ANNO TRICESIMO

VICTORIÆ REGINÆ.

****

Cap. xcii.

An Act to authorize the *Birkenhead* Improvement Commissioners to make new Waterworks, and to extend the Jurisdiction of the Stipendiary Magistrate for *Birkenhead*, and to amend the Acts relating to the said Commissioners with respect to Matters of Police, and otherwise.

[17th *June* 1867.]

WHEREAS by an Act passed in the Third Year of the Reign of King *William* the Fourth, intituled *An Act for paving, lighting, watching, cleansing, and otherwise improving the Township or Chapelry of* Birkenhead *in the County Palatine of* Chester, *and for regulating the Police thereof, and for establishing a Market within the said Township*, a Body of Commissioners was constituted for carrying the said Act into execution, and by the "*Birkenhead* Improvement (General Mortgagees) Act, 1858," the said Body was incorporated by the Name of "the *Birkenhead* Improvement Commissioners," and the same are herein-after referred to as "the Commissioners:" And whereas by the said Acts and also by the following Acts (Local and Personal), that is to say, 1st of *Victoria*, Chapter 33, 5th of *Victoria* (Session 2), Chapter 5, 6th of *Victoria*, Chapters 13 and 24, 7th of *Victoria*, Chapter 32, 9th of *Victoria*, Chapter 28, 13th of *Victoria*, Chapter 3, "The *Birkenhead* Commis- 3 & 4 W. 4. c. lxviii.

Commissioners Gas and Water Act, 1858," and "The *Birkenhead* Improvement Commissioners Act, 1863," further Powers were conferred upon and further Provisions were made with respect to the Commissioners, including Power to establish a Cemetery or Burial Ground: And whereas by an Act passed in the Session of Parliament held in the Fourth and Fifth Years of the Reign of Her present

4 & 5 Vict. c. lxii. Majesty, intituled *An Act for supplying* Birkenhead *and other Townships in the Hundred of* Wirrall *in the County of* Chester *with Gas, and for supplying* Birkenhead *aforesaid with Water*, the *Birkenhead and Claughton* Gas and Water Company were incorporated, and authorized to construct Works and supply Water within the Township of *Birkenhead*, and to manufacture and supply Gas within the Townships of *Birkenhead, Tranmere, Lower Bebington, Higher Bebington, Bromborough, Great Neston, Little Neston, Poulton-cum-Spittal, Thorntonhough, Upton, Bidston, Oxton, Claughton-cum-Grange, Prenton, Poulton-cum-Seacombe, Liscard*, and *Wallasey:* And whereas by or

21 & 22 Vict. c. cxxi. under "The *Birkenhead* Commissioners Gas and Water Act, 1858," the Undertaking of the *Birkenhead and Claughton* Gas and Water Company was transferred to the Commissioners, and further Powers with respect to Gas and Water were conferred upon the Commissioners: And whereas the Limits within which the Powers of the Commissioners under the recited Acts (except with respect to Gas) may be exercised comprise the Townships of *Birkenhead* and *Claughton-cum-Grange*, and the same are herein-after referred to as "the District," and the Powers of the Commissioners with respect to Gas under "The *Birkenhead* Commissioners Gas and Water Act, 1858," may be exercised within the District, and also within the several Townships herein-before mentioned, or Parts thereof beyond the District: And whereas it is expedient that the Commissioners should be authorized to make Provision for a further Supply of Water to the District, and to make and maintain additional Waterworks to furnish such Supply: And whereas a Plan and Section of the Waterworks proposed to be made for affording such additional Supply of Water showing the Line and Levels thereof, and a Book of Reference to the Plan containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands in, through, or upon which such Works are proposed to be made, have been deposited with the Clerk of the Peace of the County of *Chester:* And whereas it is expedient that the Commissioners should be authorized to raise further Sums of Money for Gas and Water and other Purposes, and that further Provisions should be made for preventing the Waste, Misuse, or fouling of Water, and otherwise in relation to the Powers, Duties, and Obligations of the Commissioners with respect to supplying Water within the District: And whereas by

26 & 27 Vict. c. cvi. "The *Birkenhead* Improvement Commissioners Act, 1863," Provision is made for the Appointment of a Stipendiary Magistrate to execute

the

the Office of a Justice of the Peace within the District: And whereas a large Part of the System of Docks and Works on the *Cheshire* Side of the River *Mersey*, belonging to the *Mersey* Docks and Harbour Board, and herein-after called the Dock Estate, is within the District, and other Parts are beyond the District, and there is frequent Communication by means of Ferry and other Boats and Vessels between the *Cheshire* Side or Bank of the said River bordering upon the District and the Dock Estate and *Liverpool*, and Vessels lie at anchor in the River opposite the District and the Dock Estate, and it is expedient that the Jurisdiction of the said Stipendiary Magistrate should be extended so as to comprise the whole of the Dock Estate, the River *Mersey* between the District and Dock Estate and *Liverpool*, and all Landing Places at *Liverpool* for Ferry Boats belonging to the Commissioners, and all Offences under any of the Acts relating to the Commissioners, or against any of the Byelaws under the said Acts, or any of them: And whereas it is expedient to make further Provision with respect to various Offences and Matters relating to Police within the Limits of the said Jurisdiction, and for the licensing of Marine Store Dealers, and that for the Purposes herein-before mentioned, and in other respects, the Acts relating to the Commissioners should be amended: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The *Birkenhead* Improvement Act, 1867."

Recited Acts extended to this Act.

2. The Powers and Provisions of the recited Acts, so far as the same are now unrepealed, and except such of them as are repealed or altered by this Act, shall extend to this Act, and to the several Purposes thereof, as fully and effectually as if the said Powers and Provisions were repeated and re-enacted in this Act in reference to such Purposes, and the said Acts and this Act shall be read and construed together as forming One Act.

8 & 9 Vict. c. 18., 10 & 11 Vict. c. 17., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 93. incorporated.

3. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Waterworks Clauses Act, 1847," and "The Waterworks Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form Part of this Act.

26 & 27 Vict. c. 93. to apply to

4. From and after the passing of this Act, the several Provisions of "The Waterworks Clauses Act, 1863," shall, except where expressly varied

existing Undertaking.

varied by this Act, apply to the Waterworks of the Commissioners under the recited Acts, and to the Supply of Water under those Acts, as well as to the Waterworks and Supply of Water authorized by this Act.

Interpretation of Terms.

5. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction; the Expression "the Stipendiary Magistrate" shall mean the Stipendiary Magistrate for the District appointed under the Provisions of "The *Birkenhead* Improvement Commissioners Act, 1863," the Word "Justice" shall mean the Stipendiary Magistrate or any Justice of the Peace for the County of *Chester*, and the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Price of Gas in Tranmere.

6. Whereas the Gasworks of the Commissioners adjoin the Township of *Tranmere*, which is becoming very populous: Be it enacted, That the Commissioners shall not, except as herein-after is provided, charge a higher Price for Gas supplied in such Township to Persons burning the same by Meter than they for the Time being charge to Consumers by Meter within the District: Provided that if and whenever it shall be lawful for the Commissioners under the 59th and 76th Sections of "The *Birkenhead* Commissioners Gas and Water Act, 1858," to levy the Gas and Water Rates therein mentioned, then, and whether such Rates be actually levied or not, the Commissioners may charge for the Supply of Gas in *Tranmere* at a Rate *per* Thousand Cubic Feet exceeding by not more than Sixpence *per* Thousand Cubic Feet the Rate for the Time being charged for the Supply of the like Quantity in *Birkenhead*.

Power to borrow on Bond for Gas and Water Purposes.

7. In addition to any Monies which the Commissioners are authorized to borrow on Bond under the Provisions of "The *Birkenhead* Commissioners Gas and Water Act, 1858," they may from Time to Time borrow on Bond such Sums as they may require for the Purposes of the said Act and of this Act with respect to Gas or Water, not exceeding in the whole Eighty thousand Pounds.

Bonds to be charged upon Gas and Water Undertaking.

8. Every Bond for raising any Part of the said Sum of Eighty thousand Pounds may be granted for securing such an Amount of Principal Money and payable at such Period as may be agreed upon between the Commissioners and the Person to whom such Bond shall be

be granted, and shall be a Charge upon all the Waterworks and Gasworks of the Commissioners, and upon all the Gas and Water Rents and Charges, and upon the Special Gas and Water Rates, by "The *Birkenhead* Commissioners Gas and Water Act, 1858," authorized to be made; and all such Bonds shall, except as may be otherwise expressly enacted by this Act, rank *pari passu* with all other Bonds of the Commissioners charged upon the Gas and Water Undertaking, and shall be designated "*Birkenhead* Gas and Water Bonds."

Certain Provisions of 21 & 22 Vict. c. cxxi. as to Bonds incorporated.

9. All the Provisions of "The *Birkenhead* Commissioners Gas and Water Act, 1858," relating to the Bonds thereby authorized to be created, and contained in the 64th and following Sections of the said Act to the 73rd Section inclusive, are hereby incorporated with this Act, and shall be applicable with respect to the Bonds by this Act authorized to be created for the Purpose of raising the said Sum of Eighty thousand Pounds, or any Part thereof as if they had been specially re-enacted in this Act with reference to such Bonds.

Application of Monies raised by Bonds.

10. All Monies raised by such Bonds shall be applied for the Purposes of "The *Birkenhead* Commissioners Gas and Water Act, 1858," and this Act with respect to Gas and Water only.

Commissioners may take Surrenders of existing Bonds and grant others in lieu.

11. The Commissioners may at any Time after the passing of this Act, by Agreement with the Holders of any Bonds granted under the Provisions of "The *Birkenhead* Commissioners Gas and Water Act, 1858," accept and take a Surrender of such Bonds, and grant other Bonds in lieu thereof at such Rate of Interest as may be agreed upon, and the Bonds so granted shall be subject to the same Provisions as if the Sums thereby secured were reborrowed under the Provisions of this Act.

Sinking Fund.

12. Section 75 of "The *Birkenhead* Commissioners Gas and Water Act, 1858," is hereby repealed, and instead thereof be it enacted, That at the Expiration of Five Years from the passing of this Act the Commissioners shall every Year set apart and appropriate out of the Gas and Water Rates and Rents by the said Act authorized a Sum of Money which for the First Ten Years thereafter shall be equal to One Pound *per Centum per Annum*, and after the Expiration of such Ten Years shall be equal to Two Pounds *per Centum per Annum*, on the aggregate Amount of the Principal Monies raised under and for the Purposes of the said Act and this Act with respect to Gas and Water, as a Sinking Fund to be applied in paying off such Principal Monies, and may from Time to Time cause such Sinking Fund to be invested as herein-after mentioned, and to be increased by Accumulation in the way of Compound Interest or otherwise, and shall from Time to Time apply such Sinking Fund, or a competent Part thereof,

in Payment and Discharge of Portions of the said Principal Monies, and so from Time to Time until the said Principal Monies shall be wholly paid off.

Power to invest Monies set apart for Sinking Fund.

13. The Commissioners may from Time to Time lay out and invest any Monies set apart by them for a Sinking Fund in all or any of the following Ways; that is to say, in the Purchase of Government Securities, or of Bonds or Debentures of the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool*, or of the *Mersey* Docks and Harbour Board, and may from Time to Time change any Investment made by them of any such Money for any other or others of the Investments authorized by this Act.

Power to raise additional Money on Mortgage.

14. In addition to any Monies which the Commissioners are authorized to borrow on Mortgage under their existing Acts, they may from Time to Time borrow on Mortgage such Sums as they may require for any of the Purposes of the Commissioners, not being Purposes with respect to Gas and Water, not exceeding in the whole Nineteen thousand nine hundred Pounds.

Mortgages to be charged upon General Rates, &c.

15. Every Mortgage for raising any Part of the said Sum of Nineteen thousand nine hundred Pounds shall be a Charge upon the Tolls, Rates, Revenues, and Property of the Commissioners other than the Waterworks and Gasworks of the Commissioners, and the Gas and Water Rates, Rents, and Charges by "The *Birkenhead* Commissioners Gas and Water Act, 1858," authorized to be made.

Certain other Provisions of 21 & 22 Vict. c. cxxi. incorporated.

16. All the Provisions of "The *Birkenhead* Improvement Commissioners Act, 1863," relating to the Mortgages thereby authorized to be created, and contained in the 78th and following Sections of the said Act to the 81st Section inclusive, are hereby incorporated with this Act, and shall be applicable with respect to the Mortgages by this Act authorized to be created for the Purpose of raising the said Sum of Nineteen thousand nine hundred Pounds, or any Part thereof, as if they had been specially re-enacted in this Act with reference to such Mortgages.

Power to reborrow.

17. The Commissioners may reborrow on Mortgage such Sums of Money as may from Time to Time be required for paying off any Principal Monies forming Part of the said Sum of Nineteen thousand nine hundred Pounds, and if having reborrowed any such Sums they pay off the same, they may again reborrow the Amount so paid off, and so from Time to Time, and every such Mortgage shall be charged upon the same Rates, Rents, Charges, and Property as are by this Act made chargeable with the Mortgages for raising the said Sum of Nineteen thousand nine hundred Pounds.

18. The

As to Appointment of a Receiver.

18. The Provisions of the recited Acts with reference to the Appointment of a Receiver for enforcing Payment of any Monies secured by Mortgage are hereby repealed, but without Prejudice to any Appointment of a Receiver made thereunder before the passing of this Act, or any Proceedings arising out of any such Appointment which may be pending at the Time of the passing of this Act; and from and after the passing of this Act the Mortgagees of the Commissioners may enforce Payment of Arrears of Interest or Principal, or Principal and Interest, due on any Mortgages granted by the Commissioners, whether under the recited Acts or this Act, by the Appointment of a Receiver; and in order to authorize the Appointment of a Receiver in respect of Principal, or Principal and Interest, the Amount owing to the Mortgagees by whom the Application for a Receiver shall be made shall not in the whole be less than Two thousand Pounds.

Application of Monies borrowed.

19. All Monies raised by such Mortgages shall be applied, first, in the Erection and furnishing of public Baths, secondly, in Alterations, Repairs, and Improvements of the Market Place and Buildings, and, subject thereto, for the Purposes of the recited Acts (other than "The *Birkenhead* Commissioners Gas and Water Act, 1858,") and of this Act only, except Purposes of this Act with respect to Gas and Water.

Existing Mortgages and Bonds to have Priority.

20. All Mortgages and Bonds granted by the Commissioners before the passing of this Act shall during the Continuance thereof respectively, and as regards the Rates and Property comprised in and assigned by or charged with such Mortgages or Bonds, have Priority over all Mortgages and Bonds which may be granted by virtue of this Act.

Sinking Fund.

21. From and after the passing of this Act, the Commissioners shall every Year set apart and appropriate, out of the Tolls, Rates, and Revenues charged with any Mortgages created under the Powers of this Act, a Sum of Money which shall be equal to One Pound *per Centum per Annum* upon the total aggregate Amount of the Principal Monies raised by means of such Mortgages as a Sinking Fund to be applied in paying off such Principal Monies, and shall from Time to Time cause such Sinking Fund to be invested as herein-before mentioned with respect to the Sinking Fund for paying off Bonds charged upon the Gas and Water Undertaking, and to be increased by Accumulation in the way of Compound Interest or otherwise, and shall from Time to Time apply such Sinking Fund, or a competent Part thereof, in Payment and Discharge of Portions of the said Principal Monies, and so from Time to Time until the said Principal Monies shall be wholly paid off; and until the said Principal

Monies

Monies shall be wholly paid off, or the Sinking Fund shall be of sufficient Amount for the Payment thereof, the Commissioners shall add to the Sinking Fund from Year to Year a Sum equal to the Amount which would have been payable as Interest upon the Principal Monies for the Time being paid off by means of the Sinking Fund.

Power to make Waterworks and take Lands.

22. Subject to the Provisions of this Act and of the Acts incorporated with this Act, the Commissioners may make and maintain in the Line and according to the Levels shown on the deposited Plans and Sections the Waterworks herein-after described, with all proper Wells, Tunnels, Drifts, Adits, Pipes, Embankments, Approaches, Reservoirs, Basins, Engines, Pumps, and other Works and Conveniences connected therewith respectively, and may deviate laterally from the Lines shown on the said Plans to any Extent not exceeding the Limits of Deviation described thereon, and may deviate vertically from the Levels shown upon the said Sections to any Extent not exceeding Three Feet in the Case of a Reservoir, or Five Feet in the Case of any other Work, and may enter upon, take, and use such of the Lands delineated on the said Plans and described in the deposited Books of Reference as may be required for those Purposes. The Waterworks herein-before referred to and authorized by this Act are,—

(1.) A Shaft or Well (to be sunk to an uncertain Depth) and Pumping Station in the Township of *Upton* in the Parish of *Overchurch*, or in the Township of *Bidston-cum-Ford* in the Parish of *Bidston*, near the Bridge carrying the Road leading from *Birkenhead* to *Upton* over the Stream known as the *Fender*:

(2.) An Aqueduct or Line of Pipes from the said intended Pumping Station to the Commissioners Reservoir at *Flaybrick Hill*:

(3.) A Reservoir in the Township of *Bidston* upon *Bidston Hill*, near and to the South of the Windmill on the said Hill:

(4.) An Aqueduct or Line of Pipes commencing near the *Bidston* Toll Bar by a Junction with the intended Line of Pipes herein-before described, and terminating at the intended Reservoir on *Bidston Hill*.

Powers for compulsory Purchases limited.

23. The Powers of the Commissioners for the compulsory Purchase of Lands under the Authority of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period within which Works are to be completed.

24. If the Waterworks by this Act authorized shall not be completed within Ten Years from the passing of this Act, then on the Expiration of that Period the Powers of the Commissioners under this Act

Act for making the Waterworks, or otherwise in relation thereto, shall cease to be exercised, except as to so much as is then completed.

Power to acquire additional Lands by Agreement, &c.

25. In addition to the Lands which the Commissioners are by this Act authorized to purchase compulsorily, they may from Time to Time by Agreement purchase in Fee, either absolutely or in consideration of any yearly or other Rent, any additional Quantity of Land not exceeding in the whole Five Acres, or any Easement or Right, except of Water, over Lands which they may from Time to Time think requisite for any of the Purposes of the recited Acts or this Act, but they may not upon any Lands so acquired establish a Cemetery or Burial Ground, or erect any Works for the Manufacture of Gas.

Owners may grant Easements.

26. The Persons empowered by "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," respectively to sell and convey or release Lands shall, subject to the Provisions of those Acts respectively, have full Power to grant to the Commissioners in Fee, either absolutely or in consideration of any yearly or other Rent, any Easement, Right, Privilege, Power, or Authority, except of Water, in, over, or affecting any Lands which the Commissioners from Time to Time think requisite for any of the Purposes of their Waterworks.

Application of 23 & 24 Vict. c. 106. to Easements.

27. For the Purposes of this Act the Provisions of "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to Lands and Rentcharges, so far as the same respectively are applicable in that Behalf, shall extend and apply to Easements and Rentcharges granted or reserved by Grants and Leases respectively of Easements under this Act.

As to Construction of Works across and along the Hinderton and Birkenhead Turnpike Roads. 7 & 8 G. 4. c. xix.

28. For the Protection of the Trustees acting in execution of an Act passed in the Seventh Year of the Reign of King *George* the Fourth, intituled *An Act for making and maintaining a Turnpike Road commencing at or near a certain House called the* Shrewsbury Arms *situate at* Hinderton *in the Township of* Little Neston *by way of* Upton, *and terminating in the Township of* Hoose, *and from* Upton *aforesaid to the Township of* Birkenhead, *and also certain Branches of Road to communicate therewith, all in the County Palatine of* Chester, the following Provisions shall have Effect, and shall be observed and performed by the Commissioners:

(A.) In the Construction of the Waterworks herein-before secondly and fourthly described, where the Mains or Pipes according to the deposited Plans are proposed to be carried within or along the Roads under the Jurisdiction of the said Trustees, the same shall only be laid in such Part of the said Roads and

and in such Manner as shall have been previously approved by the said Trustees or their Surveyor for the Time being, or, in case of any Difference, in such Part and in such Manner as shall be determined by Two Justices for the County of *Chester* not being Trustees under the said Act or *Birkenhead* Improvement Commissioners:

(B.) No Works within or upon the Roads under the Charge and Jurisdiction of the said Trustees shall in any Manner be commenced until the Expiration of Five Days Notice in Writing of the Intention to commence such Works shall have been left at the Office of the Clerk of the said Trustees, except in Cases of Emergency; and the opening of the said Roads, or any of them, for the Purpose of laying down or constructing such Works, or of laying any Pipe, and the re-making of such Roads, and all other Works of every Description connected with the same respectively at any Time hereafter to be performed by the Commissioners or by any Person authorized by them, shall be carried on and executed under the Direction and Superintendence and to the reasonable Satisfaction of the Surveyor of the said Trustees; and in case in the laying down or Construction of the Works, or any of them, the Commissioners shall do or cause any Damage to the said Roads, or any of them, or to any Brick or other Drain, Water Channel, or other Convenience connected therewith, or any of them, and shall not forthwith proceed to repair and make good such Damage to the Satisfaction of the said Surveyor, or if by reason of the laying down or Construction of any of the Works hereby authorized any Alteration of the said Roads, or any of them, or of the Drains or Water Channels connected therewith, shall be rendered necessary, then and in any of such Cases it shall be lawful for the Surveyor of such Trustees to cause all such necessary Repairs and Alterations to be made, and all Costs and Expenses of such Repairs and Alterations shall be paid on Demand by the Commissioners, or in default of Payment for Twenty-one Days after Demand may be recovered by the said Trustees from the Commissioners, with full Costs of Suit, in any of the Superior Courts:

(C.) The Commissioners shall not at any Time during the Progress of laying down or constructing the Works hereby authorized, or of performing any other Works connected with the said Roads, shut up or in any way impede the public Traffic along more than One Half in Width of any of the said Roads at any one and the same Time; and if it should happen that the Half of any Part of the said Roads should not be wide enough

enough to allow Two Carriages to pass each other, then and in such Case not more than Fifty Yards in Length of the other Half of such Roads shall be occupied by the Commissioners Works at the same Time, unless by special Permission of the said Trustees or their Surveyor:

(D.) The Commissioners shall at their own Expense do and perform all such Acts and Things in the way of watching, lighting, and fencing, and all such other precautionary Measures during the Progress of the Works hereby authorized, or of any other Works connected with the said Roads under the Powers of this Act, as shall be necessary and requisite for public Safety, Convenience, and Protection:

(E.) The above Provisions shall not in any way release the Commissioners from the Conditions and Duties incumbent on them under the Provisions of "The Waterworks Clauses Act, 1847," in so far as the Provisions of that Act are not inconsistent herewith.

Confirming Agreement with Robert Vyner, Esquire.

29. Whereas the Construction of the Waterworks by this Act authorized will materially interfere with and affect Property in *Bidston* belonging or claimed as belonging to *Robert Vyner* Esquire: And whereas for the Purpose of settling the Compensation to be made to the said *Robert Vyner* for the Injury to and Interference with the said Property, and to make Provisions for certain Matters required by the said *Robert Vyner* as the Condition of his Assent to such Interference, an Agreement, of which a Copy is scheduled to this Act, was entered into bearing Date the Twenty-eighth Day of *March* One thousand eight hundred and sixty-seven, made between the said *Robert Vyner* of the one Part and the Commissioners of the other Part, and it has been agreed that such Agreement shall be made binding upon the Parties thereto under the Provisions of this Act: Be it therefore enacted, That the said Agreement, and all and every the Clauses, Matters, and Things therein contained, shall be binding upon the Commissioners, their Successors and Assigns, and upon the said *Robert Vyner*, his Heirs and Assigns, and the Commissioners are hereby empowered and required to carry the same into effect, and at all Times hereafter to abide by, perform, and fulfil the same in all respects whatever.

For Protection of W. Inman, Esq.

30. If at any Time during the Construction or after the Completion of the Works by this Act authorized the Water in the Well in the Township of *Upton* lately sunk by *William Inman* Esquire, of *Upton* aforesaid, shall be reduced in Quantity in consequence of the sinking of the Well by this Act authorized, the Commissioners shall deliver daily into a Pipe or Cistern to be provided by them on Land belonging to the said *William Inman*, and adjoining the Premises of the said Commis-

Commissioners, a Quantity of Water which shall, as near as can be ascertained, be equal to the Quantity of Water so abstracted from the Well of the said *William Inman*, but not exceeding One hundred and fifty thousand Gallons *per* Week, at a Charge of Twopence *per* One thousand Gallons; and any Dispute which may arise between the said *William Inman* and the Commissioners as to whether any Reduction in the Water of his said Well has taken place or has been caused by the sinking of the said Well of the Commissioners, or as to the Quantity of Water abstracted, or the Extent to which such Abstraction has been caused by the sinking of the said Well of the Commissioners, shall be settled by a competent Person as Arbitrator to be appointed by the Parties in difference, or, if they cannot agree upon the Appointment, by a competent Person to be appointed by the Board of Trade.

Furnaces to consume Smoke.

31. All Engines and Furnaces to be constructed at the Pumping Station by this Act authorized shall be so constructed and used as to consume as far as practicable their own Smoke; and the Commissioners shall in this respect be subject to the Provisions of the Act 26th and 27th *Victoria*, Chapter 128, intituled *An Act to abate the Nuisance arising from the Smoke of Furnaces in the Metropolis, and from Steam Vessels above* London Bridge, as if the Site of the said intended Works were within the Districts defined by that Act, and the Penalties provided by that Act may be recovered before any Justice or Justices of the Peace for the County of *Chester*.

26 & 27 Vict. c. 128. (*Public.*)

Extending Time for Sale of superfluous Lands.

32. The Time limited for the Sale of superfluous Lands acquired by the Commissioners by or under the Provisions of "The *Birkenhead* Commissioners Gas and Water Act, 1858," shall be extended to Five Years after the passing of this Act.

Conditions of Supply.

33. The Commissioners shall not be bound to supply any Water unless the Pipes, Cocks, Cisterns, Waterclosets, or other Apparatus to be used be made of such Size, Nature, Strength, and Materials, and be so arranged and repaired, as the Commissioners from Time to Time prescribe or approve.

Repair of Pipes, &c. by the Commissioners.

34. The Commissioners may, after the Expiration of Twenty-four Hours Notice, repair or alter any Pipe, Valve, Cock, Cistern, Watercloset, or other Apparatus of any Person supplied by them with Water so as to prevent any Waste of Water, and the Expenses of such Repair or Alteration shall be repaid to them by the Person on whose Credit the Water is supplied, and may be recovered by them as Damages.

Penalty for Waste occasioned

35. If any Person supplied with Water by the Commissioners wilfully or negligently causes or suffers any Pipe, Valve, Cock, Cistern, Bath,

Bath, Soilpan, Watercloset, or other Apparatus or Receptacle to be out of repair, or to be contrived or used so that the Water to be supplied to him by the Commissioners is or is likely to be wasted, misused, unduly consumed, or contaminated, or so as to occasion or allow the Return of foul Air or other noisome or impure Matter into any Pipes belonging to or connected with the Pipes of the Commissioners, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty by Non-repair of Pipes, &c.

36. Any Person who shall, otherwise than by Agreement, draw or use Water through any Hose or moveable Pipe, shall forfeit and pay a Sum not exceeding Five Pounds, and a further Sum of Forty Shillings for every Day during which such Offence shall be continued.

Penalty for using Water otherwise than by Agreement.

37. The Commissioners shall not be obliged to render any Supply of Water for domestic Purposes to any House or Tenement which prior to the passing of this Act has not been supplied with Water by the Commissioners, or, having been so supplied, in which any new or additional Watercloset, Urinal, or Bath shall be required, unless the Houses or Tenements to be supplied be provided with One or more Cisterns to hold the Water, with a Ball and Stop Cock on the Pipe bringing the Water from the Works of the Commissioners to such Cistern, nor unless such Cistern, Ball and Stop Cock, shall be of such Material, Size, Description, Position, and Arrangement as the Commissioners approve, and the Commissioners shall not be liable to supply or continue to supply Water for domestic Purposes to any House or Tenement having a Cistern unless the same is accessible to the Commissioners, and is fitted with Ball and Stop Cock to their Satisfaction.

Commissioners not to be obliged to supply Water to Premises not hitherto supplied, &c. unless the Premises are provided with a Cistern, &c.

38. If the Commissioners refuse to supply Water for domestic Purposes to any House or Tenement, or if the Commissioners refuse to supply Water for or to any Watercloset or Urinal, the Owner or Occupier (as the Case may be) of such House or Tenement, or of such Watercloset or Urinal, may require that such House or Tenement, Watercloset or Urinal, shall be supplied with Water by Meter, and the Commissioners shall supply the same accordingly at a Sum not exceeding the Rate of Fifteenpence for every One thousand Gallons of Water supplied in addition to the Rent for the Meter, and if the Water so supplied shall be for domestic Purposes such Sum shall be in lieu of and not in addition to the ordinary Water Rate for domestic Supply.

If Commissioners refuse to supply Water Owners of Houses may require to be supplied by Meter.

39. The Commissioners may from Time to Time make such Allowance or Compensation as they think fit to any Person who shall provide and use a Cistern upon his Premises for the Reception of Rain Water, and shall use the Rain Water so received therein so as to save the

Commissioners may make Allowances from Rates for Rain-water Cisterns.

the Water of the Commissioners, and such Allowance or Compensation may be by means of a Rebate or Reduction from the Rates or Rents payable by such Person to the Commissioners in respect of Water.

Extending Jurisdiction of Stipendiary Magistrate.

40. Every Stipendiary Magistrate appointed under the Provisions of "The *Birkenhead* Improvement Commissioners Act, 1863," shall, during the Time he holds such Office, be a Police Magistrate and Justice of the Peace as well within the District as also within any Part of the Dock Estate, and within that Part of the River *Mersey* which extends from the *Cheshire* Bank or Side of the said River to the *Lancashire* Bank or Side thereof, opposite the District and Dock Estate, including all Landing Places on the *Lancashire* Side of the said River used by Ferry Boats belonging to the Commissioners, and shall also have all such and the same Powers, Jurisdiction, and Authority with respect to all Offences under any of the Acts relating to the Commissioners, or against any of the Byelaws under the said Acts, or any of them, although committed without the District, as he would have had if the same respectively had been committed within the District, and the Limits of the Stipendiary Magistrate's Jurisdiction as so extended are in this Act called "the Stipendiary Magistrate's Jurisdiction:" Provided always, that nothing herein contained shall in any way prejudice or affect the Jurisdiction of the Stipendiary Magistrate or Justices of the Peace, or of the Police of the Borough of *Liverpool*, or of the Justices of the Peace of the County of *Chester*.

Venue.

41. The Venue to be inserted in the Margin of all Proceedings before the Stipendiary Magistrate or any Justice or Justices sitting at the Police Court of the District where by Law a Venue is required shall be "District of *Birkenhead* to wit;" and it shall be sufficient in all Proceedings before and by such Magistrate and Justice or Justices to allege in such Proceedings the Offence to have been committed or the Cause of Complaint to have arisen within the Stipendiary Magistrate's Jurisdiction.

Persons suspected of having or conveying stolen Goods.

42. Any Person who shall be brought before any Justice charged with having in his Possession, Custody, or Control, in any Premises or otherwise within the Stipendiary Magistrate's Jurisdiction, any Money or Thing which there is reasonable Ground to believe has been stolen or unlawfully acquired or detained, and who shall not give an Account to the Satisfaction of such Justice for his Possession, Custody, or Control of the same, shall be deemed guilty of a Misdemeanor, and shall be liable to a Penalty of not more than Five Pounds, or, in the Discretion of the Justice, may be imprisoned in the Common Gaol or House of Correction for the County of *Chester*, with or without Hard Labour, for any Time not exceeding Two Months.

43. When

Party from whom stolen Goods are received to be examined by the Magistrate.

43. When any Person shall be brought before any Justice charged with having or conveying within the Stipendiary Magistrate's Jurisdiction anything stolen or unlawfully obtained, and shall declare that he received the same from some other Person, or that he was employed as a Carrier, Agent, or Servant to convey the same for some other Person, such Justice is hereby authorized and required to cause every other such Person, and also, if necessary, every former or pretended Purchaser, or other Person through whose Possession the same shall have passed, to be brought before him, and to examine Witnesses upon Oath touching the same; and if it shall appear to such Justice that any Person shall have had Possession of such Thing, and had reasonable Cause to believe the same to have been stolen or unlawfully obtained, every such Person shall be deemed guilty of a Misdemeanor, and to have had Possession of such Thing at the Time and Place when and where the same shall have been found or seized, and shall be liable to a Penalty of not more than Five Pounds, or, in the Discretion of the Justice, may be imprisoned in the Common Gaol or House of Correction for the County of *Chester*, with or without Hard Labour, for any Time not exceeding Three Months; and the Possession of a Carrier, Agent, or Servant shall be deemed to be the Possession of the Person who shall have employed such other Person to convey any such Thing.

In case of Information given that there is reasonable Cause for suspecting that any Goods have been unlawfully obtained and are concealed.

44. If Information shall be given on Oath to any Justice that there is reasonable Cause for suspecting that anything stolen or unlawfully obtained is concealed or lodged in any Dwelling House, or on board any Vessel, or in any other Place within the Stipendiary Magistrate's Jurisdiction, it shall be lawful for such Justice, by Warrant under his Hand directed to any Constable of the Police Force of the District, to cause any such Dwelling House, Vessel, or other Place to be entered and searched at any Time of the Day or by Night, if Power for that Purpose be given by such Warrant; and the Justice, if it shall appear to him necessary, may empower such Constable, with such Assistance as may be found necessary, such Constable having previously made known his Authority, to use Force for effecting an Entry, whether by breaking open Doors or otherwise, and if upon Search thereupon made any such Thing shall be found, then to convey the same before the Justice, or to guard the same on the Spot until the Offenders are taken before the Justice, or otherwise dispose thereof in some Place of Safety, and moreover to take into Custody and carry before a Justice every Person found in such House or Place who shall appear to have been privy to the Deposit of any such Thing knowing or having reasonable Cause to suspect the same to have been stolen or otherwise unlawfully obtained.

45. If

Power to order Delivery of Goods fraudulently obtained and in possession of Brokers and other Dealers in Second-hand Property.

45. If any Goods stolen or unlawfully obtained shall be unlawfully deposited, pawned, pledged, sold, or exchanged, and Complaint thereof shall be made to a Justice, and that such Goods are in the Possession of any Broker, Dealer in Marine Stores, or other Dealer in Second-hand Property, or of any Person who shall have advanced Money upon the Credit of such Goods within the Stipendiary Magistrate's Jurisdiction, it shall be lawful for such Justice to issue a Summons to or Warrant for the Apprehension of such Broker, Dealer, or other Person, and for the Production of the Goods, and to order such Goods to be delivered up to the Owner thereof, either with or without any Payment, or upon Payment of such Sum or any Part thereof, and at such Time as the Justice shall think fit; and every Broker, Dealer, or other Person who being so ordered shall refuse or neglect to deliver up the Goods, or who shall dispose of or make away with the same after Notice that such Goods were stolen or unlawfully obtained as aforesaid, shall forfeit to the Owner of the Goods the full Value thereof, to be determined by the Justice: Provided always, that no such Order shall bar any such Broker, Dealer, or other Person from recovering Possession of such Goods by Suit or Action at Law from the Person into whose Possession they may come by virtue of the Justice's Order, so that such Action shall be commenced within Six Months next after such Order shall be made.

As to ordering the Restoration of Property pawned, &c.

46. It shall be lawful for any Justice to order that any Goods unlawfully pawned, pledged, or exchanged within the Stipendiary Magistrate's Jurisdiction which shall be brought before him, and the Ownership of which shall be established to the Satisfaction of such Justice, shall be delivered up to the Owner by the Party with whom they were so unlawfully pawned, pledged, or exchanged, either without Compensation or with such Compensation to the Party in question as the Justice may think fit.

Power to order Delivery of Goods charged to have been stolen or fraudulently obtained and in Custody of Constables.

47. If any Goods or Money charged to be stolen or fraudulently obtained within the Stipendiary Magistrate's Jurisdiction shall be in the Custody of any Constable of the Police Force of the District by virtue of any Warrant of any Justice, or in Prosecution of any Charge of Felony or Misdemeanor in regard to the obtaining thereof, and the Person charged with stealing or obtaining Possession as aforesaid shall not be found, or shall have been summarily convicted or discharged, or shall have been tried and acquitted, or if such Person shall have been tried and found guilty, but the Property so in Custody shall not have been included in any Indictment upon which he shall have been found guilty, it shall be lawful for the Justice to make an Order for the Delivery of such Goods or Money to the Party who shall appear to be the rightful Owner thereof, or in case the Owner cannot be ascertained then to make such Order with respect to such Goods

Goods or Money as to such Justice shall seem meet: Provided always, that no such Order shall be any Bar to the Right of any Person to sue the Party to whom such Goods or Money shall be delivered, and to recover such Goods or Money from him by Action at Law, so that such Action shall be commenced within Six Months after such Order shall be made.

Unclaimed stolen Goods delivered to the Treasurer may be sold after Twelve Months.

48. When any Goods, Property, or Money charged to be stolen or unlawfully obtained, and of which the Owner shall be unknown, shall be ordered by any Justice to be delivered to the Treasurer of the Commissioners, it shall be lawful for the said Treasurer immediately, if such Property be of a perishable Nature, or if not, at the Expiration of Twelve Months during which no Owner shall have appeared to claim the same, to sell or dispose of such Goods, Property, or Money, and to place the same and the Proceeds thereof to the Credit of the Commissioners, to be applied in reduction of the Expenses of the Constabulary Force of the District.

Penalty on Drunkenness.

49. If any Person shall be convicted of Drunkenness within the Stipendiary Magistrate's Jurisdiction he shall forfeit for every such Offence a Sum not exceeding Five Shillings, and if he shall not immediately upon Conviction pay such Fine, together with Costs then awarded, it shall be lawful for the Justice before whom he is convicted to commit such Offender to the House of Correction or the Common Gaol of the County of *Chester* for any Time not exceeding Seven Days, unless such Fine and all Costs be sooner paid.

Justices may order Goods wrongfully detained under 15*l.* Value to be delivered to the proper Owner.

50. Upon Complaint made to any Justice by any Person claiming to be entitled to the Property or Possession of any Goods which are detained by any other Person within the Stipendiary Magistrate's Jurisdiction, the Value of which shall not be greater than Fifteen Pounds, and not being Deeds, Muniments, or Papers relating to any Property of greater Value than Fifteen Pounds, it shall be lawful for such Justice to summon the Person complained of to appear before the Stipendiary Magistrate or Two Justices, and the Stipendiary Magistrate or such Two Justices shall inquire into the Title thereto or to the Possession thereof, and if it shall appear to him or them that such Goods have been detained without just Cause after due Notice of the Claim made by the Person complaining, or that the Person detaining such Goods has a Lien or Right to detain the same by way of Security for the Payment of Money, or the Performance of any Act by the Owner thereof, it shall be lawful for the Stipendiary Magistrate or such Justices to order the Goods to be delivered to the Owner thereof, either absolutely or upon Tender of the Amount appearing to be due by such Owner (which Amount the Stipendiary Magistrate or Justices are hereby authorized to determine), or upon Performance or upon Tender and Refusal of the Performance of the

Act for the Performance whereof such Goods are detained as Security, or if such Act cannot be performed, then upon Tender of Amends for Nonperformance thereof (the Nature or Amount of which Amends the Stipendiary Magistrate or Justices are hereby authorized to determine), and any Person who shall neglect or refuse to deliver up the Goods according to such Order shall forfeit to the Party aggrieved the full Value of such Goods not greater than the Sum of Fifteen Pounds, such Value to be determined by the Stipendiary Magistrate or Justices: Provided always, that no such Order shall bar any Person from recovering Possession of the Goods or Money so delivered or forfeited by Suit or Action at Law from the Person to whose Possession such Goods or Money shall come by virtue of such Order, so that such Action be commenced within Six Months next after such Order shall be made.

Power to Constables and Persons aggrieved to apprehend certain Offenders.

51. If any Person be found within the Stipendiary Magistrate's Jurisdiction committing any Offence punishable upon Indictment, or as a Misdemeanor upon summary Conviction by virtue of this Act, he may be taken into Custody without a Warrant by any Constable of the Police Force of the District, or may be apprehended by the Owner of the Property on or with respect to which the Offence shall be committed, or by his Servant or any Person authorized by him, and may be detained until he can be delivered into the Custody of a Constable to be dealt with according to Law, and every such Constable may also within the Stipendiary Magistrate's Jurisdiction enter upon and search any Carriage or Vessel upon or in which there shall be reason to suspect that anything stolen or unlawfully detained may be found, and also any Person who may be reasonably suspected of having or conveying in any Manner anything stolen or unlawfully detained, and any Person to whom within the Stipendiary Magistrate's Jurisdiction any Property shall be offered to be sold, pawned, or delivered, if he shall have reasonable Cause to suspect that any such Offence has been committed with respect to such Property, or that the same or any Part thereof has been stolen or otherwise unlawfully obtained, is hereby authorized and if in his Power is required to apprehend and detain and as soon as may be to deliver such Offender into the Custody of a Police Constable, together with such Property, to be dealt with according to Law: Provided that nothing herein contained shall authorize the Detention of any Ship or Vessel.

After 1st Jan. next Dealers in Marine Stores to be licensed.

52. After the First Day of *January* next after the Commencement of this Act no Person shall carry on within the District the Business of a Dealer in Marine Stores unless such Person shall have obtained a Licence from the Commissioners authorizing such Person to carry on such Business, and which Licence the Commissioners shall have a discretionary Power of granting or refusing.

53. Every

Names of Dealers in Marine Stores to be written in Front of the House where the Business is carried on.

53. Every Person who shall be licensed under the Authority of this Act to carry on the Business of a Dealer in Marine Stores shall cause to be painted in Roman Capital Letters Six Inches at the least in Height, and of a proportionate and proper Breadth, on the Outside of the Front of the House in which such Business shall in such Licence be stated to be carried on, and so that the same shall be at all Times plainly and distinctly visible and legible, the Christian Name and Surname of such licensed Person at full Length, together with the Words "Licensed Dealer in Marine Stores," and such Person shall continue such Name and Words so painted as aforesaid during all the Time that he shall continue to carry on the said Business upon the same Premises.

Persons applying for Licences to sign a Requisition for the same.

54. Before any such Licence shall be granted under the Provisions of this Act a Requisition for the same in such Form as the Commissioners shall from Time to Time provide for that Purpose shall be made and signed by the Person carrying on, or about to carry on, the Business in respect of which such Licence shall be applied for; and in every such Requisition there shall be truly specified and set forth the Christian Name and Surname and Place of Abode of the Person applying for such Licence, and the Place where the Business of such Person is or is proposed to be carried on.

Licence to be in force for One Year.

55. Every Licence so to be granted shall be signed by the Clerk to the Commissioners, and shall be in force for One Year only from the Day of the Date of such Licence, or until the next General Licensing Day, in case any such General Licensing Day shall be appointed by the Commissioners, as they are hereby authorized to do.

What shall be specified in the Licences.

56. There shall be specified in every such Licence the true Christian Name and Surname and Place of Abode of the Person who shall carry on, or be about to carry on, the Business in respect of which such Licence shall be granted, and also the Name of the Street and the Number of the House in which such Business is or is intended to be carried on, and the particular Rooms or other Parts of such House used or intended to be used for the Purposes of such Business.

Fee on Licence and Licences to be entered in a Book.

57. For every such Licence, and for every Renewal thereof, there shall be paid to the Clerk to the Commissioners such Sum not exceeding Twenty Shillings as the Commissioners shall direct, and the Clerk shall enter such Licences in a Book to be provided and kept by the Commissioners for that Purpose.

Notice to be given of Change of Abode and

58. So often as any Person named in any Licence as carrying on the Business of a Dealer in Marine Stores shall change his Place of Abode,

of Place of Business.

Abode, or the Place of carrying on his said Business, or shall carry on the same in any other Part of the House than that mentioned in the Licence as used for the Purposes thereof, he shall, within Twenty-four Hours next after such Change, give Notice thereof in Writing signed by him to the Clerk to the Commissioners, specifying in such Notice his new Place of Abode or his new House of Business, or the additional or other Part of the House used for the Purposes of the said Business, as the Case may be, and such Person shall at the same Time produce his Licence at the Office of the said Clerk, who shall endorse thereon a Memorandum specifying the Particulars of such Change.

Penalty on Persons carrying on Business without Licence, or changing Residence or Place of Business without Notice.

59. If any Person shall, after the said First Day of *January* next after the Commencement of this Act, carry on within the District the Business of a Dealer in Marine Stores without having obtained a Licence for such Purpose, or if any Person having obtained such a Licence shall neglect or omit to cause his Christian Name and Surname, together with the Words "Licensed Dealer in Marine Stores," to be so painted, or shall neglect or omit to continue the same so painted as aforesaid, according to the Directions of this Act, or shall change his Place of Abode, or the Place of carrying on his said Business, or shall carry on the same in any other Part of the House than that mentioned in the Licence as used for the Purposes thereof, and shall neglect or omit to give Notice of any such Change, or to produce such Licence in order that such Memorandum as aforesaid may be endorsed thereon within the Time and in the Manner limited and directed by this Act, he shall forfeit any Sum not exceeding Twenty Pounds, and also any Sum not exceeding Five Pounds for every Day during which such Business shall be carried on contrary to the Provisions of this Act.

Licences may be suspended or revoked.

60. Any such Licence may be suspended or revoked by any Justice before whom the Person named in such Licence shall be convicted of any Offence which in the Opinion of such Justice shall render it expedient that such Licence should be suspended or revoked.

Act not to extend to Ship Chandlers or Rope Makers.

61. Nothing in this Act contained with respect to Dealers in Marine Stores shall relate to or affect Persons who shall carry on the Business of a general Ship Chandler, or that Business and the Business of a Rope Maker, and who shall only occasionally deal in Second-hand Marine Stores.

Expenses of Act.

62. The Costs, Charges, and Expenses of and incident to the Application for and passing of this Act shall be paid by the Commissioners.

SCHE-

SCHEDULE to which the foregoing Act refers.

ARTICLES OF AGREEMENT made and entered into this 28th Day of March 1867 between Robert Vyner, of Gautby in the County of Lincoln, and of Bidston Hall in the County of Chester, Esq., of the one Part, and the Birkenhead Improvement Commissioners of the other Part.

WHEREAS a Bill is now pending in Parliament for authorizing the said Commissioners (amongst other things) to make and maintain new Waterworks according to a deposited Plan and Section, including (1) a Shaft or Well and Pumping Station in the Township of Upton in the Parish of Overchurch, or in the Township of Bidston-cum-Ford in the Parish of Bidston; (2) an Aqueduct or Line of Pipes from the said intended Pumping Station to the Commissioners Reservoir at Flaybrick Hill; and (3) a Reservoir in the Township of Bidston upon Bidston Hill; and (4) an Aqueduct or Line of Pipes commencing near the Bidston Toll Bar, and terminating at the intended Reservoir on Bidston Hill, all which Places are in the County of Chester:

And whereas the said Robert Vyner is or claims to be seised in Fee Simple of, or to have absolute Power of Disposition over, an Estate and Lands of considerable Extent situate in the Parish of Bidston aforesaid, including, with the Exception of the Telegraph Station and the Observatory of the Mersey Docks and Harbour Board, the whole of the Township of Bidston, and the said proposed Pumping Station and Reservoir will occupy Parts, and the said proposed Aqueduct or Line of Pipes will pass under other Parts, of such Estate:

And whereas the said Robert Vyner apprehending great Damage and Injury from the Construction of the proposed Works of the Commissioners lodged a Petition and took other Proceedings for opposing the said Bill in Parliament, but he has consented to withdraw such Opposition upon such Arrangements and Stipulations being made by the said Commissioners for his Benefit and Protection as are herein-after contained:

Now these Presents witness that it is hereby mutually agreed and declared between and by the Parties hereto that if the said Bill now pending in Parliament shall pass into a Law the Commissioners will provide, free of all Cost, and deliver to the said Robert Vyner, his Heirs or Assigns, from and out of the Commissioners intended Reservoir on Bidston Hill, or from a separate and adjoining Reservoir to be constructed (if necessary) and maintained by and at the Expense of the Commissioners, a Supply of Water, not exceeding Fifty thousand Gallons per Day, for the Use of the Estate of the said Robert Vyner, his Heirs and Assigns, (as at present held by him,) and of the present and future Inhabitants thereof, and will also, if and when required, provide in like Manner a further Supply of Water for the Use of the said Estate and the Inhabitants thereof, not exceeding Fifty thousand Gallons per Day, at a Sum

not exceeding the Rate of Fourpence for every One thousand Gallons supplied over and above the first-mentioned Quantity of Fifty thousand Gallons.

The Commissioners shall construct and maintain at their own Expense a suitable measuring Gauge for the Purpose of indicating the Quantity of Water to be supplied as aforesaid, and such Gauge shall at all Times be open to the Inspection and Examination of the said Robert Vyner, his Heirs and Assigns, and his and their Engineer or Agent for the Time being.

The Commissioners shall not (without the Consent in Writing of the said Robert Vyner, his Heirs or Assigns) erect or construct any Building or Work of any kind upon Bidston Hill aforesaid, except a Reservoir or Reservoirs and Filter Beds, and a Residence for the Superintendent or Keeper thereof, and such Reservoir or Reservoirs shall not be of a greater Height than is shown upon the deposited Sections thereof.

All Buildings and Works to be erected by the Commissioners upon any Land of the said Robert Vyner shall be of a neat and suitable Style or Architecture, and as little unsightly as possible; and every Engine and Furnace to be employed by the Commissioners shall be so constructed as to consume or burn, and shall consume or burn, as far as possible, all the Smoke arising therefrom; and the Commissioners shall in this respect be subject to the Provisions of the Act 26 and 27 Vict. c. 128, intituled "An Act to abate the Nuisance arising "from the Smoke of Furnaces in the Metropolis, and from Steam Vessels "above London Bridge," as if the Site of the said intended Works were within the Districts defined by that Act, and the Penalties provided by that Act may be recovered before any Justice or Justices of the Peace for the County of Chester.

All Stone which shall be dug or gotten by the Commissioners from or out of any Lands of the said Robert Vyner, his Heirs and Assigns, and which shall not be required by the Commissioners for the Construction of their new Waterworks and Works in connexion therewith upon the said Lands, shall not be carried away or disposed of by the Commissioners, but shall be deposited by and at the Cost of the Commissioners for the Use of the said Robert Vyner, his Heirs and Assigns, in some convenient Place or Places to be indicated by him or them (not being distant more than One hundred Yards from the said intended Reservoir).

That the Branch Aqueducts or Lines of Pipes from the intended Reservoir or Reservoirs on Bidston Hill to the intended main Aqueduct or Line of Pipes along the Upton and Birkenhead Turnpike Road shall be constructed and laid down in the Line shown upon the said deposited Plan, and without any material Deviation therefrom (except with the Consent in Writing of the said Robert Vyner, his Heirs and Assigns).

The Commissioners shall also, at their own Cost, forthwith make and at all Times maintain in proper Condition a Road not less than Thirty Feet in Width over the Line of the said Branch Aqueduct for the whole Length thereof, so as to form a Communication from the said intended Reservoir or Reservoirs to the Turnpike Road aforesaid, and the said Robert Vyner, his Heirs and Assigns, and his and their Lessees and Tenants, shall have full and free Right of using the said Road for all Purposes, and of making Entrances into or Communications with the same, and also of laying down and from Time to Time repairing and renewing Sewers, Drains, or other Communications thereunder, doing as little Damage and interfering with the Traffic as little as possible, and also reinstating

reinstating and making good the said Road when broken up; provided that the said Aqueducts or Lines of Pipes shall not be interfered with so as to prejudice the free Passage of Water through the same, nor be in any way damaged or injured.

That the said Robert Vyner, his Heirs or Assigns, shall sell to the Commissioners, and the Commissioners shall purchase, so much of the Lands of the said Robert Vyner (not exceeding Two Acres) at or near the Site of the proposed Pumping Station at Ford Brook as indicated on the Parliamentary Plan, and also so much of the Lands of the said Robert Vyner at or near the Site of the proposed Reservoir or Reservoirs on Bidston Hill as indicated on the said Parliamentary Plan (not exceeding Four and a Half Acres), leaving a sufficient Space between the Western Side or Embankment of the said Reservoir or Reservoirs and the Wall abutting on the Plantation of the said Robert Vyner for a Road not less than Forty-five Feet wide.

The Commissioners shall have the Right of driving Adits and Tunnels for Water from the said proposed Pumping Station (but not at a less Depth than One hundred Feet from the Surface) under any of the Lands of the said Robert Vyner, and also the Right of laying down, constructing, and perpetually maintaining through the Lands of the said Robert Vyner, and in the Line aforesaid, the said Branch Aqueduct and Line of Pipes and the Road over the same as herein-before is mentioned, and also so much of the Aqueduct or Line of Pipes from the proposed Pumping Station to the Reservoir at Flaybrick Hill as is shown upon the deposited Plan as intended to be carried under his Lands.

That the Consideration for the aforesaid Purchases and Grant of Easements shall be the Sum of Six hundred Pounds, together with the above-stipulated Supply of Water.

That the Commissioners shall not be at liberty under the Powers of the said Act to take any further Quantity of the Lands of the said Robert Vyner, his Heirs or Assigns, or any additional Easement or Right over the same, except by express Agreement with him or them.

The Commissioners shall not enter upon or take possession of any Part of the Lands of the said Robert Vyner, his Heirs or Assigns, or commence any of their Works in any Part of such Lands, until the said Commissioners shall have paid to the said Robert Vyner, his Heirs or Assigns, the Sum of Six hundred Pounds.

That during the Construction of the said Works the Commissioners shall use their best Endeavours, by themselves and their Officers and Agents, to prevent any unnecessary Injury to the Property of the said Robert Vyner, his Heirs and Assigns, and particularly to prevent Injury and Annoyance by Trespass upon any of the Woods or Plantations of the said Robert Vyner, his Heirs and Assigns.

That the Commissioners shall from Time to Time make full Compensation to the Lessees or Tenants of the said Robert Vyner, his Heirs or Assigns, for all Injury sustained or to be sustained by them by the Construction or Maintenance of the said Works, or the Examination, Alteration, or Reparation thereof, and shall at all Times hereafter well and sufficiently restore all Lands under which any Pipes may be laid, altered, or repaired, and also all Lands which may be temporarily used and occupied during the Construction of the said Works, or the Alteration and Repair thereof, and shall remove from off the

said Lands or otherwise properly trench in and soil over all Spoil or Rubbish which may be created or occasioned on any Part of the Lands of the said Robert Vyner, his Heirs and Assigns.

That the Commissioners shall pay all the Costs, Charges, and Expenses of or incidental to this Agreement.

Provided, lastly, that in case the said Bill now before Parliament, with such Amendments or Alterations, if any, as shall be made thereto, shall not pass into Law in this present Session of Parliament, then this present Agreement and all the Provisions thereof shall be void and of no Effect whatever.

ROBERT VYNER.

Signed, sealed, and delivered by the said Robert Vyner in the Presence of
THOMAS HELPS,
Solicitor,
Chester.

L.S.

Sealed at a Meeting of the Birkenhead Improvement Commissioners in the Presence of
HENRY BELL,
Deputy Clerk of the said Commissioners.

L. S.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1867.