weigher or
Meter, &c.
weighing or
measuring
Goods.

CCVI. And be it enacted, That if any Master or Commander of any Vessel importing or exporting, or any Owner, Consignor, Consignee, or Person having the Charge of, any Goods, Articles, or Things requiring to be weighed or measured within the said Basins or Dock shall employ any Person other than a Weigher or Meter licensed by the Commissioners, or appointed by the Commissioners of Her Majesty's Customs, to weigh or measure the same, he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Penalty on
Masters of
Vessels, &c.
employing
others than
licensed
Meters and
Weighers.

CCVII. And

Bye Laws.	CCVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to make such Bye Laws as they shall think fit for all or any of the following Purposes; (that is to say,)
Use of Basins, &c.	For governing or regulating the Use of the Basins, Dock, Quays, Wharfs, and other Works hereby authorized to be made:
Placing and removing of Vessels.	For regulating the placing and removing of Vessels entering in, lying in, or going out of the said Basins or Dock, and for the good Order and Government of all such Vessels:
Powers of Dock-Master.	For regulating the Exercise of the several Powers hereby vested in the Dock Master to be appointed by the Commissioners:
Admission of Vessels.	For regulating the Admission of Vessels into the said Basins and Dock, and their Removal out of the same:
Loading and unloading, &c. of Goods.	For regulating, with the Consent of the Commissioners of Her Majesty's Customs, the shipping, unshipping, landing, depositing, and removing of all Goods, Articles, or Things from, in, or on the Basins, Dock, Quays, Wharfs, and Works made under this Act:
Hours at which Docks to be open.	For regulating, with the like Consent, the Hours during which the Gates or Entrances to the said Basins and Dock, and the Premises belonging thereto, shall be open:
Persons employed by Commissioners.	For regulating the Duties and Conduct of all Persons, as well the Servants of the Commissioners as others, not being Officers of Customs, who shall be employed in the Basins, Dock, Quays, Wharfs, Works, and Premises of the Commissioners:
Use of Fires and Candles.	For regulating the Use of Fires, Candles, and Lamps within the said Basins, Dock, and the Premises belonging thereto, and within any Vessel being within the said Basins or Dock:
Prevention of Damage.	For preventing Damage or Injury to any Vessel, Goods, Articles, or Things in or on the Premises belonging to the Commissioners:
Police.	For regulating the Police appointed under this Act, and the Times and Manner in which the Police Officers shall perform their Duties:
Use of Cranes, &c.	For regulating the Use of the Cranes, Weighing Machines, Weights, and Measures belonging to the Commissioners, and the Duties and Conduct of all Weighers and Meters appointed by them:
Carriers.	For regulating the Duties and Conduct of the Carriers employed on the Premises of the Commissioners, and fixing the Rates to be paid to them for carrying any Goods, Articles, or Things from or to the same:

And it shall be lawful for the Commissioners, from Time to Time as they shall think fit, to repeal, alter, or amend any such Bye Laws, provided such Bye Laws be not repugnant to the Laws of *England* or the Provisions of this Act, and be reduced into Writing, and signed by any Three of the Commissioners, and, if affecting other Persons than the Officers or Servants of the Commissioners, be printed and published as herein provided.

Vessels
above 200
Tons not to

CCVIII. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby required to make and enforce a Bye

Bye Law by which it shall not be lawful for any Vessel above Two hundred Tons Burthen to resort to or use any Tidal Basin hereby provided for the Accommodation of Coasting Vessels, or any such other Basin as shall be hereafter provided by the Direction of the Admiralty.

use Tidal Basin provided for Coasting Vessels.

CCIX. And be it enacted, That it shall be lawful for the Commissioners, by the Bye Laws so to be made by them, to impose such reasonable Penalties as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Laws be so framed as to allow the Justices before whom any Penalty imposed thereby is sought to be recovered to order the Whole or Part only of such Penalty to be paid.

Bye Laws may be enforced by Penalties.

CCX. And be it enacted, That no Bye Law which shall be made by the Commissioners under the Authority of this Act, except such as may relate solely to the Commissioners, or their Officers or Servants, shall be valid or binding, unless the same shall be allowed by some Judge of One of the Superior Courts, or by the Justices assembled at some General or Quarter Sessions of the Peace for the County of *Chester*; and it shall be incumbent on such Justices, on the Request of the Commissioners, to inquire into any Bye Laws which may be tendered to them for that Purpose, and to allow or disallow of the same as they shall think meet: Provided always, that no such Bye Laws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers of the County of *Chester* One Month at least before the Hearing of such Application; and any Person aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the Commissioners Ten Days before the Hearing of such Application, may, by himself, or his Counsel, Attorney, or Agent, be heard thereon, but not so as to allow more than One Party to be heard on the same Matter of Objection.

Bye Laws to be confirmed.

CCXI. Provided always, and be it enacted, That for One Month at least previous to any such Application a Copy of such proposed Bye Laws shall be kept at the principal Office of the Commissioners, and it shall be lawful for all Persons, at all seasonable Times, to inspect such Copy without Fee or Reward, and to be furnished by the Commissioners with a Copy thereof, or of any Part thereof, on Payment of Sixpence for every One hundred Words.

A Copy of proposed Bye Laws to be open to Inspection.

CCXII. And be it enacted, That such Bye Laws, when confirmed, shall be printed on Boards, and hung up, affixed, and continued on the Front or some conspicuous Part of the principal Office of the Commissioners, and also on some conspicuous Part of the Works connected with the said Basins or Dock; and such Boards shall be from Time to Time renewed as often as the same or any Part thereof may be obliterated or destroyed.

Publication of Bye Laws.

CCXIII. And be it enacted, That such Bye Laws, when so confirmed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

Bye Laws to be binding on all Parties.

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CCXIV. And

Evidence of
Bye Laws.

CCXIV. And be it enacted, That the Production of a written or printed Copy of the Bye Laws of the Commissioners, authenticated by the Signatures of Three of the Commissioners or their Clerk, shall be Evidence of the Existence and of the due making of such Bye Laws in all Prosecutions under the same; and with respect to the Proof of the Publication thereof, it shall be sufficient that painted Boards containing a Copy thereof were affixed or continued in the Manner by this Act directed, and in case of any of such Boards being afterwards destroyed or obliterated, it shall be sufficient to prove that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Boards did not contain a Copy of the Bye Law under which he shall be prosecuted, or that Boards were not affixed or continued to be affixed as required by this Act.

Penalty on
pulling down
Boards.

CCXV. And be it enacted, That any Person who shall destroy, pull down, injure, or deface any Board on the Premises of the Commissioners on which any Bye Law of the Commissioners, or any Rate to be taken under this Act, shall be painted, shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Tolls for
crossing
Embank-
ment.

CCXVI. And be it enacted, That it shall be lawful for the Commissioners to erect a Toll Bar or Toll Bars upon the said intended Embankment, across *Wallasey Pool* aforesaid, and to demand and take at such Toll Bar or Toll Bars such Tolls as the Commissioners shall from Time to Time appoint for or in respect of all Persons, Carriages, Cattle, and Animals passing through the same, not exceeding the following; (that is to say,)

For every Horse, Mule, Ass, or other Beast drawing any Carriage, the Sum of One Penny Halfpenny:

For every Horse, Mule, Ass, or other Beast (not drawing), laden or unladen, the Sum of One Penny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Sixpence *per* Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Four-pence *per* Score, and so in proportion for any greater or less Number:

Which said Tolls shall be taken for each Time of passing and each Time of repassing through such Toll Bars or any of them, and shall be taken before any Horse, Mule, Ass, Beast, or other Cattle whatsoever shall be permitted to pass through the same: Provided always, that no such Toll shall be taken from any Person in respect of any Horse or other Beast passing through the said Toll Bar or Toll Bars upon any Duty or Service of Customs: Provided also, that the said Embankment, when open to Animals or Carriages, shall be open to Foot Passengers without Payment of Toll.

Carriages
drawn by
Steam, &c.
not to pass

CCXVII. Provided always, and be it enacted, That no Carriage drawn or propelled by Steam, or other Power than Animal Power, shall be permitted to pass over or upon the said Embankment

without the Consent of the Commissioners first obtained for that Purpose. over Embankment.

CCXVIII. And be it enacted, That it shall be lawful for the Commissioners to let the Tolls to be collected by virtue of this Act upon the said Embankment for any Period not exceeding Seven Years. Tolls may be let.

CCXIX. And be it enacted, That during such Time as the said Tolls shall be leased it shall be lawful for the Lessee, or such Person as he shall, by Writing under his Hand, authorize or appoint, to demand and take the Tolls so leased, with the like Powers for the Recovery thereof, to all Intents and Purposes, as the Commissioners, or any Collector of the said Tolls appointed by them, are or is hereby authorized and empowered to demand, take, and recover the same; and such Lessee or other Person as aforesaid shall be subject to the like Penalties and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed by the Commissioners is subject or liable to. Lessees or Persons appointed by them may collect the Tolls.

CCXX. And be it enacted, That no Waggon, Cart, or other Carriage shall be allowed to come upon the said Embankment with a greater Weight than Five Tons over and above the Weight of such Waggon, Cart, or other Carriage, under the Penalty of Two Pounds, to be forfeited and paid by the Owner of such Waggon, Cart, or other Carriage to the Commissioners for every Time such Waggon, Cart, or other Carriage shall come upon the said Embankment with a greater Weight than Five Tons over and above the Weight of such Waggon, Cart, or other Carriage. Weights allowed to be carried over the Embankment.

CCXXI. And be it enacted, That it shall be lawful for the said Commissioners, if they think proper, to erect at or near the said Embankment any Weighing Machine for weighing Waggons, Carts, and other Carriages. Power to erect Weighing Machines.

CCXXII. And be it enacted, That the Keeper of the said Weighing Machine, or any Person to be appointed by the Commissioners or by their Lessee, may require any Waggon, Cart, or other Carriage which shall come upon the said Embankment to be weighed at such Weighing Machine; and if any Driver or Person having the Charge of such Waggon, Cart, or other Carriage shall refuse to allow the same to be weighed, every such Driver or other Person shall forfeit a Sum not exceeding Forty Shillings. Toll Keeper may weigh Carriages, &c.

CCXXIII. Provided always, and be it enacted, That no Toll shall be demanded or taken for any Horse, Beast, Cattle, or Carriage belonging to Her Majesty, or attending any of the Royal Family, or returning after having so attended; or for any Horse, Beast, Cattle, or Carriage of any Description or any Officer or Person in Her Majesty's Royal Navy or Marines on Duty, or of any Person employed in conveying or guarding Mails or Letters and Expresses under the Authority of Her Majesty's Postmaster General, either when employed in conveying Exemptions.
or

or guarding such Mails or Expresses, or in returning from conveying or guarding the same; or for any Soldiers upon their March, or on Duty, or for any Horse, Beast, Cattle, or Carriage attending Soldiers upon their March, or upon Duty, with Arms and Baggage, or returning after having been so employed; or for any Horse, Beast, or Cattle drawing any Waggon, Wain, Cart, or other Carriage which shall be employed in conveying any Ordnance, Commissariat, or other Public Stores of or belonging to Her Majesty, or to or for the Use of Her Majesty's Forces; or for any Horse, Beast, or Cattle furnished by or for or belonging to any Corps of Yeomanry or Volunteer Cavalry, and ridden by them, or from any Yeomanry Cavalry-man or Volunteer Infantry-man in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons be dressed in the Uniforms of their respective Corps, and have their Arms and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption as aforesaid; or for any Horse, Beast, or Cattle, Person, or Carriage conveying Vagrants sent by legal Passes, or Prisoners sent by any legal Warrant, or returning, having been so employed, or for any such Vagrants or Prisoners; and if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person for every such Offence shall forfeit and pay any Sum not exceeding Forty Shillings.

Persons may
be stopped
for refusing
to pay Toll.

CCXXIV. And be it enacted, That if any Person subject to the Payment of any of the said Tolls shall, after Demand thereof made by any Collector or other Person to be appointed to receive the same, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person authorized or appointed to collect such Tolls, by himself, or taking such Assistance as he shall think necessary, to stop and prevent the Passage of any Person so refusing, or of any Horse, Beast, or Cattle, or Carriage, for or in respect of which any such Toll ought to be or to have been paid, and to seize and detain the same until such Payment shall be made, and to seize and detain any Horse, Beast, Cattle, Carriage, or other Thing upon or in respect of which any such Toll shall be imposed, together with their respective Bridles, Saddles, Gears, Harness, and other Accoutrements (except the Bridle or Reins of any Horse or other Beast separate from the Horse or Beast), or any Carriage in respect of the Horses or Cattle drawing the Carriage on which such Toll is imposed, or any of the Goods or Chattels of the Person so neglecting or refusing to pay, other than as aforesaid; and if the Toll, or any Part thereof, so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within Four Days next after such Seizure and Distress made, the Person so seizing and distraining may sell the Horse, Beast, or Cattle, Carriage, or Things seized or distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any), and so much of such Carriage or Things as shall remain unsold, upon Demand, to the Owner thereof, after such Toll, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

CCXXV. And

CCXXV. And be it enacted, That it shall be lawful for the Commissioners to fix and determine the Tolls to be taken by virtue of this Act, but so nevertheless as not to exceed the respective Sums hereinbefore authorized to be received; and it shall also be lawful for the Commissioners from Time to Time to lower, reduce, or alter all or any of the said Tolls, and again to raise the same to such Amount as they shall think proper, not exceeding the respective Sums by this Act authorized to be received.

Tolls may be reduced.

CCXXVI. Provided always, and be it enacted, That the said Tolls shall at all Times be charged equally on all Persons, and no Reduction or Advance therein shall, either directly or indirectly, be made partially or in favour of or against any particular Person.

Tolls to be charged equally.

CCXXVII. And be it enacted, That all Sums of Money which shall be received by the Commissioners from the Rates and Tolls granted by this Act, and all Sums arising from the Sale of any Lands, or the Rents thereof, shall be applied by the Commissioners in defraying the Costs, Charges, and Expences of keeping in repair and from Time to Time deepening, cleansing, improving, and maintaining the Sea Wall, Basins, Dock, Embankment, Roads, Cuts, Drains, Culverts, and other Works which may be erected or made under the Authority hereof, and of paying the Officers and Servants employed by the Commissioners in and about and concerning the same, and of otherwise carrying this Act into execution, and for paying the Interest and repaying the Principal of any Sum of Money which shall be borrowed by the Commissioners under this Act, under such Regulations and Conditions as the Commissioners may from Time to Time think reasonable.

Application of Tolls, &c.

CCXXVIII. And be it enacted, That where any Damages or Charges are directed by this Act to be paid in addition to any Penalty for any Offence, the Amount of such Damages or Charges, in case of Non-payment thereof, or of any Dispute concerning the same, shall be determined by the Justices before whom the Offender shall be convicted of such Offence, and shall be levied by Distress; and such Justices shall issue their Warrant accordingly.

Damages to be ascertained, with the Penalty.

CCXXIX. And for the Purpose of providing for the Recovery of any Compensation for any Land, or for any Injury to any Land or other Property or Person, or for any Expences, Charges, or Damages which shall be payable under this Act, and for the Recovery of which no Method is herein provided, be it enacted, That in all such Cases the Amount of the Compensation, Charges, or Damages by this Act directed or authorized to be paid shall, in case of Non-payment thereof, or of any Dispute about the same, be ascertained and determined by Two or more Justices, and the same shall be levied by Distress.

Provision for Damages not otherwise provided for.

CCXXX. And for the Purpose of ascertaining and determining any such Compensation, Expences, Charges, or Damages, be it enacted,

For ascertaining Compensation.

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enacted, That any Justice of the Peace may summon any Person liable to pay the same to appear before any Two or more Justices at a Time mentioned in such Summons, and at such Time, either on the Appearance or Default of the Party summoned to appear, such Justice shall inquire into any such Compensation, Expences, Charges, or Damages, and shall determine the same.

Recovery of Money from Commissioners.

CCXXXI. And with respect to any Money under the Provisions of this Act adjudged to be paid by the Commissioners for which no other Mode of Proceeding is hereby prescribed, be it enacted, That if such Money be not paid by the Commissioners to the Party entitled to receive the same within Twenty-one Days after Demand thereof, in Writing, stating the Order of the Justices for the Payment of such Money, the Amount shall be recovered by Distress of the Goods of the Commissioners, and if no sufficient Goods of the Commissioners can be found, by Distress of the Goods of the Treasurer of the Commissioners; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, shall have been given to such Treasurer, or left at his usual Place of Abode.

Reimbursement of the Treasurer.

CCXXXII. And be it enacted, That if such Treasurer pay any Money under any such Distress as aforesaid it shall be lawful for him to retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Commissioners coming into his Custody or Control, or to sue the Commissioners for the same in the same Manner as other Parties are by this Act enabled to sue the said Commissioners.

Penalties to be summarily recovered before Justices.

CCXXXIII. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding upon Complaint made before any Justice, and on the Complaint being made to any such Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance, or upon the Default to appear, of the Party offending, it shall be lawful for any Two or more Justices to proceed on the hearing of the Complaint; and upon Proof of the Offence, either by Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties to be levied by Distress.

CCXXXIV. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied

levied by Distress, and any Justice shall issue his Warrant of Distress accordingly.

CCXXXV. And be it enacted, That it shall be lawful for the Justice to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs; unless the Offender give such sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justice, for his Appearance before him on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had within his Jurisdiction whereon to levy such Penalty or Forfeiture and Costs, he may, if he think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to any Justice, then such Justice shall, by Warrant, cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture, and Costs, be sooner paid and satisfied.

Imprisonment in default of Distress.

CCXXXVI. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act the Application whereof is not herein otherwise provided for, be it enacted, That the Justice by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Informer, and the other Half to the said Commissioners, to be by them applied for the Purposes of this Act; provided that if the Penalty or Forfeiture shall be imposed on the Commissioners, the same shall be awarded one Half to the Informer, and the other Half to the Overseers of the Poor of the Township of *Birkenhead*, in aid of the Rates for the Relief of the Poor in the said Township.

Application of Penalties.

CXXXVII. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Penalties to be sued for within Six Months.

CXXXVIII. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act, or any Matter in which such Justice shall have Jurisdiction by the Provisions of this Act, shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing

Penalty on Witnesses making default.

appearing shall refuse to be examined upon Oath, or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient
Offenders.

CCXXXIX. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer or Agent of the Commissioners, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him with all convenient Despatch before some Justice without any Warrant or other Authority than this Act; and such Justice shall proceed with all convenient Despatch to the Hearing and Determination of the Complaint against such Offender.

Form of
Conviction.

CCXL. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (E.) to this Act annexed.

Informalities.

CCXLI. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Distress, how
to be levied.

CCXLII. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress not
unlawful for
Want of
Form.

CCXLIII. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Parties may
appeal to
Quarter Sessions on
giving
Security.

CCXLIV. And be it enacted, That if any Person shall think himself aggrieved by any Order, Determination, or Adjudication of any Justice under the Authority of this Act, or of the Commissioners under the Provisions of this Act, he may appeal to the General or Quarter Sessions; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Order, Determination, or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given

given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

CCXLV. And be it enacted, That at the General or Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Order, Determination, or Adjudication, and order any Money paid by the Appellant or levied by Distress upon his Goods to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Order, Determination, or Adjudication, and of the Appeal, as they may think reasonable.

Court to
make such
Order as
they think
reasonable.

CCXLVI. And be it enacted, That nothing in this Act contained shall extend to authorize the said Commissioners to take or use any Land or Soil belonging to Her Majesty in right of Her Crown without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; or any Two of them, first had and obtained for that Purpose, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Saving
Rights of the
Crown.

CCXLVII. And be it enacted, That nothing in this Act contained shall extend to any of Her Majesty's Ships of War, or any Vessel employed in the Service of Her Majesty, or of the Ordnance, Customs, Excise, or of Her Majesty's Postmaster General, or of the Corporation of *Trinity House of Deptford Strond*.

Act not to
extend to
Vessels in
the Service
of Her Ma-
jesty, &c.

CCXLVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice or derogate from the Jurisdiction or Authority, or any of the Rights or Privileges, of the said Corporation of *Trinity House*.

Saving the
Rights of
the Trinity
House;

CCXLIX. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to take away, prejudice, lessen, or affect any of the Powers, Privileges, Exemptions, Rights, or Authorities vested in or enjoyed by the Company of Proprietors of the *Mersey and Irwell Navigation* under any Act or Acts of Parliament now in force, or otherwise howsoever.

of the
Mersey
and Irwell
Navigation
Company;

CCL. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to take away, prejudice, lessen, or affect any of the Powers, Privileges, Exemptions, Rights, or Authorities vested in or enjoyed by the Devises of the late Most Noble

of the
Devises
of the late
Duke of
Bridgewater;

[Local.]

44 K

Francis

Francis Duke of Bridgewater under any Act or Acts of Parliament now in force, or otherwise howsoever.

of the
Council of
Liverpool
and the Dock
Trustees to
make Bye
Laws;

CCLI. Provided always, and be it enacted, That nothing herein contained shall take away, prejudice, or affect, or be deemed or considered to take away, prejudice, or affect, the Right of the Council of the Borough of *Liverpool*, or of any Committee of the Council appointed for the Purpose, or of the Trustees of the *Liverpool* Docks, to make Bye Laws, Rules, and Regulations for any Purpose which the said Council, or Committee of the Council, or the said Trustees, now possess, and that no Bye Law to be made by the said Commissioners under or by virtue of this Act shall be inconsistent with or repugnant to any Bye Law made or to be made by the said Council, or any Committee thereof, or by the said Trustees of the *Liverpool* Docks, provided that such last-mentioned Bye Laws be not inconsistent with the Purposes of this Act.

and of the
Corporation
of Liverpool
and Dock
Trustees.

CCLII. Provided always, and be it enacted, That nothing herein contained shall prejudice, diminish, alter, or take away any of the Rights or Privileges, or any Power, Jurisdiction, or Authority, now vested in or enjoyed by the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool*, or the Trustees of the *Liverpool* Docks respectively, or alter, repeal, or affect any of the Acts of Parliament relating to the Docks or Harbour of *Liverpool*, but that all such Rights and Privileges, and every such Power, Jurisdiction, Authority, and Act, shall continue and be preserved and be in force as if this Act had not been passed, except so far as the same may be expressly altered or interfered with by this Act.

Interpreta-
tion of Act.

CCLIII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Month" shall mean Calendar Month:

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*:

The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of Persons exempted by Law from the Necessity of taking an Oath:

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Word "Justices" shall mean Justices of the Peace for the County or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter:

The Expression "the Commissioners" shall mean the Commissioners for the Time being acting in the Execution of this Act:

The

The Expression "the Clerk" shall mean the Clerk of the said Commissioners:

The Word "Vessel" shall include Ship, Lighter, Vessel, Barge, and Boat.

CCLIV. And be it enacted, That this Act shall be a Public Act, Public Act. and shall be judicially taken notice of as such.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

FORM OF MORTGAGE DEED.

By virtue of an Act passed, &c., intituled, &c., we of
 the Commissioners appointed by [or by virtue of] the said Act, in
 consideration of the Sum of Pounds paid to us by A. B. of
 for the Purposes of the said Act, do grant and assign
 unto the said A. B., his Executors, Administrators, and Assigns, such
 Proportion of the Rates, Tolls, and Property vested in the said Com-
 missioners by virtue of the said Act as the said Sum of
 Pounds doth or shall bear to the whole Sum which is or shall be bor-
 rowed upon the Credit of the said Rates, Tolls, or Property, to hold
 to the said A. B., his Executors, Administrators, and Assigns, from
 this Day until the said Sum of Pounds, with Interest, at
 Pounds per Centum per Annum, for the same, shall be
 fully paid and satisfied. In witness whereof we have hereunto set our
 Hands and Seals, this Day of One thousand
 eight hundred and .

SCHEDULE (B.)

FORM OF TRANSFER OF MORTGAGE.

I A. B. of in consideration of the Sum of Pounds
 to me paid by C. D. of do hereby transfer to the said
 C. D., his Executors, Administrators, and Assigns, a certain Mortgage,
 Number made by the Commissioners for executing the
 [Title of the Act], to bearing Date the Day
 of for securing the Sum of Pounds, and
 Pounds Interest, [or, if such Transfer be by Endorsement, the
 within Security,] and all my Right, Estate, and Interest in and to the
 Money thereby secured, and in and to the Money and Property thereby
 assigned. In witness whereof I have hereunto set my Hand and Seal,
 this Day of One thousand eight hundred
 and .

SCHE-

SCHEDULE (E.)

FORM OF CONVICTION.

to wit. } BE it remembered, That on the Day of
 in the Year of our Lord
 A. B. is convicted before me C. D., One of Her Majesty's Justices of
 the Peace for the County of [here describe the
Offence generally, and the Time and Place when and where committed],
 contrary to an Act passed, &c., intituled, &c. [here insert the Title of
this Act]. Given under my Hand and Seal, the Day and Year first
 above written.

C. D.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
 Printers to the Queen's most Excellent Majesty. 1844.