

Appointment
of Commis-
sioners.

to the Necessity of an Embankment being constructed in order to prevent the further Encroachment of the Sea upon the said Leasowes, and the consequent Injury to arise therefrom: And whereas *Robert Vyner* Esquire is Lord of the Manor of *Bidston* aforesaid, and is the Proprietor of a very considerable Proportion of the Lands in the said Parishes, lying under the Level of High-water Mark: And whereas a considerable Sum of Money will be required for the making and constructing of the said Embankment; but the Money necessary for such Purposes cannot be raised without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That within Two Months from the passing of this Act Seven Persons shall be appointed Commissioners, as herein-after mentioned, for putting this Act into execution; that is to say, Three of such Commissioners shall be appointed by the Mayor, Bailiffs, and Common Council of the said Town of *Liverpool*, assembled at some Common Council, or at a Special Council to be called for that Purpose; *Robert Vyner* Esquire, or the Lord of the Manor of *Bidston* aforesaid for the Time being, shall be One other of such Commissioners; and the remaining Three, being severally Proprietors of Land liable to be rated under and by virtue of this Act, shall be appointed by the Majority of the Proprietors (exclusive of the said *Robert Vyner* or the said Lord) of not less than Ten Statute Acres each of Land within any or either of the Parishes of *Wallasey*, *Birkenhead*, *Bidston*, *Overchurch*, and *West Kirby*, lying under the Level of High-water Mark of a Tide Twenty-five Feet above the Sill of the Old Dock Gates at *Liverpool*, as delineated on a certain Map or Plan prepared from a Survey made by *Francis Giles* in the Year One thousand eight hundred and twenty-two, and now deposited amongst the Records of the Corporation of *Liverpool*, in the Town Hall of the said Borough, a Copy of which Map or Plan has been also deposited with His Majesty's Commissioners of Woods, Forests, and Land Revenue, (or their Proxies, to be appointed as herein-after mentioned,) present at a public Meeting to be called for the Purpose at *Leasowe Castle* in the said Parish of *Wallasey*, of which Meeting Fourteen Days previous Notice shall be given by Advertisement in One of the *Chester* and One of the *Liverpool* Newspapers, and by Notices posted up on the Doors of the Parish Churches of *Wallasey*, *Birkenhead*, *Bidston*, *Overchurch*, and *West Kirby* aforesaid, Two *Sundays* previous to the Meeting; such Notices and Advertisement to be signed by the Town Clerk of *Liverpool* for the Time being.

Power for
Mr. Vyner
to appoint a
Proxy.

II. Provided always, and be it further enacted, That it shall be lawful for the said *Robert Vyner*, or the Lord of the Manor of *Bidston* for the Time being, from Time to Time to appoint a Proxy, by Writing under his Hand, to act in his Name and on his Behalf as such Commissioner.

Appointment
of Commis-
sioners in case
of Death, &c.

III. And be it further enacted, That in case and so often as any of the said Commissioners so to be appointed as aforesaid, or to be hereafter

hereafter appointed, by the said Mayor, Bailiffs, and Common Council of the Town of *Liverpool* aforesaid, shall die, neglect or refuse to act, or become incapable of acting, it shall and may be lawful for the Mayor, Bailiffs, and Common Council of the said Town for the Time being, in Common or Special Council assembled, and they are hereby authorized and required, from Time to Time to nominate and appoint some other Member of the Common Council to be a Commissioner in the Place of the said Commissioner so dying, neglecting or refusing to act, or being incapable of acting as aforesaid; and in case and so often as any of the said Three Commissioners so to be appointed as aforesaid, or hereafter to be appointed, by the said Proprietors of not less than Ten Statute Acres of Land each, liable to be rated under and by virtue of this Act, shall die, neglect or refuse to act, or become incapable of acting, another Commissioner, being a Proprietor of Lands liable to be rated as aforesaid, shall be from Time to Time appointed by the Majority of Proprietors (exclusive of the said *Robert Vyner* or the said Lord of the Manor of *Bidston*) of not less than Ten Statute Acres of Land each, liable to be rated under and by virtue of this Act, or their Proxies, to be appointed as herein-after mentioned, present at a Meeting to be called at some convenient Place in the said Parish of *Wallasey*, in the same Manner as is herein-before prescribed relative to the original Appointment of the said Three last-mentioned Commissioners: Provided always, that in case any of the respective Parties herein-before authorized and required to appoint Commissioners shall refuse or neglect so to appoint, (after One Month's Notice given by the Clerk to the said Commissioners of any Vacancy to the Mayor for the Time being of the Town of *Liverpool* aforesaid, or to the Proprietors of not less than Ten Statute Acres of Land, by public Notice in manner herein-before directed,) then and in such Case it shall be lawful for the surviving or remaining Commissioners to elect, nominate, and appoint such Persons as they shall think fit to supply the Vacancies so refused or neglected to be filled up; and the Commissioners so appointed shall (being duly qualified, and having taken the Oath hereby required to be taken,) be invested with all such and the like Powers as if they had been appointed by the respective Parties hereby authorized to appoint Commissioners on Vacancies.

IV. And be it further enacted, That the Proprietors of Lands authorized to vote as herein-before mentioned shall have Power from Time to Time, by Writing under their Hands, to appoint Proxies to act and vote in their Stead during their Absence at any Meeting or adjourned Meeting of Proprietors of Lands to be holden under this Act, every such Proxy being also a Proprietor of Lands as aforesaid: Provided always, that no such Proprietor shall hold more than One such Proxy.

Proprietors
of Lands
may appoint
Proxies to
vote.

V. Provided always, and be it further enacted, That every Proprietor of Lands authorized to vote as herein-before mentioned, and his, her, or their Proxy or Proxies respectively, shall at all Meetings of Proprietors of Lands holden under this Act have One additional Vote in respect of each and every entire Quantity of Fifty Statute Acres of Land within the said Parishes of *Wallasey*, *Birkenhead*,
Bidston,

Additional
Votes.

Bidston, Overchurch, and West Kirby, or any of them, lying under the Level of High-water Mark of a Tide Twenty-five Feet above the Sill of the Old Dock Gates at *Liverpool*, of which they shall respectively be the Owner or Owners over and above the Ten Statute Acres of Land in respect of which they are hereby authorized to vote as aforesaid.

Meetings of
Commis-
sioners.

VI. And be it further enacted, That the First Meeting of the said Commissioners shall be holden at *Leasowe Castle* aforesaid, within Three Months from the passing of this Act, and all subsequent Meetings shall and may be holden at any convenient Place in the Discretion of the said Commissioners; and the said Commissioners shall and may adjourn such First Meeting, and any other Meeting or Meetings to be holden by virtue of this Act, to such Time and Place and so often as they shall think proper; and if Five Commissioners shall not be present at the Time and Place appointed for holding any such Meeting, then and in every such Case any One Commissioner present, or the Clerk to the said Commissioners, shall and may adjourn the same to any Time not exceeding Twenty-one Days from the Time when the last Meeting was appointed to be holden, and to the Place last appointed; and no Act of the said Commissioners shall be valid unless done at some Meeting or adjourned Meeting holden under the Authority of this Act, (except signing any Notice for calling any Meeting, or signing any Warrant of Distress as herein-after mentioned,) and at which Meetings not less than Five Commissioners shall be present, the Majority of whom shall be competent to decide on any Question; and at every such Meeting a Chairman shall be appointed, who, in case of Equality of Votes, shall, in addition to his own Vote, have a decisive or casting Vote.

No Act of
Commis-
sioners valid
unless done
at some
Meeting.

Notice of
Meeting.

VII. Provided always, and be it further enacted, That Notice of any Meeting of the said Commissioners to be held by virtue of this Act (except an adjourned Meeting) shall be given to each Commissioner, to be signed by any One Commissioner, or the Clerk to the said Commissioners, and left at the usual or last Place of Abode of each of the said Commissioners, Seven Days at least previous to such Meeting.

Expences of
Meetings of
Commis-
sioners to be
paid out of
the Rates.

VIII. And be it further enacted, That it shall be lawful for the said Commissioners for the Time being and they are hereby empowered from Time to Time to pay and discharge such reasonable Expences as shall be incurred at their several Meetings by and out of the Monies received by virtue of any Rates or Assessments to be made by them as herein-after mentioned, provided that no more than the Sum of Fifty Pounds shall be paid or allowed for the Expences of such Meetings in any One Year.

Commis-
sioners to
take the
following
Oath.

IX. And be it further enacted, That the said Commissioner hereby appointed, or his Proxy, and the said other Commissioners so to be appointed as aforesaid, and all other Commissioners to be hereafter appointed by virtue of this Act, shall, previous to their acting as such, take and subscribe an Oath to the Effect following; (that is to say,)

I A. B.

‘ I *A. B.* do swear, That I will, without Favour, Affection, Hatred, or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform all and every the Powers and Authorities given unto me as a Commissioner appointed in pursuance of an Act, intituled *An Act* [*here insert the Title of this Act*].’

Which Oath the said Commissioners, or any One or more of them, is and are hereby authorized and empowered to administer to any other of the said Commissioners at the First or any subsequent Meeting or Meetings to be holden in pursuance of this Act.

X. And be it further enacted, That fair and regular Entries shall be made, in a Book or Books to be provided for that Purpose, of all the Acts, Orders, Directions, and Proceedings of the said Commissioners relative to the Execution of this Act, and of the Names of the Commissioners who shall be present at the respective Meetings, and the same shall be signed by the Chairman for the Time being; and all such Entries, being so signed, shall be taken and considered as Originals, and shall be deemed good Evidence in all Cases touching any thing done in pursuance of this Act, and shall be allowed to be read in Evidence in all Courts whatsoever, or otherwise as Occasion shall require.

Entries of Proceedings to be made in a Book, and to be deemed good Evidence.

XI. And be it further enacted, That it shall be lawful for the said Commissioners, at any of their Meetings to be holden under this Act, to appoint such Clerk, Collectors, Surveyors, and other Officers and Servants as they shall think necessary for the better Execution of this Act, and to allow them respectively such Salary or other Remuneration, out of the Monies to be raised by virtue of this Act, as they the said Commissioners shall think proper, and from Time to Time to remove them, or any of them, as they the said Commissioners shall see Occasion, and in the like Manner to appoint others in their Stead; and that all Treasurers, Collectors, and other Officers and Servants who shall be intrusted with the Receipt or Collection of any Monies to be raised by virtue of this Act, shall respectively give Security for the due Execution of their respective Offices, to the Satisfaction of the said Commissioners: Provided always, that the Amount of any Salaries or Remunerations which the said Commissioners shall think proper to give or allow shall not exceed the Sum of Two hundred Pounds in any One Year.

Commissioners may appoint a Clerk, &c.

XII. Provided always, and be it further enacted, That in case the said Commissioners shall deem it requisite to appoint a Treasurer, the Person who may be appointed to act as their Clerk in the Execution of this Act, or any Partner of any such Clerk, or any Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall not be appointed the Treasurer for the Purposes of this Act, nor shall the Person who may be appointed Treasurer, or any Partner of any such Treasurer, or any Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, be the Clerk to the said Commissioners; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any

Same Person not to be Clerk and Treasurer.

[*Local.*]

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such

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

Mayor of
Liverpool to
have a Vote
in respect of
Corporation
Lands.

XIII. And whereas the Mayor, Bailiffs, and Burgesses of the Town of *Liverpool* are the Proprietors of certain of the Lands liable to be rated under and by virtue of this Act; be it further enacted, That it shall be lawful for the Mayor for the Time being of the Town of *Liverpool* aforesaid, either by himself, or his Proxy, to be appointed by Writing under the Seal of the Corporation, to have One Vote, in respect of such Lands, upon any Questions to be decided by the Proprietors of Lands rateable under this Act, except as respects the Choice of Commissioners.

Collectors,
&c. to keep
Books and
Accounts.

XIV. And be it further enacted, That all such Collectors and other Officers and Servants so to be appointed as aforesaid shall fairly enter in Books, to be by them respectively kept for that Purpose, an Account of all Monies by them respectively received and expended, specifying the Times when, and the Persons from whom and to whom, and for what Purposes such Monies were respectively received and paid; which Books, or true Copies thereof, to be signed by the said Collectors or other Officers or Servants respectively, together with the Vouchers for such Expenditures, and also all Books and Papers whatever relating to the Execution of this Act, shall be the Property of the said Commissioners, and shall be delivered to the said Commissioners at such Time or Times and as often as they the said Commissioners shall require; and they the said Commissioners are hereby empowered to pass, allow, and sign such Accounts, or such Part or Parts thereof as to them shall seem proper; and the same Accounts, when so allowed, and also all Receipts and Vouchers, shall be kept by the said Commissioners or their Clerk; and all the Books of Orders, Accounts, and Vouchers, and all other Books and Papers of the said Commissioners, shall at all Times be open for the Inspection of the said Commissioners, and of any Owner or Proprietor of any of the Lands liable to be rated by virtue of this Act, and of any Member of the Common Council of the Town of *Liverpool* aforesaid.

Books, &c.
to be open to
Inspection.

Commis-
sioners may
sue and be

XV. And be it further enacted, That the said Commissioners may and shall, in all Cases, sue and be sued in the Name of their Clerk or of any One of the Commissioners; and that no Action which shall be brought

brought or commenced, or Indictment or Appeal which shall be preferred or prosecuted by or against the said Commissioners, by virtue or on account of this Act, in the Name of such Clerk or Commissioner, shall abate or be discontinued by the Death or Resignation of such Commissioner, or the Death or Removal of such Clerk, or by the Act of such Clerk or Commissioner without the Consent of the said Commissioners, but the Clerk for the Time being, or such One Commissioner, shall always be deemed Plaintiff, Prosecutor, or Defendant in any such Action, Indictment, Suit, or Appeal, as the Case may be: Provided always, that every such Clerk or Commissioner in whose Name any Action, Indictment, Suit, or Appeal shall be commenced, preferred, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to be raised by virtue of this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put to or become chargeable with by reason of his being made Plaintiff, Prosecutor, Defendant, or Appellant therein.

sued in the Name of their Clerk, or of One Commissioner.

XVI. And be it further enacted, That such Part of the said Commons or Leasowes within the Limits described and specified in the Map or Plan deposited with the Clerks of the Peace of the Counties of *Chester* and *Lancaster*, as herein-after mentioned, or which may be taken and used by the said Commissioners by virtue of the Powers and Authorities of this Act, and the said Embankment, Fences, and Works to be therein constructed, shall in all Pleadings and Proceedings at Law be considered as the Property of the Commissioners for the Time being under this Act; and where in any such Pleadings or Proceedings it shall be necessary to specify the Ownership of any Articles, Materials, or Things, it shall be sufficient to state that all and every such Articles, Materials, or Things are the Property of "The Commissioners of the Leasowes Embankment Act," without stating the Names of any of the said Commissioners.

In Proceedings it shall be sufficient to state the Property to belong to Commissioners.

XVII. And whereas a Map or Plan, describing the said intended Embankment, and the Parts of the said Commons or Leasowes and Lands in the said Townships of *Wallasey* and *Great Meols* on which the same is proposed to be erected, has been deposited with the Clerks of the Peace for the respective Counties of *Chester* and *Lancaster*; be it therefore enacted, That the said Map or Plan shall remain in the Custody of the Clerks of the Peace for the said Counties respectively, to the end that all Persons may at all seasonable Times have Liberty to peruse and inspect the same, and take Copies of or Extracts therefrom, at their Will and Pleasure, paying to the Clerks of the Peace the Sum of Two Shillings and Sixpence for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies of or Extracts from the said Map or Plan.

Plan deposited with the Clerks of the Peace to remain there, and be open to Inspection.

XVIII. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized, empowered, and required, as early as practicable after the passing of this Act, to make or cause to be made, in and upon such Parts of the said Commons or Leasowes and Lands in the said Townships of *Wallasey* and *Great Meols* respectively as are comprised in the said Map or Plan, and on the

Embankment to be made.

the Sea-shore in front of the same, an Embankment of such Dimensions and Form, and in such Course and Direction, and with such Fences and other Works adjoining, as in the Judgment of the said Commissioners shall be requisite and necessary for the immediate Protection of the said Low Lands, and for the Prevention of Injury to the same and to the Port of *Liverpool*, from the Encroachment of the Sea; and it shall and may be lawful for the said Commissioners, their Officers, Agents, Servants, Workmen, and Assistants, to enter upon the said Commons or Leasowes, Lands, and Sea-shore, and to stake out from Time to Time such Parts thereof as will be required for the said Embankment, Fences, and Works, and for any Extension thereof, as Necessity may require, as herein-after mentioned, without being deemed Trespassers; and also to cut, dig, and take any Quantity of Earth or Materials for the Purpose of making the said Embankment, Fences, and Works, and any Extension thereof as aforesaid, in, upon, or out of the said Commons or Leasowes, Lands, and Sea-shore, and to do all such other Acts as may be necessary for carrying into execution the Purposes of this Act; and they the said Commissioners shall and may make and enter into such Contracts or Agreements with any Person or Persons whatsoever for the making, constructing, and executing of the said Embankment, Fences, and other Works as aforesaid, as they the said Commissioners may think proper: Provided always, that it shall not be lawful for the said Commissioners, their Officers, Workmen, or Assistants, to cut, dig, and take any Earth or Materials in, upon, or out of any inclosed Lands in the Line of the said Embankment, without the Consent of the Owners of such inclosed Lands.

Roads to be made over the Embankment.

XIX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to make and maintain a Road of the Width of not less than Twelve Feet over the said Embankment, together with a good Access to the same, in some Part of the said Embankment most convenient to the Owners of *Leasowe Castle*, as a Communication between the said Castle and the Sea-shore; and the said Commissioners shall have Power, at their Discretion, to make and maintain any other Roads across the said Embankment for the Purpose of Communication with the Sea-shore: Provided always, that all such Roads shall be throughout of the same Level with the Surface of the said Embankment, and shall be formed of Gravel or other hard Materials well worked together and consolidated, and shall be from Time to Time repaired by the said Commissioners, so as to prevent any Part of the Surface of the Summit or the Slope of the said Embankment, occupied by such Roads respectively, from being cut into or sunk in any Degree below its proper Elevation.

Power to purchase for the Purposes of this Act.

XX. And be it further enacted, That, in order to make and construct such Embankment and other Works, the said Commissioners shall have full Power and Authority to contract and agree, or to employ any Person or Persons to contract and agree, with the Owner or Owners, Occupier or Occupiers of, and all other Persons interested in, the Lands, Tenements, or Hereditaments comprised in the said Map or Plan, for the Purchase thereof, or any Part thereof.

XXI. And

XXI. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, and all Tenants for Life or in Fee Tail, General or Special, and for all Husbands, Femes Covert, Guardians, Trustees for Charities or other Purposes, Committees, Executors, or Administrators, and all other Persons whomsoever interested in the said Premises, not only on behalf of themselves and their respective Executors, Administrators, and Successors, but also on behalf of all Persons interested in Reversion or Remainder expectant on an Estate for Life or other Estate; or by way of executory Devise, in case such Persons should be incapacitated or decline to treat, and on behalf of their respective Wives and Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or others, and for all and every other Persons and Person whomsoever, who are and shall be seised and possessed of or interested in any such Lands, Tenements, or Hereditaments, to treat and agree with the said Commissioners for the absolute Sale, and to sell and convey to the said Commissioners for such valuable Consideration as shall be *bonâ fide* agreed upon, such Lands, Tenements, or Hereditaments as shall be adjudged necessary and convenient for the Purposes aforesaid; and that all Contracts, Agreements, Sales, or Conveyances which shall be *bonâ fide* made for the Purposes aforesaid shall be good and effectual in the Law to all Intents and Purposes, any Law, Statute, or other Matter or Thing to the contrary thereof notwithstanding; and all such Persons as aforesaid are and shall be indemnified for what they shall do by virtue and in pursuance of this Act.

Bodies
Politic, &c.
empowered
to sell.

XXII. And be it further enacted, That if it shall happen that any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, or other Person or Persons as aforesaid, shall decline or refuse to treat or agree or shall not agree with the said Commissioners for the Sale of any of the said Premises, or shall not produce a clear Title to the Premises to the Satisfaction of the said Commissioners, or if the Person or Persons so entitled to any such Lands, Tenements, and Hereditaments shall not be known or discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners, or any Three or more of them, and they are hereby authorized and empowered, from Time to Time to issue out their Warrant or Warrants under their Hands and Seals, directed to the Sheriff of the County of *Chester* for the Time being, or, in case such Sheriff shall be interested in such Lands and Tenements, to any One of the Coroners of the said County, for impannelling, summoning, and returning a Jury, and such Sheriff or Coroner is hereby required accordingly to impanel, summon, and return a Jury of Twelve able and sufficient Men, qualified according to the Laws and Statutes of the Realm to be returned for Trial of Issues joined in His Majesty's Court of Great Sessions holden in and for the County of *Chester*, to be and appear before the said Sheriff or Coroner at such Time and Place as shall be fixed and determined by the said Sheriff or Coroner, and as by such Warrant or Warrants shall be appointed, and also to return Issues upon every Person so impannelled and returned, the Sum of Forty Shillings, which shall be duly

If Parties
neglect or
refuse to
treat, a Jury
to be impan-
nelled, &c.

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estreated

estreated and levied ; and for Default of a sufficient Number of Jurymen appearing, such Sheriff or Deputy or Coroner shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, and to make up the said Jury to the Number of Twelve ; and all Parties concerned shall and may have their respective lawful Challenges against any of the said Jurymen, but shall not be at liberty to challenge the Array ; and the said Sheriff or Coroner is hereby directed and empowered, by Précept or Précepts, from Time to Time, as Occasion shall require, to call before him all and every Person and Persons who shall be thought proper to be examined as a Witness or Witnesses, on their Oath or Oaths, touching and concerning the Premises ; and the said Sheriff or Coroner is also hereby empowered to order and authorize the said Jury to view the Lands, Tenements, or Hereditaments in question, as they shall think fit ; and the said Sheriff or Coroner shall have Power to adjourn the said Meeting as Occasion shall require, and to command such Jury, Witnesses, and Parties to attend until all such Affairs for which they were summoned shall be concluded ; and the said Jury, upon their Oaths, (which Oaths, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Sheriff or Coroner is hereby empowered to administer,) shall inquire into the true Value of the Premises in question, and of the proportionable Value of the respective Estates and Interests of every Person seised or possessed thereof or interested therein, or of or in any Part thereof, and shall assess the Value of such Premises in question, and of such Estates and Interests as aforesaid, and the Price or Récompence to be awarded for the same, and shall apportion the same between the Parties having any Interest therein in Possession, Reversion, Remainder, or Expectancy, in such Manner as they shall judge proper ; and the said Sheriff or Coroner shall give Judgment for the Sums to be assessed by such Jury ; which said Verdict, and the Judgment or Determination thereupon pronounced, Notice in Writing being first given of the Meeting at least Fourteen Days before such Meeting, declaring the Time and Place of such Meeting to the Person or Persons to be affected by such Verdict or Judgment, or being left in Writing at the Dwelling House of such Person or Persons, or at his, her, or their usual or last Place of Abode, or with or for the Tenant or Occupier of the Premises, shall be binding to all Intents and Purposes against all and every the said Party or Parties, his, her, and their Successors, Executors, Administrators, and Assigns, and all others claiming any Title or Interest in the Premises in question, or any Thing thereunto belonging or appertaining, in Possession, Reversion, Remainder, or Expectancy, or otherwise, as well Infants, Issue unborn, Lunatics, Idiots, Femes Covert, Tenants for Life, as others, and their respective Successors, Executors, and Administrators, and all others claiming by, from, or under him, her, or them, or any of them ; which said Verdicts and Determinations so made shall be set down in Writing under the Hand and Seal of the said Sheriff or Coroner who shall make the same ; and the same, or examined Copies thereof, shall be taken, adjudged, and deemed good and sufficient Evidence in Proof in any Court of Law or Equity whatsoever.

XXIII. And be it further enacted, That the said Sheriff or Coroner shall have Power from Time to Time to impose any reasonable Fine or Fines on any Juror or Jurors who shall refuse to be sworn, or being sworn shall refuse to give a Verdict in the Premises, or any Person or Persons who shall be summoned to give Evidence who shall refuse to be sworn, or being sworn shall refuse to give Evidence, having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, touching the Matter or Thing in question, or shall in any other Way wilfully neglect his or their Duty in or touching the Premises, contrary to the true Intent and Meaning of this Act, so as no such Fine shall exceed the Sum of Ten Pounds on any One Person for any One Offence.

The Sheriff, &c. may impose Fines on Jurymen, &c. for Neglect of Duty.

XXIV. And be it further enacted, That in every Case where a Verdict shall be given by any Jury for more Money than shall have been previously offered for or on behalf of the said Commissioners as a Recompence or Satisfaction for any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, or for any Estate, Right, or Interest therein, or for any Damages that may have been sustained by any Person or Persons as by this Act directed, all the Costs and Charges incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne by the said Commissioners out of the Monies to be raised by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Twenty-one Days after Demand made thereof from the said Commissioners, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Commissioners, or of any Goods or Chattels of the Treasurer or Treasurers of the said Commissioners, (unless such Treasurer or Treasurers shall pay such Costs and Charges out of any Monies received by him by virtue of this Act, which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the County or Place in which such Lands, Tenements, or Hereditaments shall be situate, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for the Purpose by the Party or Person entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on behalf of the said Commissioners, all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party or Person refusing or neglecting to treat or agree, and by the said Commissioners; but in every Case where any Party or Person shall have been prevented by Absence from entering into any Treaty with the said Commissioners, the Costs and Charges so incurred shall be borne by the said Commissioners in manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of the said Costs and Charges, the same shall be ascertained and settled by any Justice of the Peace for such County or Place, not interested in the Matter in question; who is hereby authorized and required to examine into and settle the same, and to appoint a Time and Place for Payment thereof;

By whom Expences of Juries shall be paid.

thereof; and where the Costs shall be payable by the Party or Person having had any such Disagreement or Dispute with the said Commissioners, the Amount thereof, having been first paid by the said Commissioners, may be deducted by them out of the Monies awarded to be paid to such Party or Person, as so much advanced for his, her, or their Use, and the Payment or Tender of the Balance of such Money shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment or Tender of the whole Money awarded to such Party or Person; or otherwise, if such Costs and Charges be not paid upon Demand, after being so ascertained as aforesaid, the same may be recovered by the said Commissioners from the Party or Person liable to the Payment thereof by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

Directing
how Purchase
Money shall
be paid or
tendered.

XXV. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury or Juries in manner aforesaid, for the Purchase of any such Lands or Hereditaments, or as a Compensation for Damages as herein-before mentioned, to the Proprietor or Proprietors of such Lands and Premises, or such other Person or Persons as shall be interested therein or entitled to receive such Compensation, within One Calendar Month after the same shall have been so agreed, determined, or awarded, or if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to, or shall refuse to execute a Conveyance or Conveyances of, the Premises which shall be required for the Purposes of this Act, then, upon Payment of the said Sum or Sums of Money into the Bank of *England* as herein-after directed and required, for the Use of such Person or Persons so interested or entitled as aforesaid, it shall be lawful for the said Commissioners, and their Agents, Servants, or Workmen, immediately to enter upon such Lands, Grounds, or other Hereditaments respectively; and then and thereupon the Lands and other Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth become vested in and become the sole Property of the said Commissioners to and for the Purposes of this Act for ever; and such Tender, Payment, or Investiture shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whom the same shall be or ought to have been made, but also shall extend to and shall be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion or Remainder of his, her, and their Issue, and of every other Person whomsoever therein.

Application
of Compen-
sation when
amounting to
200*l*.

XXVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Interest of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any
Disability

Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioners of the *Wallasey Leasowes Embankment Act*, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of King George the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes; and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the Court of Exchequer, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Interest of what Nature or Kind soever, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in such Cases the same shall, at

[Local.]

4 U

the

When less
than 200l.
and exceeding
20l.

the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Commissioners, or any Three of them, such Nomination and Approbation to be signified in Writing under the Hands of the nominating or approving Parties, in order that such Principal Money and the Dividends arising thereon may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

When less
than 20*l*.

XXVIII. Provided also, and be it further enacted, That where any such Money so agreed or awarded to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid or applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments and Premises so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not
making out
Title, or if
Persons can-
not be found,
&c.

XXIX. And be it further enacted, That in case the Corporation, Person or Persons, to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or in case the Person or Persons to whom such Sum or Sums of Money shall be awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court of Exchequer, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof, according to the Estate or Estates, Title or Interest of the Person or Persons making claim thereunto,

thereunto, and to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

Where any Question shall arise touching the Title to the Money, &c.

XXXI. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, and be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Exchequer to order the Expences of making Contracts for and completing the Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, to be paid by the said Commissioners, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court may order Costs of Purchases to be defrayed by Commissioners.

XXXII. And be it further enacted, That in case the Sand Hills at the South-eastern or North-western Extremities of the said proposed Embankment, beyond the precise Limits described in the said Map or Plan so deposited as aforesaid, shall happen to fall down or be blown away, or if, by reason of any unforeseen Event, it shall be requisite and necessary to extend the said Embankment for the Protection of the said Low Lands, and the Prevention of Injury to the

Authorizing Extension of Embankment if requisite, and also Repairs and Amendments.

the same, and to the said Port, from the Encroachment of the Sea, it shall and may be lawful for the said Commissioners, and they are hereby authorized, empowered, and required, from Time to Time, as Occasion may require, to extend the said Embankment accordingly, and for that Purpose, by themselves, their Officers, Agents, Servants, and Workmen, to use and exercise the like Powers and Authorities as are vested in them under and by virtue of this Act for the Purpose of enabling them to make and construct the original Embankment, Fences, and Works as aforesaid; and it shall and may be lawful for the said Commissioners, and they are hereby authorized, empowered, and required, from Time to Time and at all Times for ever hereafter, when Occasion shall require, to cause such Repairs and Amendments of the said Embankment, Fences, and Works to be from Time to Time made and executed, and to plant Star Grass on the North-west and South-east Sides of the said Embankment to the Extent of Five hundred Yards on each Side thereof, as in the Judgment of the said Commissioners may be proper and necessary for the Protection, Care, and due Preservation and Support of the same.

No Building
on the Em-
bankment.

XXXIII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to erect any Building whatsoever upon any Part of the said Embankment.

Expences of
Act and of
Embank-
ment.

XXXIV. And be it further enacted, That the several Expences already incurred and hereafter to be incurred relative to the Application for and the obtaining and passing of this Act; and also the Expences which shall from Time to Time be occasioned in the making and erecting of the said Embankment, Fences, and other Works, and any Extension thereof, and also in the subsequent Repairs and Amendments of the same, and all other Expences incident to or attending the Execution of the several Powers and Authorities vested in the said Commissioners under and by virtue of this Act, shall from Time to Time be paid and discharged by the Owners and Proprietors of Lands for the Time being situate in the said Parishes of *Wallasey, Birkenhead, Bidston, Overchurch, and West Kirby*, which lie under the Level of High-water Mark of a Tide Twenty-five Feet above the Sill of the Old Dock Gates at *Liverpool*; and by the Mayor, Bailiffs, and Burgesses of the Town of *Liverpool* in the County of *Lancaster*, in equal Moieties; and that, in order to enable the said Commissioners to defray such Expences as aforesaid, it shall and may be lawful for the said Commissioners, and they are hereby authorized and required, at any Meeting or Meetings to be holden under the Authority of this Act, from Time to Time to assess and tax all the Proprietors of Lands situate in the said Parishes of *Wallasey, Birkenhead, Bidston, Overchurch, and West Kirby*, which lie under the Level of High-water Mark above specified, with a proportionate Rate or Tax according to the respective Values of the same Lands, to be ascertained as herein-after mentioned, and in the Scale or Ratio herein-after also mentioned, as to them the said Commissioners shall seem requisite for the Purpose of defraying One Moiety or equal Half Part of the said Expences; that is to say, as to such of the said Lands as lie under the Level of High-water Mark of a Tide Twenty Feet above the Sill of the Old Dock Gates at

Liverpool, in the Proportion of One Third Part of the clear annual Value of such Lands to let, according to the Survey and Valuation thereof herein-after directed to be made; as to such of the said Lands as lie above the Level of High-water of the said Tide of Twenty Feet, but under the Level of High-water of a Tide Twenty-two Feet above the Sill of the said Old Dock Gates, in the Proportion of One Fifth Part of the clear annual Value of such Lands to let, according to such Survey and Valuation; and as to such of the said Lands as lie above the Level of High-water of the said Tide of Twenty-two Feet, but under the Level of High-water of a Tide Twenty-five Feet above the Sill of the said Old Dock Gates, in the Proportion of One Twelfth Part of the clear annual Value of such Lands to let, according to such Survey and Valuation; and also to assess, rate, and tax the said Mayor, Bailiffs, and Burgesses of the Town of *Liverpool* aforesaid with the Payment of such other Sum and Sums of Money as to them the said Commissioners shall seem requisite for the Purpose of defraying the other Moiety or equal Half Part of the said Expences: Provided always, that not more than One full Rate or Assessment shall be made in any One Year upon the said Lands.

XXXV. And be it further enacted, That the said Commissioners shall and they are hereby required, before they shall proceed to make any Rate or Assessment under and by virtue of this Act, to cause a fresh Survey and a Map or Plan to be made, for the Purpose of ascertaining, defining, and settling the Extent of the several Lands in the said Parishes lying under the Level of High-water Mark of a Tide of Twenty Feet, a Tide of Twenty-two Feet, and a Tide of Twenty-five Feet respectively above the Sill of the Old Dock Gates at *Liverpool*; and the said Commissioners shall also cause a fair Valuation to be made thereof, showing the clear annual Value thereof to let (the Expences of which Survey, Map, and Valuation shall and may be defrayed by and out of the Monies hereby authorized to be raised), and the Boundaries and Extent of the several Lands comprised in such new Map or Plan so to be made as aforesaid shall be marked out and designated by Meer Stones to be fixed up under the Directions of the said Commissioners, and shall be and be considered and taken as the Boundaries and Extent of the Lands liable to be assessed and taxed as aforesaid, and in respect of which the Proprietors of Lands shall be qualified to vote in any subsequent Choice of Commissioners, or on any other Questions to be decided by such Proprietors; and the said Survey, Map or Plan, shall be and remain in the Custody of the Clerk of the said Commissioners for the Time being; and all Persons interested in the said Lands shall and may, at all seasonable Times, be permitted to inspect the same, and to take any Copy or Copies or Extract or Extracts therefrom.

Fresh Survey
to be made
before Assess-
ment.

XXXVI. And, to the end that the said Rates and Taxes may be more easily collected and received, be it further enacted, That the several Tenants and Occupiers of the said Lands which shall be so assessed, rated, and taxed as aforesaid, shall and they are hereby authorized and required to pay all and every such Sum and Sums of Money as shall be so assessed, rated, and taxed upon their respective

Tenants of
Lands under
the Level to
pay Rates,
and deduct
same out of
Rents.

[*Local.*]

4 X

Lands,

Lands, to the Collectors or other Person or Persons appointed by the said Commissioners to receive the same; and to deduct and retain, out of his, her, or their Rent, all such Sum and Sums of Money as he, she, or they shall so respectively pay as aforesaid; and the several and respective Landlords or Owners of such Lands are hereby required to allow such Deductions and Payments upon the Receipt of the Residue of their Rents; and every such Tenant or Occupier paying any such Rate or Tax shall be acquitted and discharged of so much Money as the said Rate or Tax so paid by him or her shall amount to, as fully and effectually as if the same had been actually paid to his or her Landlord or Landlords.

Apportion-
ment of Rate
between
Lessees and
Reversioners.

XXXVII. Provided always, and be it further enacted, That in all Cases wherein any Person or Persons possessed of any Lands to be charged with any Rates or Taxes by virtue of this Act shall hold the same under any Lease or Agreement for any Life or Lives, or any Number of Years determinable upon the Decease of any Life or Lives, or for any Term or Terms of Lives and Years, or Years only, such Person or Persons shall not be liable to pay the whole of the Sum or Sums of Money payable in respect of such Lands, but the said Rates and Taxes shall be paid and borne by the several Persons so holding such Leases or Agreements, and the Owners or Proprietors of the Reversion of such Lands respectively, in such Shares and Proportions as the said Commissioners shall think proper and direct, according to the respective Estates, Rights, and Interests of the Parties.

Tenants for
Life may
charge Lands
with Rates.

XXXVIII. And be it further enacted, That it shall be lawful for any of the Owners of the Lands liable to be rated by virtue of this Act, being Tenants for Life or in Tail, General or Special, for the Time being, from Time to Time, by Writing under their Hands and Seals, with the Consent and Approbation of the said Commissioners, or any Five or more of them, testified by Writing under their Hands and Seals, to charge such Part or Parts of the said Lands as he, she, or they shall respectively be entitled to as aforesaid, with such Sum or Sums of Money as shall be by him, her, or them respectively paid in respect of the Assessments to be made on the said Lands as aforesaid, not exceeding Ten Shillings *per* Acre in respect of the said Assessments, and with Interest for the same from the Time or respective Times of Payment thereof; and for securing the Repayment of such Sum or Sums of Money, with lawful Interest for the same, to grant, charge, mortgage, lease, surrender, or demise, or otherwise subject the said Lands, or any Part or Parcel thereof, unto such Person or Persons as shall advance and lend the same respectively, his, her, or their respective Executors, Administrators, or Assigns, for any Term or Number of Years, (but no Person lending such Money shall be obliged to see to the Application or be answerable for the Misapplication thereof,) and so that every such Grant, Charge, Mortgage, Lease, Surrender, or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied, and so that every such Grant, Charge, Mortgage, Lease, Surrender,

Surrender, or Demise shall contain a Proviso that the Person or Persons entitled to the Remainder or Reversion or future Possession of the Lands so to be mortgaged shall not, nor shall any Person or Persons, be liable, upon his, her, or their becoming possessed thereof, to the Payment of any further or larger Arrear of Interest than for One Year preceding the Time that the Title to such Possession shall have commenced; and every Grant, Charge, Mortgage, Lease, Surrender, or Demise so to be made in pursuance of this Act shall be good, valid, and effectual in the Law for the Purposes thereby intended, to all Intents and Purposes whatsoever.

XXXIX. And be it further enacted, That if any Person or Persons shall refuse, omit, or neglect to pay all or any Part of the Rates or Taxes to which he, she, or they are hereby made liable, for the Space of One Month next after the Days or Times which may be appointed for the Payment of the same by the said Commissioners, then and in every such Case it shall be lawful for any Person or Persons empowered or appointed by the said Commissioners, by virtue of any Warrant under the Hands and Seals of any Three or more of them, (which Warrant any Three or more of such Commissioners are hereby authorized from Time to Time to grant and make as Occasion shall require, and whether assembled at any Meeting or not,) to enter into and upon all or any Part of the Lands hereby authorized to be taxed and charged as aforesaid for which such Rates and Taxes shall be due and payable, and to levy the Sum or Sums of Money so due and payable for such Rates and Taxes by Distress and Sale of the Goods, Chattels, or Effects which may be found on the said Lands, and such Proceedings may be had and taken thereon in all Respects and to all Intents and Purposes as may be had and taken by any Person or Persons authorized to act by any Warrant of Distress from any Landlord as in Cases of Rent in arrear; and the Overplus of the Monies (if any) to arise from such Sale, after deducting the Amount of the said Rates and Taxes due and in arrear, and all Costs and Charges attending such Distress and Sale as aforesaid, shall be paid to the Person or Persons whose Goods, Chattels, or Effects may have been so seized and taken as aforesaid.

Power of
Distress in
case of Non-
payment of
Taxes.

XL. And be it further enacted, That if any Rates or Taxes which shall be laid or imposed upon the Owners or Proprietors of the Lands under the said Level, or upon the said Mayor, Bailiffs, and Burgesses, by virtue of this Act, shall be behind and unpaid for the Space of One Month after the same shall become due, it shall and may be lawful for the said Commissioners, in their Discretion, to recover the said Rates or Taxes so due and in arrear, together with Costs of Suit, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, against the Owners or Proprietors of the said Lands, or against the said Mayor, Bailiffs, and Burgesses, in which Action it shall be sufficient for the Plaintiffs or Plaintiff to declare that the Defendant or Defendants at the Time of the Commencement thereof was or were indebted to such Plaintiff or Plaintiffs in a Sum of Money to be specified, payable on Demand, in respect of a certain Rate or Rates, Tax or Taxes, charged or assessed under this Act,

Power to
recover Rates
by Action of
Debt.

Act, and in which Action no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Commis-
sioners to
make One
whole Assess-
ment for
Commons or
Waste Lands
in each Town-
ship under
the Level.

XLI. And be it further enacted, That in charging the said Rates and Taxes upon any of the Lands which lie under the Level of High-water Mark in the said Parishes of *Wallasey, Birkenhead, Bidston, Overchurch*, and *West Kirby*, upon which there are Rights of Common or Pasturage, the said Commissioners shall make One whole Rate or Assessment in respect of such Lands in each of the Townships in which the same may be situated, taking into their Consideration the unimproved State of such Lands, and assessing the same accordingly, so long as they may remain open and uninclosed; but that in the Event of any Rate or Tax for such Lands being in arrear and unpaid beyond the Time limited or allowed for Payment thereof, the said Commissioners shall and may have full Powers and Authorities to levy and raise such Sum and Sums of Money as may be due and in arrear for such Rates and Taxes by Distress and Sale of the Cattle and Effects which may be found upon such Commons or Lands respectively, in the same Manner as they are hereby authorized to levy for Rates or Taxes upon any of the other Lands under the said Level; the Person or Persons making such Distress and Sale of the said Cattle and Effects found upon the said Commons or Waste Lands rendering the Overplus of the Money to arise by any Sale or Sales to the Person or Persons whose Goods, Cattle, or Effects may have been seized and taken.

Lands unoc-
cupied to
remain Secu-
rity for Tax.

XLII. And be it further enacted, That in case any of the said Lands liable to be rated and taxed by virtue of this Act shall at any Time be untenanted or unoccupied, so that no sufficient Distress can be found for levying the said Rates and Taxes, then the Lands chargeable therewith shall always remain a Security for Payment thereof; and all Goods and Chattels which shall at any Time thereafter be found thereon shall and may be distrained and sold in manner aforesaid, until all Arrears of the said Rates and Taxes, and the Charges of such Distress, shall be fully paid and satisfied.

Power to
borrow
Money.

XLIII. And be it further enacted, That it shall be lawful for the said Commissioners, at any Meeting holden under the Authority of this Act, from Time to Time to borrow and take up at Interest any Sum or Sums of Money at their Discretion, by way of temporary Loan, for the Purposes of this Act, not exceeding the Amount of the estimated Expence of the said Embankment, Fences, and Works; and any Five of the said Commissioners, or more, are hereby authorized to sign and execute a Deed or Instrument, by way of Mortgage of the said Rates and Taxes, for securing the Repayment of such Sum or Sums of Money, together with Interest for the same.

Form of
Assignment.

XLIV. And be it further enacted, That the Deed or Instrument for securing the Repayment of the said Monies so authorized to be borrowed shall be in the Form or to the Effect following; (that is to say,)

BY

‘ **B**Y virtue of an Act made in the Tenth Year of the Reign of King
‘ George the Fourth, intituled [*here set forth the Title of this Act*],
‘ we, Five of the Commissioners appointed under the said Act, in
‘ consideration of the Sum of _____ advanced and paid by
‘ _____, do hereby assign and make over to the
‘ said _____ his [*or her*] Executors, Administrators, and
‘ Assigns, all and every the Rates and Taxes payable to us by virtue
‘ of the said Act, and all our Right, Title, and Interest of, in, and to
‘ the same, to be held by the said _____ his [*or her*]
‘ Executors, Administrators, and Assigns as aforesaid, until the said
‘ Sum of _____ with the Interest thereof after the
‘ Rate of _____ *per Centum per Annum*, shall be fully satisfied
‘ and paid. In witness whereof we have subscribed these Presents,
‘ at _____ the _____ Day of _____.

No Preference allowed from Priority of the Date of Assignments.

**Commis-
sioners not
personally
liable.**

**Penalty for
destroying,
or damaging
Works, &c.**

aforesaid,

Offence may be committed, before any Justice of the Peace then acting in and for the County of *Chester*; and such Penalties, together with the reasonable Costs, to be fixed by such Justice, together with the Amount of Damage, to be ascertained as aforesaid, shall, upon Conviction of the respective Offenders, be levied by Distress and Sale of their Goods and Chattels, by Warrant under the Hand and Seal of such Justice; and the Overplus (if any), after such Penalties, Costs, and Damage are deducted, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; and in case such Penalties and Damage shall not be paid forthwith upon Conviction, then it shall and may be lawful for such Justice to order the Offender or Offenders convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give a sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath not or have not sufficient Goods and Chattels whereon such Penalties, Costs, and Damage may be levied were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress; and it shall be lawful for such Justice, in every such Case, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol of the said County of *Chester*, or to any House of Correction within the same, there to remain, without Bail or Mainprize, for any Term not exceeding Six Calendar Months, unless such Penalties, Costs, and Damage shall be sooner paid or satisfied.

LI. And be it further enacted, That one Moiety of all such Penalties as shall be recovered under and by virtue of this Act shall be paid to the Person or Persons who shall have given Information touching any of the Offences in respect of which such Penalties may have been recovered, and the other Moiety thereof shall be paid to the said Commissioners, and applied to the same Purposes as the Rates and Taxes hereby authorized to be raised are by this Act directed to be paid and applied. Application
of Penalties.

LII. And be it further enacted, That it shall and may be lawful for any Constable, or for any of the said Commissioners, or their Clerk or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any other Warrant or Authority than this Act, to seize or detain any Person or Persons, being unknown to such Constable, Commissioners, Clerk, or other Officers, who shall commit any Offence or Offences against this For securing
transient
Offenders.

this Act, and take him, her, or them before any Justice of the Peace for the County of *Chester*; and such Justice is hereby authorized and required to proceed and act, with respect to such Offender or Offenders, according to the Provisions of this Act.

Allowing
Appeal to
the Quarter
Sessions from
Determi-
nation of
Justices.

LIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order or Determination of the said Commissioners or any Justice or Justices of the Peace for any thing done in pursuance of this Act, he, she, or they may appeal to the General or Quarter Sessions of the Peace which shall be holden for the County of *Chester*, within Six Calendar Months next after the Cause of Complaint shall have arisen; and the Justices at the said General or Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order and award such Costs therein as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, wherever they shall be found, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive on all Parties concerned, and shall not be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

Party appeal-
ing to give
Notice of
his Intention.

LIV. Provided always, and be it further enacted, That in all Cases where any Person or Persons shall intend to have any Matter or Dispute, Complaint or Appeal, determined by the Justices in their said General or Quarter Sessions, every such Person or Persons shall give at least One Month's Notice to the Party or Parties against whom such Matter or Dispute, Complaint or Appeal, shall be intended to be preferred, of such his, her, or their Intention, specifying the Matter of such Dispute, Complaint, or Appeal; and where any such Dispute, Complaint, or Appeal shall be intended to be preferred against the said Commissioners, such Notice shall be delivered to their Clerk; and in Cases where the said Commissioners shall be Appellants, such Notice shall be signed by their Clerk; and it shall and may be lawful for the said Justices in their said General or Quarter Sessions, in default of Proof of such Notice, or for any other just and reasonable Cause, to postpone the Hearing of such Matter to any Adjournment of the said Sessions, or until the General or Quarter Sessions then next following, at the Discretion of the said Justices.

Persons in-
terested not
on that Ac-
count incom-
petent
Witnesses.

LV. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever relating to or concerning the Execution of this Act, no Owner or Occupier, or other Person interested in the Lands lying within the Purview of the same, shall, by reason of his or her Ownership, Occupancy, or Interest, be deemed an incompetent Witness.

LVI. And

LVI. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person or Persons for any thing done in pursuance of this Act, unless One Month's Notice thereof shall be first given in Writing to the Defendant, or Defendants, Avowant or Avowants, or left at his, her, or their last or usual Place or Places of Abode, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, or unless the same shall be commenced within Three Calendar Months next after the Fact committed, or unless Tender of reasonable Amends shall not have been made by or on behalf of the Defendant or Defendants in such Action or Suit, nor unless such Action or Suit shall be brought in the County of *Chester*, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence, without specially pleading the same, otherwise than as aforesaid, at any Trial to be had thereupon, and that the Fact alleged in such Action or Suit to have been done was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any Action or Suit shall be brought without such Notice as aforesaid, or after the Time before limited for bringing the same, or after reasonable Amends shall appear to have been tendered by or on behalf of the Defendant or Defendants, or if such Action or Suit shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or forbear Prosecution, or discontinue his, her, or their Action or Suit, or if any Verdict shall pass against him, her, or them upon a Demurrer or otherwise, then and in any of the said Cases the Defendant or Defendants shall recover his, her, or their Costs, for which he, she, or they shall have the like Remedy as where Costs by Law are awarded.

Limitation of
Actions. *scilicet*

LVII. Provided always, and be it further enacted, That the Embankment, Fences, and other Works to be from Time to Time made and executed under the Authority of this Act shall not be subject to the Controul, Direction, Survey, or Order of any Commissioners of Sewers.

Works not
to be subject
to Commis-
sioners of
Sewers.

LVIII. And be it further enacted, That where any Distress shall be made for any Rate, Tax, Sum or Sums of Money whatever to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Rate or Assessment to be made, or in the Information, Summons, or Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by any such Irregularity shall and may recover Satisfaction for the special Damage in an Action upon the Case.

Distress not
unlawful for
Want of
Form.

LIX. And be it further enacted, That no Order or other Proceeding to be made or had by or before any Justice or Justices
[*Local.*]

Proceedings
not to be
vacated for
of

Want of
Form, nor
removed by
Certiorari.

of the Peace, or otherwise made or had in pursuance of this Act, shall be quashed or vacated for Want of Form only, or be removed by Certiorari into any of His Majesty's Courts of Record at *Westminster*.

Saving of
Rights.

LX. And be it further enacted, That nothing in this Act contained shall be construed to prejudice, lessen, defeat, or affect the Rights and Privileges of the King's most Excellent Majesty, either in Right of His Crown or of His Duchy of *Lancaster*, to any Rights or Privileges along, in, and upon the Strand, the Sea-shore, or in the River *Mersey*, or in regard to the Conservancy of the said River, or any of the Rights or Privileges of any Lord or Lords, Lady or Ladies of any Manor or Manors adjoining the said River, or in which the Lands under the said Level are situate, or within which the said Embankment, Fences, and Works hereby authorized are to be made and erected; but His Majesty and such Lords and Ladies respectively shall and may use, exercise, and enjoy all Rights and Privileges incident to their said Estates or Manors in as full and ample Manner, to all Intents and Purposes, as they might have done previous to the passing of this Act; any thing herein contained to the contrary thereof notwithstanding.

Public Act.

LXI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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