

These are the notes referred to on the following official copy

Title Number CH61901

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This Indenture made the 1st day of January 1861 BETWEEN FRANCIS SHAND of Liverpool in the County of Lancaster Esquire JOHN MYERS of Crosby House in the said County Esquire and JOHN HIGHFIELD of Linacre in the said County Esquire of the first part THE BIRKENHEAD IMPROVEMENT COMMISSIONERS of the second part and AMBROSE WALN of Birkenhead in the County of Chester Gentleman of the third part WHEREAS the said Francis Shand John Myers and John Highfield are seized and entitled for an estate of inheritance in fee simple in possession as joint tenants of and in the pieces or parcels of land and hereditaments situate in the Township of Oxton in the County of Chester delineated in the plan drawn in the margin of these presents and therein coloured red AND WHEREAS the Road running along the east side of the said pieces or parcels of land and delineated in the said plan and thereon indicated by the words "Palm Grove" is situate within the Township of Cloughton-cum-Grange but has not yet been adopted by the said Commissioners AND WHEREAS there is a public drain or sewer belonging to the said Commissioners running under part of Palm Grove aforesaid from the point marked S in the said plan and in the course therein indicated by a blue line AND WHEREAS the said Francis Shand and John Myers and John Highfield have laid out the said land and hereditaments for building purposes and are about to widen and improve Palm Grove aforesaid and to construct a sewer thereunder for the purpose of carrying off the drainage and sewerage from the said land and hereditaments and the houses which may be built thereon NOW THIS INDENTURE WITNESSETH that in consideration of the rent charges hereinafter secured THE said Birkenhead Improvement Commissioners DO hereby for themselves and their successors covenant and grant with and to the said Francis Shand John Myers and John Highfield their heirs and assigns that when and as the said Francis Shand John Myers and John Highfield their heirs or assigns shall to the satisfaction of the said Commissioners or their successors have formed and completed Palm Grove aforesaid with such materials and in such manner as the said Commissioners shall require and constructed thereunder to the satisfaction of the said Commissioners a good brick sewer of not less than three feet six inches by two feet six inches internal diameter sufficient for the purpose of carrying away the sewage and drainage from the said land and hereditaments and the houses which may be built thereon and immediately thereupon it shall be lawful for the said Francis Shand John Myers and John Highfield and the survivors and survivor of them and the heirs of such survivor their or his assigns to connect the said sewer so to be constructed under Palm Grove as aforesaid with the said public sewer of said Commissioners at the point marked S in the said plan and from thenceforth and for ever thereafter to use the said public sewers of the said Commissioners and also the said sewer so to be constructed under Palm Grove aforesaid as hereinbefore is mentioned (after the same shall have been adopted by the said Commissioners in pursuance of the covenant in that behalf hereinafter contained for the purpose of carrying off the drainage and sewerage from Palm Grove aforesaid and from the said land and hereditaments and the houses which shall be thereon erected subject to the provisions of the several Birkenhead Improvement Acts hereinafter mentioned And also that at any time after Palm Grove aforesaid shall have been formed and completed as aforesaid and such sewer as aforesaid shall have been thereunder constructed the said Commissioners or their successors will upon a proper application being made to them in pursuance of the provisions of the Birkenhead Improvement Acts adopt Palm Grove aforesaid and declare the same to be a public highway to be thereafter kept in repair by the said Commissioners AND

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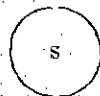


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THIS INDENTURE ALSO WITNESSETH that in consideration of the covenant and grant herebefore contained they the said Francis Shand John Myers and John Highfield DO and each of them DOTH by these presents grant unto the said Ambrose Wahn and his heirs ALL those pieces or parcels of land situate in the Township of Oxtou in the County of Chester delineated in the said plan and therein coloured red with their rights easements and appurtenances And all the estate right title interest claim and demand of them the said Francis Shand John Myers and John Highfield and each of them in to and upon the same premises TO HAVE AND TO HOLD the said pieces or parcels of land and hereditaments and all other the premises hereinbefore expressed to be hereby granted unto the said Ambrose Wahn and his heirs TO THE USE that if the said sewer to be made under Palm Grove aforesaid as hereinbefore mentioned shall be connected with the said public sewers of the said Commissioners or either of them in pursuance of the covenant hereinbefore contained the said Commissioners their successors and assigns may thereupon and from thenceforth receive as many clear yearly rent charges of ten shillings each to be payable on the first day of January in every year without deduction as there shall be for the time being dwelling-houses erected and standing upon the said pieces or parcels of land hereinbefore expressed to be hereby granted such rent charges respectively to be chargeable upon and issuing and payable out of such dwelling-houses respectively and the land belonging to or held with such dwelling-houses respectively in such manner that each such house and the land thereto belonging or held therewith shall be charged with one only of such rent charges and that no such rent charge shall become payable in respect of any house until the same shall have been completed and be fit for habitation AND to this further use and intent that if any of the said yearly rent charges or any part thereof respectively shall at any time be unpaid for twenty-one days after the time hereby appointed for the payment thereof then and so often it shall be lawful for the said Commissioners their successors or assigns to enter into and distrain upon the dwelling-house and land charged with the rent charge so in arrear or any part thereof and dispose according to law of the distress or distresses then and there found to the intent that thereby or otherwise the same rent charge and every part thereof so unpaid and all costs and expenses occasioned by the non-payment thereof may be paid and satisfied AND to this further use and intent that if any of the said rent charges or any part thereof respectively shall at any time be unpaid for forty days after the times hereby appointed for payment thereof then and so often (although there shall not have been any legal demand made thereof) it shall be lawful for the said Commissioners their successors or assigns to enter into and upon and to hold the dwelling-house and land charged with the rent charge so in arrear as aforesaid or any part thereof and to take the rents and profits thereof until they shall thereby or otherwise be paid and satisfied the same rent charge and the arrears thereof due at the time of such entry or afterwards to become due during their being in possession of the same premises together with all costs and expenses occasioned by the non-payment thereof and such possession when taken to be without impeachment of waste and subject and charged as hereinbefore is mentioned TO the use of the said Francis Shand John Myers and John Highfield their heirs and assigns for ever AND the said Francis Shand John Myers and John Highfield do hereby for themselves their heirs executors administrators and assigns covenant with the said Commissioners their successors and assigns that notwithstanding any thing by the said Francis Shand John Myers and John Highfield or any of them done or knowingly suffered they the said Francis Shand John Myers and John Highfield now have good right and full power to charge the said premises hereinbefore expressed to be hereby granted with the said rent charges hereinbefore

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expressed to be hereby limited AND MOREOVER that they the said Francis Shand John Myers and John Highfield their respective heirs and every or any person or persons claiming by through under or in trust for them respectively shall at any time at the costs of the said Commissioners their successors or assigns execute and do every such lawful assurance and thing for the farther or more perfectly charging all or any of the said rent charges hereinbefore expressed to be hereby limited in the manner aforesaid as by the said Commissioners their successors or assigns shall be reasonably required AND FURTHER that they the said Francis Shand John Myers and John Highfield their heirs and assigns will make the connection between the sewer so to be constructed by them as aforesaid with the said public sewers of the said Commissioners in a proper and workmanlike manner in all respects to the satisfaction of the said Commissioners AND LASTLY that the said Francis Shand John Myers and John Highfield their heirs and assigns shall not nor will permit or suffer any sough or sewer now or which hereafter may be made in the said Township of Oxtou elsewhere than within the area of the said pieces or parcels of land coloured red in the said plan to communicate or be connected with any sewers or drains now or hereafter to be made in or upon the same pieces or parcels of land or any of them or any part thereof respectively including the site of the said intended road designated by the words Shrewsbury-road without the consent in writing of the said Commissioners first had and obtained And that it shall be lawful for the said Commissioners and their successors from time to time to cut off stop or prevent the communication or connection with the said intended sewer in Palm Grove aforesaid of every sough or sewer made or to be made in or upon any part of the said pieces or parcels of land coloured red through or by means of which any sewage shall be conveyed from without the area of the same pieces or parcels of land IN WITNESS whereof the said parties hereto of the first part have hereunto set their hands and seals and the said Commissioners have hereunto affixed their common seal the day and year first above written



Sealed at a meeting of the Birkenhead Improvement Commissioners in the presence of

AMBROSE WALN

Clerk of the said Commissioners

3. CH 6190