



ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

Cap. lxxv.

An Act for enabling the Commissioners for paving and sewerage the Town of *Liverpool* more effectually to water the Streets of the said Town, and to provide Water for extinguishing Fires therein. [28th *July* 1843.]

WHEREAS an Act was passed in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better Paving and Sewerage of the Town of Liverpool in the County Palatine of Lancaster, and for settling the Boundaries between the said Town and the Township of Kirkdale, and Parts of the Townships of Everton and West Derby*: And whereas another Act was passed in the Fifth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for amending an Act relating to the Paving and Sewerage of the Town of Liverpool in the County Palatine of Lancaster*: And whereas it is expedient that further Powers should be granted to the Commissioners acting in the Execution of the said recited Acts for enabling them to provide Water for watering the Streets of the said Town, and for the Extinguishment of Fires therein; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please

[*Local.*] 27 I Your

11 G. 4. &
1 W. 4. c. 15.
5 & 6 Vict.
c. 26.

Recited Acts
extended to
this Act, ex-
cept as
hereby re-
pealed.

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 Parliament assembled, and by the Authority of the same, That the said recited Acts, and all the Provisions, Matters, and Things therein contained, so far as the same respectively are now unrepealed, and except so far as the same are hereby altered, varied, or repealed, shall extend to, operate, and be in force for the Purposes of this Act as effectually as if the same were repeated and re-enacted in this Act; and the said recited Acts and this Act shall, as to all Matters and Things whatsoever (except as aforesaid), be construed as One Act.

Power to
purchase
Lands.

II. And be it enacted, That for the Purpose of enabling the Commissioners to carry into effect all or any of the Purposes of this Act it shall be lawful for the Commissioners to contract and agree with any Corporation or Person who shall be willing to sell the same for the absolute Purchase, for a Consideration in Money, of or for renting for a Term of Years or otherwise, any Lands which the Commissioners shall think proper, and for the Purchase of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all other Estates or Interests in such Lands of what Kind soever; and it shall be lawful for all Corporations and Persons who under the Provisions contained in the said first-recited Act would be enabled to sell and convey any Right and Privilege of Way or User in any Lands for any of the Purposes thereof to sell and convey, or to let on Lease or otherwise, any Lands required by the Commissioners for the Purposes of this Act.

Amount of
Compensa-
tion to be
ascertained
by Valuation
in case of
Parties under
Disability.

III. 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 and the said first-recited Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not 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 Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Commis-
sioners em-
powered to
erect Steam
Engines, &c.

IV. And be it enacted, That for the Purpose of providing a constant and regular Supply of Water for the more effectually watering of the Streets of the said Town, and for the more expeditiously extinguishing of Fires, it shall be lawful for the Commissioners to erect on the Lands to be purchased or rented under the Powers of this Act such and so many Steam or other Forcing Engines, and of such Power as they shall think proper, for the Purpose of raising Water for the Supply of Tanks, Reservoirs, and Pipes as herein-after mentioned; and also to erect on the said Lands such

and so many Tanks and Reservoirs as they shall think proper for collecting, impounding, and preserving Water; and also such and so many Pumps or other Works as they shall think proper for drawing off or conveying Water from the said Tanks, Reservoirs, or Pipes, and to lay down in or under any of the Streets within the said Town, and (with the Consent of the Surveyors of Highways, or other Persons having the Superintendence thereof,) under any of the Streets or Highways in any adjoining Township or Place, such Pipes and other Works as they shall think necessary; and for all or any of the Purposes aforesaid to break up or open the Pavement or Soil of any such Streets or Highways, and any public Sewer or Drain therein (with such Consent as aforesaid), they the Commissioners doing as little Damage as may be in the Execution of the said Powers, and making Compensation for any Damage caused thereby in manner in the said recited Acts or either of them mentioned.

V. And be it enacted, That for the Purposes aforesaid it shall be lawful for the Commissioners to take Water out of or from the River *Mersey*, or (with the Consent of the Chairman for the Time being of the Committee for the Affairs of the Estate of the Trustees of the *Liverpool Docks*) out of or from any of the Docks belonging to the said Trustees, or from any other Source (except from Wells within the said Parliamentary Borough of *Liverpool*, or within the Township of *Toxteth Park*, or within the Distance of One Mile and a Quarter from the *Windsor* Station, or One Mile from the *Soho Street* Station, of the *Liverpool* and *Harrington* Waterworks Company,) from which Water can be conveniently obtained (with the Consent of the several Parties, if any, to whom such Water shall belong), and if necessary for such last-mentioned Purpose to cause Wells to be sunk in such Places as the Commissioners shall deem expedient.

Power to take Water from the River *Mersey*, the *Liverpool Docks*, &c.

VI. Provided always, and be it enacted, That no Wells shall be sunk by the said Commissioners within the Parliamentary Boundary of the Borough of *Liverpool*, or the Township of *Toxteth Park*, or within the Distance of One Mile and a Quarter from the *Windsor* Station, or One Mile from the *Soho Street* Station, of the *Liverpool* and *Harrington* Waterworks Company: Provided always, that no Water to be obtained from any Wells shall be applied by the said Commissioners in any other Manner than for the Purpose of extinguishing of Fires or watering the Streets within the said Town, or for other public Purposes as in this Act provided.

Wells not to be sunk within a certain District, nor the Water obtained from Wells applied to other Purposes than those specified.

VII. Provided always, and be it enacted, That the Wells so authorized to be sunk by the Commissioners shall not be sunk within the Township of *Bootle* otherwise *Bootle-cum-Linacre*, in the Parish of *Walton-on-the-Hill*, in the said County.

Wells not to be sunk within the Township of *Bootle*.

VIII. And be it enacted, That so much of the said recited Act of the Eleventh Year of the Reign of King *George* the Fourth as enacts that the said Commissioners may cause any Wells to be sunk, and any Pumps to be erected, and as restrains them from sinking or boring the Wells so authorized to be sunk by the said Commissioners deeper than

Repeal of Provision in 11 G. 4. & 1 W. 4. as to sinking Wells.

than Twenty-two Yards from the Surface, shall be and the same is hereby declared to be repealed.

Depth of Wells not to be limited.

IX. Provided always, and be it enacted, That nothing in this Act or in the said recited Acts contained shall limit the Depth to which the Commissioners may sink the Wells authorized by this Act.

Provision against Injury to Works of Liverpool and Harrington Waterworks Company.

X. Provided always, and be it enacted, That if, during the Progress of the Works hereby authorized, or at any future Time, the said Commissioners, their Agents or Workmen, shall at any Time injure or damage any of the Mains, Pipes, Property, or Works belonging to the Company of Proprietors of the *Liverpool* and *Harrington* Waterworks, the said Commissioners shall and they are hereby required forthwith to reinstate and repair and replace the same in a good and workmanlike Manner, so as that such Mains, Pipes, Property, or Works of the said Company of Proprietors may be forthwith restored to the same Order and Condition as they were previous to any Injury or Damage to be occasioned as aforesaid; or otherwise, it shall be lawful for the said Company of Proprietors, at their Option, in the first instance to reinstate, repair, and replace the Mains, Pipes, Property, or Works of the said Company of Proprietors which may be so injured or damaged as aforesaid; and in such Case the said Commissioners shall and they are hereby required forthwith to pay to the said Company of Proprietors, or to their Treasurer or Manager for the Time being, all and every Sum and Sums of Money, Costs, Charges, and Expences, which the said Company of Proprietors shall expend, incur, or be put unto in consequence of the Injury and Damage so to be occasioned as aforesaid, the Amount of such Compensation to be ascertained and determined, in case of Difference, by any Justice or Justices of the Peace for the said County of *Lancaster*, on summary Application to him or them, and to be recovered by Distress in the same Manner as Penalties are directed to be recovered by virtue of the several Acts relating to the *Liverpool* and *Harrington* Waterworks Company.

Saving Rights of Liverpool and Harrington Waterworks Company.

3 G. 4. c. 77.

7 & 8 G. 4. c. 36.

XI. Provided always, and be it enacted, That nothing in this Act contained shall extend to take away, prejudice, lessen, enlarge, or affect any of the Powers, Privileges, or Authorities now belonging to the Company of Proprietors of the *Liverpool* and *Harrington* Waterworks granted by Two several Acts of Parliament, the first passed in the Third Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to repeal so much of an Act of the Twenty-sixth Year of His late Majesty as relates to the supplying the Town of Liverpool in the County Palatine of Lancaster with Water, and to grant other Powers for supplying the said Town and Port, and the Shipping resorting thereto, with Water*, and the other of such Acts passed in the Eighth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to extend the Powers of an Act of His present Majesty, for supplying the Town of Liverpool in the County Palatine of Lancaster with Water, to Harrington and Toxteth Park in the said County*.

Saving Rights of Liverpool

XII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to take away, prejudice,

prejudice, lessen, or affect any of the Powers, Privileges, or Authorities now belonging to the Company of Proprietors of the *Liverpool* Waterworks granted by Three several Acts passed in the Thirty-ninth, Fiftieth, and Fifty-third Years of the Reign of His Majesty King George the Third, the First intituled *An Act for the better supplying the Town and Port of Liverpool with Water from certain Springs in the Township of Bootle in the County Palatine of Lancaster*, the Second intituled *An Act to alter, amend, and enlarge the Powers of an Act passed in the Thirty-ninth Year of His present Majesty for better supplying the Town and Port of Liverpool with Water from certain Springs in the Township of Bootle in the County Palatine of Lancaster*, and the Third intituled *An Act for the better enlarging the Powers of Two Acts of His present Majesty, for supplying the Town and Port of Liverpool with Water*. 39 G.3. c.36. 50 G.3. c.165. 53 G.3. c.122.

XIII. Provided always, and be it enacted, That nothing herein contained shall authorize the Commissioners to lay down any Pipes in, upon, or under any of the Quays or Lands of the said Trustees of the *Liverpool* Docks, nor to break up or open the Pavement or Soil thereof, or any Sewer or Drain therein, nor to make any Communication with the said Docks, without the Consent in Writing of the Chairman for the Time being of the said Dock Committee to be from Time to Time obtained for such Purpose; and that all and every the Works which shall or may be executed in, upon, or under the said Quays or Lands of the said Trustees shall be done, executed, and completed by and under the Direction and Control of the Surveyor for the Time being of the *Liverpool* Docks, and at the Expence of the Commissioners, who shall make Compensation for any Damage which may be occasioned thereby. For Protection of the Trustees of the *Liverpool* Docks.

XIV. Provided always, and be it enacted, That nothing herein or in the said recited Acts contained shall extend or be construed to extend to authorize the taking any Water from the Docks of the Devises of the most Noble Francis late Duke of *Bridgewater* deceased, or from the River *Mersey* in or near to such Docks, so as in any Manner to interrupt, prejudice, obstruct, or affect the free Access from the said River, or Egress from such Docks to the said River, as now possessed and enjoyed by the said Devises, without the Consent of the said Devises; and that nothing herein or in the said recited Acts contained shall prejudice, take away, diminish, or affect the Rights, Interests, Powers, or Authorities now vested in or enjoyed by the said Devises under their several Acts of Parliament, or otherwise. For Protection of the Devises of the late Duke of *Bridgewater*.

XV. And whereas the Fire Police of the Borough of *Liverpool* are under the Superintendence and Control of the Mayor, Aldermen, and Burgesses of the Borough, who have agreed to contribute a certain annual Sum towards defraying the Expences of maintaining the Engines, Tanks, Reservoirs, Pumps, Pipes, and other Works so to be provided as aforesaid, (besides as Occupiers of Property within the Town being liable to the Rate or Assessment by this Act granted,) in consideration of their having at all Times free Access to and Power to take and use the Water to be provided by the Commissioners as [Local.] 27 K. aforesaid. Corporation to pay an annual Sum.

aforesaid for the Purpose of extinguishing Fires; be it therefore enacted, That from and after the passing of this Act the Treasurer for the Time being of the said Borough shall and he is hereby authorized and required, as Part of the Expence of maintaining the said Fire Police, to pay to the Commissioners, or to such Person as they or any Five or more of them shall authorize and appoint to receive the same, the Sum of Five hundred Pounds yearly and every Year, to be applied as herein-after mentioned, the said yearly Sum of Five hundred Pounds to commence from the Expiration of Six Calendar Months after the passing of this Act, and to be paid and payable by Two equal half-yearly Payments in each Year, the first Payment thereof to be made at the Expiration of Twelve Calendar Months from the passing of this Act; and in case of Nonpayment of the said yearly Sum, or any half-yearly Payment thereof, upon Demand, by the Person so appointed to receive the same, the Commissioners shall have the same Powers for the Recovery thereof as are by the said recited Acts, or either of them, given for the Recovery of the Rates made by virtue thereof; provided that, as heretofore rated or charged under the said recited Acts, or either of them, the said Mayor, Aldermen, and Burgesses shall be liable to be rated for all Lands, Markets, and Buildings (not being the Town Hall, Sessions House, or other public Buildings,) occupied by them within the said Town, and productive of Benefit to the Borough Fund, and not further or otherwise.

As to laying down Pipes, &c. in certain Parts of the Parish.

XVI. And be it enacted, That, in consideration of the said yearly Sum to be paid by the said Mayor, Aldermen, and Burgesses, the Commissioners shall, with all convenient Speed, lay down and for ever maintain Pipes throughout such Parts of the Parish of *Liverpool*, and in such Directions as are shown upon a Plan in Four several original Parts signed by the Town Clerk of the said Borough and the Clerk of the Commissioners, Two of which said original Parts are deposited with the Town Clerk, and the other Two of which said original Parts are deposited with the Clerk of the Commissioners.

Direction of Pipes to be subject to Alteration.

XVII. Provided always, and be it enacted, That the Direction of the said Pipes, as shown on the said Plan, shall be subject to such Alterations as may from Time to Time be agreed upon between the Council of the said Borough and the Commissioners, and be certified by some Instrument in Writing under the Hands of the Mayor for the Time being of the said Borough and the Chairman for the Time being of the Commissioners: Provided always, that such Alterations shall not in the whole reduce the aggregate Length of Pipes to less than the aggregate Length shown upon the said Plan.

As to laying down Pipes in other Parts of the Parish.

XVIII. And be it enacted, That, for the Consideration aforesaid, the Commissioners shall, so soon as they conveniently can and their Means will enable them so to do, lay down and for ever maintain Pipes throughout such Parts of the said Parish as are not comprised in the said Plan, so far as may be reasonably necessary for the due Supply of Water for the extinguishing of Fires: Provided always, that the Commissioners shall not be under any Obligation to lay down Pipes in, upon, or under any of the Quays or Lands of the Trustees of the *Liverpool* Docks so long as the Consent of such Trustees to
 1. such

such Pipes being laid down shall be withheld, and the Commissioners shall be thereby prevented from laying down the same.

XIX. And be it enacted, That every such Pipe shall be of Cast Iron, with a Bore of a Diameter of not less than Twelve Inches, unless in Cases in which the Council of the said Borough shall consent to a Pipe with a Bore of smaller Diameter being used.

Pipes to be of Cast Iron, with Bore of a certain Diameter.

XX. And be it enacted, That, for the Consideration aforesaid, the Commissioners shall provide and maintain so many Communications with the said Pipes for obtaining Water therefrom for the extinguishing of Fires as there shall be entire One hundred running Yards of Pipe from Time to Time laid down by them in the said Parish; and all such Communications shall be made at such Places (whether within the Distance of One hundred Yards from each other or not, and whether One or more than One shall be required at One Place,) as the Fire Police Committee may from Time to Time appoint; and every such Communication shall consist of a short Branch cast with the Pipe capable of being stopped up by a Fire Plug, to be supplied by the Commissioners, and on the Fire Plug being taken out of receiving within the same an Instrument, to be provided by the Mayor, Aldermen, and Burgesses, for conveying the Water therefrom to the Hose of any Engine, or otherwise, for the extinguishing of Fire; and every such Communication shall be protected by a Box, with a Cap, to be provided and maintained by the Commissioners.

As to Communications with Pipes for obtaining Water for extinguishing Fires.

XXI. And be it enacted, That the Commissioners shall provide and maintain so many additional Communications with the said Pipes, and at such Places, as the said Fire Police Committee shall from Time to Time require, the Expence of all such additional Communications, so far as respects the providing and maintaining the short Branch, Fire Plug, Box, and Cap, and other Matters aforesaid, being borne by the said Mayor, Aldermen, and Burgesses.

For providing additional Communications.

XXII. And be it enacted, That all such Communications as aforesaid shall in all respects be according to the Plan now used with regard to the Pipes of Water Companies in the said Town, and the taking of Water therefrom, or according to such improved Mode as may from Time to Time be agreed upon by the Council of the said Borough and the Commissioners.

Communications with Pipes how to be made.

XXIII. And be it enacted, That the Fire Police and Constables of the said Borough, and such other Persons as the Town Council or Commissioners shall authorize, shall have at all Times Access to the said Pipes, to the Intent that they may, with such Instrument as aforesaid, and with fit and proper Tools, to be supplied by the said Mayor, Aldermen, and Burgesses, be enabled at all Times, by Day and by Night, to obtain Water for extinguishing Fire.

Fire Police and Constables to have free Access to Pipes.

XXIV. And be it enacted, That the Commissioners shall keep the Pipes constantly filled with Water, and replenished at all Times, by Day and by Night, notwithstanding any Water being drawn, escaping, or being lost therefrom.

Pipes to be kept at all Times full.

XXV. And

For settling
Differences
between
Council or
Fire Police
Committee
and the Com-
missioners.

XXV. And be it enacted, That in case any Difference shall at any Time arise between the Council or the Fire Police Committee of the said Borough and the Commissioners concerning the Execution of any of the Provisions herein contained, such Difference, from Time to Time as the same shall arise, and Notice thereof in Writing shall be given by either of the Parties in difference, shall stand and the same is hereby referred to the Three Persons next herein-after mentioned; that is to say, the Person who shall be Mayor of *Liverpool* at the Time of such Notice, the Person who shall be Chairman of the said Fire Police Committee at any Meeting of such Committee next after such Notice, and the Person who shall be Chairman of the Commissioners at any Meeting of such Commissioners next after such Notice; and the Order or Determination of such Referees, or any Two of them, shall be final, and shall be observed and performed and be enforced in the same Manner as if the same were Part of this Act.

Provision in
case of Death
of any
Referee.

XXVI. Provided always, and be it enacted, That if any of the Three Persons to whom any such Difference shall be referred shall die before any Order shall be made thereon, the Person who shall succeed him in his Office shall become a Referee in his Place, and shall be as capable of acting in such Reference as if such Difference had been originally referred to him, and so from Time to Time as often as the same shall happen.

Service of
Notice on
Council, &c.

XXVII. And be it enacted, That any Summons, Demand, Request, Notice, or Writ, or other Proceeding at Law or in Equity under this Act, requiring to be served upon the Mayor, Aldermen, and Burgesses, or upon the Council or the Fire Police Committee of the said Borough, may be lawfully served by delivering the same personally to the Town Clerk of the said Borough or his Deputy, or by leaving the same at the Office of such Town Clerk; and every such Summons, Demand, Request, Notice, or Writ, or other Proceeding under this Act, requiring to be served upon the Commissioners, may be lawfully served by delivering the same personally to their Clerk, or by leaving the same at the Office of their Clerk.

Authentica-
tion of
Notices.

XXVIII. And be it enacted, That any Demand, Request, or Notice, or other such Document under this Act, may be in Writing or Print, or partly in Writing or Print; and if the same require Authentication by the Mayor, Aldermen, and Burgesses, or by the Council or Fire Police Committee of the said Borough, the Signature thereof by the Town Clerk of the said Borough or his Deputy, or if the same require Authentication by the Commissioners, the Signature thereof by their Clerk, shall respectively be a sufficient Authentication.

Power to
Commis-
sioners to
supply
Water for
Baths, &c.

XXIX. And be it enacted, That it shall be lawful for the Commissioners, if they shall obtain a Supply of Water for the said Tanks, Reservoirs, and Pipes from the River *Mersey*, or from any of the *Liverpool* Docks, as herein provided, to supply any Inhabitant within the said Town or Neighbourhood with such Water, and also to supply such Water to any public or private Baths which may be constructed

structed in the said Town or Neighbourhood, on such Terms and Conditions as shall be agreed upon between the Commissioners and such Inhabitant, or the Owner or other Person having the Management of any such public or private Baths; and also, on the Application of the Council of the said Borough, if the Commissioners shall think proper, to supply fresh or salt Water within the Town for public Baths, or for other public Purposes not herein-before provided for, without any Compensation for the same; and the Commissioners shall have the same Powers of breaking up the Soil and Pavement of any Street, and laying and fixing any Pipes and other Works therein, as are hereby granted to the Commissioners for the Purpose of laying down the Pipes herein-before directed to be provided; and the Commissioners shall have the same Powers for recovering any Sum of Money which may be agreed to be paid to them for such Supply of salt Water as are by the said recited Acts, or either of them, granted for levying and recovering the Rates or Assessments thereby made payable.

XXX. 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 Rate or Assessment of Eight-pence in the Pound, payable under the Authority of the said recited Acts or One of them, and on the Credit of the Rate or Assessment by this Act granted, and on the Credit of the said yearly Sum of Five hundred Pounds so to be paid by the said Mayor, Aldermen, and Burgesses, and their Successors, as aforesaid, and on the Credit of any other Monies which they may receive by virtue of this Act, in such Proportions as they shall think proper, any Sum of Money not exceeding in the whole the Sum of Fifty thousand Pounds, and in the event of any Part of such 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 Fifty thousand Pounds in the whole at any one Time; and for securing the Repayment thereof, with Interest, the Commissioners, or any Five of them, may assign over the said Rates or Assessments, and yearly Sum or other Monies, 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.

Power to
borrow
Money on
Mortgage.

XXXI. 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 the Schedule (A.) to this Act annexed, or to the like Effect.

Form of
Mortgage.

XXXII. And be it enacted, That all Persons to whom such Assignments or Mortgages 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 Rate or Assessment, yearly Sum or other Money, on the Credit of which the same shall be raised, 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.

Mortgages
to be without
Preference.

[Local.]

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XXXIII. And

Expence of
Mortgages.

XXXIII. 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.

XXXIV. And be it enacted, That a Register of such Assignments or Mortgages shall be kept by the Clerk of the Commissioners, and within Fourteen Days after the Date of any such Assignment or Mortgage an Entry or Memorial of the Number and Date thereof, and of the Amount of the Money thereby secured, and 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 seasonable Times by any Person interested therein, without Fee or Reward.

Assignment
of Mort-
gages.

XXXV. And be it enacted, That from Time to Time any Party entitled to any such Assignment or Mortgage may transfer his Right or 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.

Register of
Transfers to
be kept.

XXXVI. And be it enacted, That within Thirty Days after the Date of every such Transfer if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Clerk of 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 Assignment or Mortgage, 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 Assignment or Mortgage in all respects; and no Party having made such Transfer shall have Power to make void, release, or discharge the Assignment or Mortgage so transferred, or any Money thereby secured.

Interest on
Mortgages to
be paid half-
yearly.

XXXVII. And be it enacted, That, unless otherwise provided by any Assignment or Mortgage, the Interest of the Money borrowed upon every such Assignment or Mortgage shall be paid half-yearly to the several Parties entitled thereto out of the Rate or Assessment or other Funds on the Credit of which such Money shall have been borrowed.

Power to
take up
Money at a
less Rate of
Interest.

XXXVIII. And be it enacted, That if the Commissioners can at any Time borrow or take up at Interest any Sum of Money for the Purposes of this Act 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 said respective Rates, yearly Sum, and other Monies, 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 Assignment or Mortgage.

XXXIX. And

XXXIX. And in order that no undue Preference may be given in paying off any Assignments or Mortgages, 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 Assignments or Mortgages upon which the same Rate of Interest shall be payable, or a Part of the Money secured on any such Assignment or Mortgage, they shall cause the several Numbers of such Assignments or Mortgages to be written on distinct Slips of Paper of an equal Size, and all such Slips shall be rolled or folded up in 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 Assignment or Mortgage corresponding with the Number so drawn, or the Part of the Money due thereon, so proposed to be paid off, shall accordingly be paid 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 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.

Mode of
paying off
Mortgages.

XL. And be it enacted, That all the Money which shall be raised on the Credit of the said Rates or Assessments, or other Monies, shall be applied in the first place in paying the Expences of obtaining and passing this Act, or incident thereto, or in repaying any Money which may have been applied by the Commissioners to such Purpose, and afterwards in purchasing Lands, erecting the said Steam Engines, making the said Tanks, Reservoirs, and Wells, and erecting the said Pumps or other Works, laying down the said Pipes, and in other permanent Works which may be deemed requisite for carrying this Act into execution.

Application
of Monies to
be borrowed.

XLI. And be it enacted, That for the Purpose of defraying the Charges and Expences of carrying into execution the several Purposes of this Act, it shall be lawful for the Commissioners (in addition to the several Rates or Assessments granted by the said recited Acts or either of them) once or oftener in each Year, as they shall see Occasion, to cause a Sum of Money to be raised by a Rate or Assessment to be made, assessed, collected, levied, and recovered upon and from the same Persons, and in respect of the same Property, and by such and the same Means, and in such and the same Manner as is provided by the said firstly herein-before recited Act in respect of the Rate or Assessment of Eight-pence in the Pound, being Part of the Rate or Assessment of One Shilling in the Pound by such Act authorized to be made, levied, and recovered: Provided always, that such Rate or Assessment so to be made by virtue of this Act shall not exceed

Rate may be
made.

exceed in any One Year the Sum of One Penny in the Pound upon the usual annual Rent or Value of the Houses, Warehouses, Buildings, Lands, Tenements, and Premises respectively in respect of which the same shall be payable, according to the Rents which the same are or shall be rated or assessed at for the Relief of the Poor in the Year preceding: Provided also, that in all Cases of Houses, Warehouses, Buildings, or Premises which shall be erected, completed, or occupied after the Rate shall have been made for the Relief of the Poor, the Commissioners shall have the same Powers for rating the same as are granted in the said secondly-recited Act in the like Cases.

Act not to subject the Estate of Liverpool Dock Trustees to Liability to be rated beyond that imposed by 4 & 5 Vict. c. 30.

XLII. Provided always, and be it enacted, That nothing herein contained shall render the Estate of the Trustees of the *Liverpool Docks*, or the Works of the said Trustees, or any Part thereof respectively, liable to be rated or assessed under or by virtue of the said recited Acts or this Act, except so far as the same are affected by an Act passed in the Fourth Year of the Reign of Her present Majesty Queen *Victoria*, 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.*

Application of Rates.

XLIII. And be it enacted, That the Money which shall arise from the said Rate or Assessment of Eight-pence in the Pound under the said recited Acts, and be applicable to the watering of the said Streets, and the Money which shall arise from the said Rate or Assessment under this Act, and the Money which shall be paid to the Commissioners by the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool*, as herein provided, and all Monies which may be received for the Supply of salt Water by the Commissioners under this Act, shall be applied in the first instance in Payment of the Interest of the Monies hereby authorized to be borrowed, and in the next place in maintaining, repairing, and keeping in repair the Engines, Tanks, Reservoirs, Pumps, Pipes, and other Works to be provided as aforesaid, and in paying the Expence of the additional Officers and Servants, or in augmenting the Salaries and Allowances of the existing Officers and Servants, of the Commissioners (which they are hereby authorized to do), and in defraying all other Costs and Expences necessary or incident to carrying into effect the several Purposes of this Act; and in case there shall be any Surplus of any such Monies, after paying the Costs and Expences herein-before mentioned, such Surplus shall be applied either in paying off and discharging the Principal Monies which shall have been borrowed as aforesaid, or a Part thereof, or to any of the Purposes of the said recited Acts, or either of them, as the Commissioners shall direct.

Owners or Occupiers of Property situate beyond the Limits of the

XLIV. And whereas the Commissioners have been accustomed to permit Persons, the Owners or Occupiers of Property situate beyond the Limits of the said Town, in respect of which they are not liable to the Payment of the Sewerage Rates and Assessments authorized to be made, levied, and collected by the said recited Acts, or one of them,

them, to make private Sewers or Drains into the Sewers belonging to the Commissioners, upon the Payment to them of reasonable Sums of Money for the Use of such Sewers: And whereas it would be of great public Advantage if Facilities were given for extending the Drainage in the Neighbourhood of the Town of *Liverpool*; be it therefore enacted, That it shall be lawful for any Person, being the Owner or Occupier of any Property situate beyond the Limits of the said Town, in respect of which the Owner or Occupier would not have been or be liable to the Payment of the Sewerage Rates and Assessments by the said recited Acts, or one of them, authorized to be made, levied, and collected, with the Consent of the Commissioners, and upon Payment to them of such reasonable Sum of Money as shall be determined by them to be a fair Remuneration for the Use of their Sewers, at his, her, or their own Expence, to branch into any of the Sewers or Drains vested in the Commissioners, or authorized to be made by virtue of the said recited Acts, any private Sewer or Drain which in respect of the said Property he may lawfully make therefrom, of such a Size and in such Manner and Form of Communication in all respects as the Commissioners shall direct or appoint; and in case any Person, otherwise than in respect of Property situate within the said Town, shall branch any private Sewer or Drain into any of the said Sewers or Drains so vested in the Commissioners, or authorized to be made under or by virtue of the said recited Acts, either without the Consent of the Commissioners or without paying to them such reasonable Sum as they shall have required for the Use of their Sewers, or shall make any such private Sewer or Drain of a larger Size or in a different Manner and Form of Communication than shall be directed or appointed by the Commissioners, every Person so offending in any of the Particulars aforesaid shall for every such Offence forfeit and pay a Sum not exceeding One hundred Pounds; and it shall also be lawful for the Commissioners to cut off, stop up, or prevent the Communication of such private Sewer or Drain with the Sewers or Drains so vested in the Commissioners or authorized to be made under or by virtue of the said recited Acts: Provided always, that nothing herein contained shall extend to affect any Agreement which may have been heretofore entered into between the said Commissioners and any Person the Owner or Occupier of Property situate beyond the Limits of the said Town with respect to the making of any private Sewer or Drain therefrom to communicate with the Sewers or Drains of the Commissioners.

Town may make private Sewers, &c. into the Sewers, &c. vested in the Commissioners, under certain Restrictions.

XLV. And be it enacted, That all Costs, Charges, and Expences preparatory to and attending the passing of this Act shall, in the first instance, be paid by the Commissioners out of the first Monies arising by virtue of the said recited Acts, or either of them, in preference to all other Payments whatsoever, and shall afterwards be reimbursed out of the first Monies to be raised by Mortgage by virtue of this Act.

Expences of this Act.

XLVI. And be it enacted, That this Act shall be a 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, Five of the Commissioners acting in the Execution of the said Act, in consideration of the Sum of _____ 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 [*here state the Rate or Assessment or other Monies upon the Credit of which the Money is borrowed*] as the said Sum of _____ doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates or Assessments or other Monies, to hold to the said *A.B.*, his Executors, Administrators, and Assigns, from this Day until the said Sum of _____ with Interest at _____ 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 _____ paid to me 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 thect*] to _____ bearing Date the _____ Day of _____ for securing the Sum of _____ and _____ Interest, and all my Right, Estate, and Interest in and to the Money thereby secured, and in and to the Rates or Assessments and other Monies thereby assigned. In witness whereof I have hereunto set my Hand and Seal, this _____ Day of _____ One thousand eight hundred and _____
