CHAPTER cliii.

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An Act to consolidate and amend the Acts relating to the Borough of Birkenhead and for other purposes.

[18th July 1881.]

WHEREAS by Royal Charter dated the thirteenth day of August one thousand eight hundred and seventy-seven (in this Act called "the charter") the several townships or places of Birkenhead Claughton-cum-Grange Oxton Tranmere and part of Higher Bebington in the county of Chester were constituted a municipal borough by the name of the borough of Birkenhead (in this Act called "the borough"):

And whereas at the time when the charter came into operation the townships of Birkenhead and Claughton-cum-Grange and part of the township of Oxton were comprised within the limits of the Birkenhead Improvement Commissioners (in this Act called "the Improvement Commissioners") and the rest of the township of Oxton and the township of Tranmere constituted the districts of the local boards for Oxton and Tranmere respectively and so much of the township of Higher Bebington as is within the borough formed part of the district of the local board for Higher Bebington:

And whereas the Improvement Commissioners were or claimed to be owners of the ferry between Birkenhead and Liverpool known as Woodside Ferry and of the undertaking of the Birkenhead and Claughton Gas and Water Company and of the Markets Free Library Cemetery and Park at Birkenhead and of certain lands property rights and powers in connexion therewith respectively:

And whereas by the Tranmere Improvement Act 1862 the local board for Tranmere had power to purchase the ferry between Tranmere and Liverpool known as Tranmere Ferry but that power has not been exercised and to make streets and were possessed of other powers: 25 & 26 Vict. c. xxvi.

And whereas the powers and property of the local boards for Tranmere and Oxton respectively and (so far as related to the part of Higher Bebington which is within the borough) of the local

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board for Higher Bebington became on the constitution of the borough merged or vested in the mayor aldermen and burgesses of the borough (in this Act called "the Corporation") and the local boards for Tranmere and Oxton were dissolved and by or under a scheme bearing date the 28th day of October 1879 (in this Act called "the scheme") granted by Her Majesty's Most Honourable Privy Council for the adjustment of the rights and privileges duties and liabilities of the Improvement Commissioners and the said other local authorities the rights and property which did not pass to the Corporation under the charter were vested in the Corporation for the benefit of all or parts only of the borough as therein mentioned and the Improvement Commissioners ceased to exist as a corporate body:

And whereas it is expedient that the Acts referred to in the Schedule A. to this Act which relate to the Improvement Commissioners the Tranmere local board and the townships of Birkenhead and Claughton-cum-Grange and the district of the Tranmere local board or some of them should be repealed and their provisions consolidated and amended and made applicable to the Corporation and have operation except as by this Act otherwise provided throughout the whole of the borough and the said Acts are collectively in this Act called "the Improvement Acts":

And whereas it is expedient that further provision should be made with respect to the ferry property rights powers and liabilities of the Corporation:

And whereas it is expedient that the powers of the Corporation should be further amended and extended as by this Act provided: and that the limits of the jurisdiction of the stipendiary and borough magistrates should be extended and defined:

And whereas the estimates for the works to be executed under this Act (all of which are permanent works within the meaning of section 234 of the Public Health Act 1875) are as follows:—

38 & 39 Vict. c. 55.

	£
For ferry purposes - - - -	40,000
For town hall sessions court and other buildings -	60,000
For street and other improvements - -	21,000
	£121,000

And whereas an absolute majority of the whole number of the council at a meeting convened for the first day of December 1880 after ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the "Birkenhead News" and the "Birkenhead Advertiser" local newspapers published or circulating in the borough (such notice being in addition to the ordinary notices

equired for summoning such meetings) resolved that the expense in relation to promoting the Bill for this Act should be paid out of the borough fund or borough rate or other the public funds or rates now under the control of or hereafter to accrue to the Corporation.

And whereas such resolution was published twice in the said newspapers and in respect of matters under the control of the Local Government Board has received the approval of that board and in respect of other matters has received the approval of one of Her Majesty's Principal Secretaries of State.

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of members of the council at a further special meeting held on the twenty-sixth day of January one thousand eight hundred and eighty-one in pursuance of a similar notice being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the borough in manner provided by Schedule III. annexed to the Public Health Act 1875 consented to the promotion of the Bill for this Act:

And whereas the purposes of this Act cannot be obtained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):

I.—Preliminary.

Short title and commencement of Act.

1. This Act may be cited as the Birkenhead Corporation Act 1881 and save as otherwise expressed shall come into operation on the 1st day of January 1882 which date is herein-after referred to as the commencement of this Act.

Limits of Act.

2. This Act except where otherwise expressly limited or provided shall be in force within and throughout the whole borough.

Certain properties and powers to be administered for the benefit of the whole borough.

3. The ferry property of the Corporation as described in the second schedule to the scheme and the markets market places slaughter houses and other property described in the fourth schedule to the scheme and the lands described in the sixth and seventh schedules to the scheme and all other property which by the operation of the charter and the Public Health Act 1875 was transferred from the Improvement Commissioners the Oxton Local Board and the Tranmere Local Board respectively to the

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Corporation or the council and the rents profits and revenues of the said properties and lands respectively shall be held and administered or disposed of and all powers rights and duties of the Corporation or council relating to those properties lands rents profits and revenues respectively or any of them shall be exercised and performed by the council for the benefit of the whole of the borough and all debts and liabilities which may hereafter be incurred by the Corporation or the council in relation to the said properties lands rents profits and revenues respectively or otherwise in relation to any other property powers duties or authorities of the Corporation referred to in the scheme and the expenses to be incurred by the council in the management or otherwise in relation to the same respectively shall be defrayed as by this Act prescribed.

Improvement Acts repealed.

4. The Improvement Acts referred to in Schedule A of this Act are hereby repealed as from the commencement of this Act.

Savings from effect of repeal.

5. Notwithstanding the repeal of the Improvement Acts—

(1.) All acts works matters and things before the commencement of this Act done or commenced under the powers and authorities of the Improvement Acts or any of them and which were at the commencement of this Act good valid and available or in progress and all awards conveyances leases mortgages bonds covenants deeds instruments contracts agreements obligations rights and remedies at the commencement of this Act existing under the same shall be and continue as good valid and available for all purposes and for and against all parties and may be continued and completed as if this Act had not been passed.

(2.) All actions suits prosecutions arbitrations or other proceedings by with or against the Corporation by reason of any matter or thing done before the commencement of this Act in execution of or in relation to the Improvement Acts or any of them may be continued commenced or prosecuted by or against the Corporation as if this Act had not been passed.

(3.) All byelaws rules and regulations shall continue in force within the respective districts and places to which they refer until repealed or altered under the provisions of this Act and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Act.

(4.) All mortgages and other securities granted under the Improvement Acts or any of them may be transferred as if this Act had not been passed.

(5.) All rates rents tolls and other sums at the passing of this Act due or accruing due to the Corporation may be collected and recovered by the Corporation as if this Act had not been passed.

(6.) All books and documents which under any of the Improvement Acts or otherwise would have been receivable in evidence notwithstanding the passing of this Act shall be receivable in evidence as if this Act had not been passed.

Incorporation of Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 10 & 11 Vict. c. 14. 10 & 11 Vict. c. 15. 10 & 11 Vict. c. 17. 26 & 27 Vict. c. 93.

6. The Lands Clauses Consolidation Acts 1845 1860 and 1869 in this Act collectively called "the Lands Clauses Acts" the Markets and Fairs Clauses Acts 1847 the Gasworks Clauses Act 1847 (except the provisions with respect to the amount of profits to be received by the undertakers) and the Waterworks Clauses Act 1847 (except the provisions with respect to the amount of profits to be received by the undertakers) and the Waterworks Clauses Act 1863 are (except where expressly varied or otherwise provided for by this Act) incorporated with and form part of this Act and are in this Act at times referred to as "the incorporated Acts" and in construing the incorporated Acts for the purposes of this Act the expressions "the undertakers" and "the promoters of the undertaking" or other like expressions shall mean the Corporation and the Gasworks Clauses Act 1871 shall apply to the existing gas undertaking of the Corporation as if the same were hereby authorised.

Interpretation of terms.

7. In construing this Act the following words and expressions shall have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction (that is to say) :

The expression "the council" shall mean the council of the borough.

The expressions "the borough fund" "the borough rate" "the district fund" and "the general district rate" shall mean respectively the borough fund the borough rate the district fund the general district rate of the borough.

The expressions "the town clerk" and "the surveyor" mean the town clerk and the surveyor of the borough and include any deputy appointed under this Act.

The expression "Municipal Corporations Act" shall mean the Act 5 and 6 Wm. IV. cap. 76. "To provide for the regulation "of Municipal Corporations in England and Wales" and the expression "Municipal Corporation Acts" shall mean that Act and all Acts for the time being in force amending the

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same or otherwise relating to Municipal Corporations in England.

The expression "the Treasury" means the Commissioners of Her Majesty's Treasury.

The expression "Woodside Ferry" shall include the said ferry and all slips quays wharfs landing stages bridges buildings and lands used in connexion therewith.

The expression "ferry tolls" or other like expression shall include all tolls dues and charges which may be levied or taken in respect of the ferry or any slip quay wharf landing stage building or land in connexion therewith or in respect of any steamboat or other boat or vessel used or employed by the Corporation at or in respect of the ferries.

The expression "Public Health Acts" shall mean the Public Health Act 1875 and all Acts for the time being in force for amending or extending the same.

The expression "stipendiary magistrate" shall mean the stipendiary magistrate for the borough for the time being.

The expressions "parish person lands premises owner streets drains sewers and slaughterhouse" have in this Act the meanings assigned to them respectively in the Public Health Act 1875 and the word "street" applies to part of a street or road but shall not include any road or approach to the station or premises of any railway company so far as such road or approach belongs to or is maintained by such company.

The word "vehicle" shall mean and include cart carriage wagon omnibus tramcar and vehicle of every description.

The word "cattle" includes horse ass mule ram ewe wether lamb goat kid and swine.

Words to which meanings are assigned in the incorporated Acts shall in this Act have the same respective meanings.

Provided that in the incorporated Acts and in this Act the expression "court of competent jurisdiction" means such a court as would have jurisdiction if the debt or demand with respect to which that expression is used were a common simple contract debt and not a debt or demand created by statute.

Execution of Act by Corporation.

8. This Act shall (subject to the provisions herein contained) be carried into execution by the Corporation acting by the Council and in accordance with the public general statutes and local Acts and laws from time to time in force and relating to the Corporation and their committees agents officers and servants and applicable for the purposes of this Act and as nearly as possible as if the purposes

of this Act were purposes of the Municipal Corporations Acts and the Public Health Acts as the case may be.

Deputy Town Clerk and Deputy Borough Surveyor and other officers.

9. The Corporation may from time to time appoint a deputy town clerk and a deputy borough surveyor and may delegate to a deputy so appointed the performance of all or certain of the duties of the respective offices under any Act of Parliament for the time being in force within the borough or under any byelaw of the Corporation.

Any deputy so appointed shall within the limits of his delegation have all the powers of the town clerk or of the surveyor as the case may be and the signature of any such deputy shall be for all purposes a sufficient authentication of any notice or other document which may require to be authenticated by the signature of the town clerk or surveyor as the case may be.

The Corporation may also from time to time appoint an engineer and such other officers clerks and servants as they may require for the purposes of this Act upon such terms with respect to salary or remuneration and otherwise as they may think fit.

All officers clerks and servants appointed by the Corporation under this Act shall hold office during the pleasure of the Corporation.

Committees of Council.

10. The Corporation may from time to time appoint committees of their members and may delegate to each such committee such of the powers and duties of the Corporation whether as a municipal body or as the urban sanitary authority or otherwise as the Council think fit and the acts and proceedings of every such committee within the limits of their delegation shall be deemed the acts and proceedings of the Council and the quorum of any committee in this section provided for shall be such as the Council direct and the Council may from time to time make such regutions as they think fit with respect to the confirmation of the proceedings of a committee and otherwise for the guidance of a committee and the Council may from time to time remove any members of a committee and appoint in the stead of them or any of them other members of the Council.

A committee may appoint a sub-committee of its members to execute and discharge any of the powers and duties of the committee but the acts of such sub-committee shall unless the Council on the appointment of the committee otherwise direct be submitted for approval to the committee by which such sub-committee was appointed: Provided that in no case shall a committee be authorised to borrow any money or to make any rate.

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II.—Lands.

Power to appropriate land for purposes of Act.

11. Subject to the provisions of this Act the Corporation from time to time may appropriate and use for any of the purposes of this Act any lands from time to time vested in them and being part of their corporate estates or vested in them as a sanitary authority.

Power to acquire additional lands by agreement.

12. The Corporation may from time to time for all or any of the purposes of this Act by agreement acquire in fee either by purchase or by way of exchange or otherwise any land not exceeding ten acres which shall be deemed necessary by the Corporation and may appropriate the same for the respective purposes of this Act.

Consideration for such acquisition.

13. The consideration for any such acquisition may be either money or land or any yearly sum or rent charge or a mixed consideration of money and land and on any exchange the Corporation may give or take any money for equality of exchange.

Corporation may acquire easements only.

14. Instead of purchasing the lands required for the purposes by this Act authorised the Corporation may if they think fit but by agreement only purchase such easements only as they may require for those purposes and any easement so acquired shall be lands within the meaning of the Lands Clauses Acts.

Persons empowered by Lands Clauses Act to sell lands may grant easements.

15. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release land may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Corporation any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to accept and apply gifts of lands for charitable and public purposes.

16. The Corporation may from time to time accept gifts of land made to them for purposes of parks hospitals infirmaries schools or other public useful or charitable objects for the benefit of the inhabitants of the borough and its neighbourhood and may execute the trusts and purposes declared by the donors or otherwise attaching to any such gifts and do all things necessary or proper for that purpose.

Power to sell lands discharged from securities.

17. The Corporation may with the consent of the Treasury after due notice in accordance with the Municipal Corporation Acts sell any lands belonging to or which may hereafter be acquired by them and that freed and discharged from all estate right title interest claim and demand of all holders of bonds or mortgages or

other securities granted by them and every conveyance by the Corporation of any such land on sale thereof by them may be made to the purchaser or as the purchaser shall direct freed and absolutely discharged from all such bonds and mortgages or other securities and from all principal moneys and interest due on such bonds and mortgages or other securities and all liens claims or demands in respect of any such bonds or mortgages or other securities.

Purchaser not bound to see to application of purchase-money.

18. Every purchaser of land from the Corporation under this Act having bonâ fide paid his purchase-money and taken the receipt of the borough treasurer for the same shall not afterwards be answerable or accountable for any loss misapplication or non-application thereof.

Corporation may sell, exchange, or lease lands not required for purposes of Act.

19. Subject to the provisions of this Act, the Corporation from time to time if and when they think fit without the consent of the Treasury may lay out for building purposes all or any part of any lands vested in them at the passing of this Act or acquired by them under and not required for the purposes of this Act and may from time to time sell or exchange or demise or grant on building or other leases with or without fine for any term not exceeding ninety-nine years all or any part of such lands to such persons and subject to such reservations covenants terms and conditions as the Corporation think fit (and in case of sale in consideration of a gross sum or of an annual rent or of both or of any payment in any other form) and the Corporation may make any such sale or lease by public auction or tender or by private contract and with or without any special conditions and stipulations and may accept a surrender of any lease and either before or after a conveyance or lease is granted may in like manner sell and dispose of any rent reserved or agreed to be reserved for any such lands and the reversion and inheritance thereof in fee-simple in possession (subject to any lease or agreement of or concerning the same) and may execute and do all deeds and things necessary to effect the several purposes aforesaid. Provided that where any land is purchased by the Corporation under the powers of this Act and the same or part thereof is not required if the Corporation are desirous of selling the same they shall offer to sell such land to the person or persons whose lands immediately adjoin the lands so proposed to be sold provided such persons are known and are capable of entering into a contract for the purchase of such lands.

Application of purchase money of land.

20. Any purchase-money received on any sale of land and any money received as a fine on the granting of any lease by the Corporation shall be distinguished as capital in the accounts of the Corporation and shall be applied exclusively for purposes for

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which money borrowed under this Act is applicable or in discharge of borrowed moneys and any money so discharged shall not be re-borrowed.

III.—Streets.

Corporation may agree with owners of projecting buildings in streets to alter the same.

21. Whenever the Corporation deem it expedient that the whole or part of any building projecting beyond the regular line of any building or street or beyond the front of the building on either side thereof in any street or at the corner of any street or opposite to or projecting across the end of any street should be taken down for the purpose of straightening or rounding off the corners or improving the entrance to any street or streets the Corporation may agree with the owner and occupier of such building to pull down set back or alter the same as they may require and may pay to such owner and occupier such compensation if any as may be agreed.

Regulation of line of buildings in streets.

22. (1.) Where the external wall or front of any building not belonging to nor in the occupation of a railway company for railway purposes abuts on any street and the owner or occupier of such building proposes to pull down and re-erect such wall or front to the extent of not less than one-half thereof (either vertically or horizontally or partly vertically and partly horizontally) it shall be the duty of such owner or occupier to give written notice of his intention accompanied by a plan showing the line of the intended work with a short description thereof to the surveyor.

(2.) The Corporation may by written notice under the hand of the surveyor or such other officer as they may appoint either approve the line of the intended work as shown and described or may prescribe such other line for the same as they see fit but if the Corporation do not within one month after receipt of such notice and plan and description prescribe a line other than that shown and described the same shall be deemed to be approved by the Corporation.

(3.) Any owner or occupier who commences or continues to re-erect or to alter any such wall or front as aforesaid to the extent of not less than one-half thereof (either vertically or horizontally or partly vertically and partly horizontally) without having given such notice (with plan and description) as is by this section required or contrary to the line (if any) prescribed by the Corporation within such period as aforesaid shall be liable to a penalty not exceeding ten pounds and the Corporation may enter and pull down any work commenced or continued in contravention of the provisions of this section.

(4.) Compensation shall be paid or tendered by the Corporation to any person who sustains loss damage or expense by reason of any such wall or front as aforesaid being set back or forward by direction of the Corporation.

Land gained to be part of street.

23. Where a building or part of a building is pulled down set back or altered in pursuance of the foregoing provisions of this Act any land thereby gained to any adjoining street shall thenceforth be deemed to be and shall be maintained as part of such street.

Formation of new streets.

24. It shall not be lawful for any person to erect any dwelling house adjoining any new or intended street unless the consent of the Corporation has been obtained for the formation of such street nor to inhabit any such dwelling house until the ground in such street shall have been formed to the levels shown on the plan and section approved by the Corporation and such street shall have been sewered if necessary and no kerbstone after it has been laid down shall be taken up or removed without the previous consent of the Corporation.

Any person who is guilty of any contravention of this section shall for each offence be liable to a penalty not exceeding twenty pounds.

Back streets to be laid out.

25. Every new street intended as the principal or front access to a continuous line of dwellings shall if the Corporation before or during the laying out of the street so require have provided and set out in connexion with it one or more back street or streets at least nine feet wide in such manner as to afford access for carts to the back of every house in such continuous line of dwellings. Any person who fails to comply with a requisition made under this section shall for each offence be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding forty shillings for every day during which such offence is continued after conviction.

Intersecting street required in certain cases.

26. A street intended to have a continuous line of buildings on one or both sides thereof shall not (unless the Corporation otherwise allow) be laid out of a greater length than two hundred yards without a street intersecting it unless provided with such back street as aforesaid.

Power to widen streets.

27. The Corporation may from time to time widen turn straighten alter and improve the streets and may acquire by agreement any lands necessary for that purpose.

Provided that compensation shall be paid by the Corporation to any person who sustains damage by reason of the exercise by the Corporation of the powers conferred by this section.

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Carriage crossings to be made across footway where premises are made to communicate with street.

28. Every owner or occupier of premises abutting on any street shall before opening any communication for horses cattle or vehicles from or between such premises and the street give seven days' notice in writing to the Corporation of his intention to do so and shall before permitting the use of such communication construct a carriage crossing over the footway of the street of such materials and in such manner as shall be satisfactory to the Corporation; and any owner or occupier who makes default in compliance with this section shall for each offence be liable to a penalty not exceeding five pounds.

Penalty on persons driving across footways.

29. Any person who in any street drives or causes to be driven any cart waggon carriage or other vehicle across over along or on any footway whether flagged or not except over the part thereof on which a carriage crossing has been constructed shall for every such offence be liable to a penalty not exceeding five pounds in addition to the amount of damage if any thereby occasioned such amount to be recovered in like manner as penalties under this Act may be recovered. Provided that this and the last preceding section shall not apply when the land immediately adjoining such crossing or footway is used solely for agricultural purposes.

Powers of Corporation as to paving and flagging footways.

30. Where there is not a paved flagged or properly asphalted footway or footways in any street within the borough which at the commencement of this Act had become a highway repairable by the inhabitants at large either by formal adoption by any local authority according to the provisions of the hundred and fifty-second section of the Public Health Act 1875 or the provisions of any previous Public Health Act or from having been an ancient highway repairable as aforesaid the Corporation may at any time after having given notice according to and in other respects in compliance with the provisions of the Public Health Act 1875 to the owners of the premises abutting thereon make curb flag and complete such footway or footways as they may from time to time deem necessary and may recover from such owners as aforesaid one half of the costs of so making curbing flagging and completing the same summarily or as private improvement expenses And where in any street within the borough other than as aforesaid there is not a properly constructed paved flagged or asphalted footway or footways to the satisfaction of the Corporation they may after such notice and in compliance with such provisions as aforesaid make curb flag and complete such footway or footways as they may from time to time deem necessary and may recover from such owners as aforesaid the whole costs thereof summarily or as private improvement expenses.

Provided that the streets particularised in Schedule B to this Act annexed but no other streets in the townships of Birkenhead and Claughton-cum-Grange shall for the purposes of this section be deemed to be highways repairable by the inhabitants at large at the commencement of this Act unless at the commencement of this Act the footway or footways in such streets shall have been paved flagged or asphalted and then only to the extent to which such footway or footways shall have been paved flagged or asphalted but any footway or footways in any street or part of any street within the borough which shall have been paved flagged or properly asphalted at the cost of the owner either before or after the commencement of this Act shall thenceforth be repaired and maintained by the Corporation at their sole cost.

Repair of certain bridge approaches.

31. Every public road intersected by the Birkenhead Railway and the approaches to any bridge carrying the same road thereover within the borough which is now maintained by or at the expense of the London and North-western Railway Company and the Great Western Railway Company or either of them shall henceforth be maintained by and at the expense of the Corporation but nothing in this section shall be construed to impose on the Corporation any liability whatever in respect of the fabric of any such bridge and the fences thereof or the fences of any such bridge approach.

Power for Corporation to undertake construction and improvement of private streets.

32. The Corporation may in pursuance of and in addition to their powers under section one hundred and fifty of the Public Health Act 1875 on the request of the majority in rateable value of the owners of the premises affected undertake and execute the sewering levelling paving metalling flagging channelling and kerbing in any new or private street or so much thereof as may be necessary and may recover all expenses incurred by them under this section summarily or as private improvement expenses.

Provisional acceptance of street by Corporation.

33. Where a street has been macadamized or a footway has been asphalted or otherwise formed the Corporation may provisionally accept the same and undertake the maintenance and repair thereof without requiring in the first instance the flagging of the footway and may afterwards when from the increase of buildings or traffic or other cause they think it requisite order that the same or any parts in succession thereof be flagged under and according to the foregoing provisions of this Act.

The expenses of and incidental to any one or more of the works or classes of works aforesaid ordered by the Corporation shall be recoverable summarily or as private improvement expenses from the owners of the premises fronting adjoining or abutting on the street or footway.

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Powers as to temporary repairs of private streets.

34. The Corporation in cases where temporary repairs only are required in any street not being a highway repairable by the inhabitants at large may execute such repairs but the execution of such repairs by the Corporation under this section shall not be deemed to amount to or to be evidence of an adoption by them of such street.

Application of s. 151 of 38 & 39 Vict. c. 55.

35. Section one hundred and fifty-one of the Public Health Act 1875 shall apply to expenses recoverable from owners in respect of streets and footways under the foregoing provisions of this Act in the same way as it applies to expenses under section one hundred and fifty of that Act and as if buildings used for the purposes of schools which are supported wholly or partially out of voluntary subscriptions were therein mentioned as well as places of religious worship.

Application of s. 152 of 38 & 39 Vict. c. 55.

36. The Corporation may exercise all or any of the powers conferred by section one hundred and fifty-two of the Public Health Act 1875 as fully and effectually in respect of any part of any street as in respect of the whole of such street.

Payments in certain cases to be deferred.

37. Where the land fronting adjoining or abutting on any street is unoccupied or used only as arable meadow or pasture ground or as woodlands market gardens or nursery grounds or as a railway constructed under the powers of any Act of Parliament for public conveyance the Corporation shall if required by the owner defer application for payment of any sums which may become due to them after the passing of this Act from the owner of such land for his share of private improvement expenses incurred in such street until the land becomes occupied and used otherwise than as aforesaid and may then recover the same from the owner for the time being summarily or as private improvement expenses.

Power to enforce cleansing of ditches adjoining highways.

38. Where any person who is by law liable to keep open scour and cleanse any ditch or watercourse adjoining any highway within the borough refuses or neglects after five days' written notice in that behalf from the surveyor to do such acts and things as may be necessary for that purpose the Corporation may by themselves and their workmen enter and do all or any such acts and things and may recover summarily all expenses incurred by them under this section from such person.

Repair of vaults and cellars under streets.

39. The owner of any vault arch or cellar at any time existing under any street shall keep the same in substantial repair and so as not to occason any injury to the street and in default of his so doing the Corporation may cause such vault arch or cellar to be substantially repaired and may recover summarily the expenses thereof from the owner of such vault arch or cellar.

Restrictions on making new vaults and cellars under streets.

40. It shall not be lawful to make any new vault arch or cellar under any public street without the written consent of the Corporation (but such consent shall not be unreasonably withheld) nor otherwise than in accordance with the conditions as to construction (if any) laid down by the Corporation and if any vault arch or cellar is made contrary to the provisions of this Act the Corporation may fill up the same and recover summarily the expenses incurred in so doing from the person making such vault arch or cellar.

Penalty on filling up or embanking ground with offensive matter.

41. It shall not be lawful to raise fill or embank any ground within the borough with any offensive or unwholesome matter and every person who does or causes to be done any act in contravention of this section shall for every such offence be liable to a penalty not exceeding five pounds and a further sum not exceeding forty shillings for every day during which such offensive or unwholesome matter continues unremoved after notice has been given by the surveyor for the removal thereof.

IV.—Buildings.

What to be deemed a new building.

42. For the purposes of this Act the re-erecting of any building pulled down to or below the ground floor or of any frame building of which only the framework is left down to the ground floor or the conversion into a dwelling-house of any building not originally constructed for human habitation or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only shall be considered the erection of a new building.

Height of the ground floor in dwellings.

43. The ground floor of every new building intended for human habitation shall be at least six inches above the footway or road immediately adjoining such building. Provided that this section shall not apply to the floors of basements or to the level of the ground floor of any building originally constructed as one dwelling-house and subsequently converted into more than one dwelling-house.

Regulating size of rooms as dwellings.

44. Every new building intended for human habitation shall have at least one room on the ground floor containing one hundred and eight superficial feet clear of any stairs or staircase or any other reduction save one chimney breast and fire-place therein and shall not have any room therein of less height than eight feet six inches from the floor to the ceiling save attic rooms which may average eight feet in height from the floor to the ceiling for not less than one-half the area of such room and save cellars not used for human habitation which shall be considered as of sufficient height if not less than six feet in height.

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Only one story in roof of dwellings.

45. There shall not be more than one story in any part of the roof of any new building intended for human habitation.

Dimensions of windows in dwellings.

46. In every living room exceeding one hundred and eight superficial feet in any new building intended for human habitation there shall be at least one window the dimensions of which shall not be less than five feet in height and not less than three feet wide clear of the sash frame or otherwise shall be of an area of not less than fifteen feet clear of the sash frame provided that in rooms of less area windows may be of dimensions not less than three feet square or otherwise of an area of not less than nine feet clear of the sash frame the top of such window not being less than nine inches below the ceiling nor less than five feet above the floor and every such window whether in the attic cellar or other rooms shall be a casement window opening on hinges or pivots unless the sashes thereof shall be double and made so as to open at the top or bottom.

Certificate of fitness for human habitation.

47. (1.) It shall not be lawful to let or (being the owner) to occupy as a dwelling-house any building not so used before the commencement of this Act (in this section referred to as a new building) until such building has been certified by the surveyor or other officer appointed for the purpose to be as to drainage supply of water for domestic purposes and in every other respect fit for human habitation and to be constructed and completed in conformity with the provisions of this Act and with the byelaws of the Corporation for the time being in force.

(2.) It shall be the duty of the surveyor or such other officer within fourteen days after receiving a written request to inspect any new building to inspect the same and if he refuses a certificate to state in writing his grounds for such refusal and if the surveyor or such other officer fails with respect to any new building to comply with the foregoing provisions nothing in this section shall prevent such building being so used as a dwelling-house.

(3.) Any person aggrieved by the refusal of a certificate under this section may appeal against such refusal to a court of summary jurisdiction and the court shall as soon as conveniently may be hear and determine the appeal and may make such order as to costs as it thinks just.

(4.) Any person who lets or (being the owner) occupies as a dwelling-house any new building before the same is certified under this section (except in case of such failure of the surveyor or other officer as is herein-before mentioned) shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings in respect of each day during which such building continues so occupied contrary to the provisions of this section.

Further power to deal with houses unfit for human habitation.

48. Where a court of summary jurisdiction have under the powers of the Public Health Act 1875 prohibited the using of a house or building for the purpose of human habitation and the town clerk or the medical officer of health or the surveyor reports to the Corporation that two months have elapsed since the date of such order without such house or building having been rendered fit for such purpose and that such house or building is in a condition state or situation injurious dangerous or prejudicial to health the Corporation may by themselves their contractors servants agents and workmen enter and take down and remove such house or building and may remove and sell the materials as they think fit and reimburse themselves all costs and charges incident to such proceeding by the sale of the materials so far as the same may extend, rendering the balance (if any) to the owner: Provided that the Corporation shall give at least thirty days' notice to the owner (unless he is not known or cannot be found) of their intention to proceed under this enactment.

Duration of approval.

49. If an intended new building approved by the Corporation is not completed within three years from the time of approval the approval shall at the expiration of that period cease to operate and fresh notice and approval shall be requisite as if notice and approval had never been given.

Notice of alterations in building to be given to surveyor.

50. One clear day at least before beginning to raise alter pull down or rebuild any party or outside wall or chimney-back of any building notice in writing shall be given to the surveyor signed by the master builder or other person employed to do the work or by the owner of the premises or other person for whom the work is ordered to be done stating in general terms the nature and locality of the intended work and the name and address of the owner of the premises or other person for whom the work is ordered to be done and the name and address of the master-builder or other person employed therein and the surveyor shall from time to time inspect the work and shall cause all the provisions of this Act and of any bye-law in force within the borough relative to the proper construction of buildings to be duly observed.

Provided that where an alteration only relates to the opening of any doorway or window through an outside wall of any dwelling-house not being a party wall no notice shall be requisite.

Surveyor to give notice of non-compliance with Act.

51. Where the provisions of this Act or of any bye-law in force within the borough relative to the raising altering pulling down or rebuilding of any wall or chimney back are not duly observed in regard to any building the surveyor shall immediately on discovery thereof give notice in writing of such default to the owner of the

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premises or other person for whom the work is ordered to be done or to the master builder or other person employed therein and unless such parts of the said building as are contrary to the provisions of this Act or of any such byelaw as aforesaid shall within three days from the delivery of such notice be altered or amended in accordance with the terms thereof the person failing to comply with such notice shall be liable to a penalty not exceeding five pounds.

Cutting into work for inspection.

52. (1.) In order to ascertain whether the provisions of this Act or of any byelaw in force within the borough with respect to buildings have been complied with the surveyor may at any time during the progress of any excavation or of any new building or of any alteration of which notice is requisite to be given to the surveyor under the preceding sections or of any addition to any building or of any rebuilding enter on and inspect the same respectively and may cut into any work if necessary for the above purpose.

(2.) When the surveyor ascertains that any of such provisions have not been complied with he shall forthwith give notice thereof in writing to the owner contractor or master builder or other person by whose order or under whose superintendence the work is being executed and require him to amend or alter the work so as to conform with such provisions and thereupon such owner contractor master builder or other person shall cause the same to be amended or altered accordingly.

(3.) If any such work is so cut into as aforesaid and is found to be constructed in conformity with such provisions the costs and expenses of so cutting into such work and of repairing the damage thereby incurred shall be paid by the Corporation but if such work be found not so in conformity all such costs and expenses shall be paid by such owner contractor or master builder or other person by whose order or under whose superintendence the work is being executed and may be recovered summarily by the Corporation from such owner contractor master builder or other person as they may elect.

Power to alter buildings erected in contravention of Act.

53. (1.) Where any person is convicted of building rebuilding or altering any building or part of any building in contravention of the provisions of this Act or of any byelaw in force within the borough the court by whom he is convicted may on the application of the Corporation either require him to enter into a recognizance in such sum as the court may fix to take down or alter the work done in contravention of such provisions so as to bring it into conformity with such provisions or may order the work done in contravention of such provisions to be taken down or altered as aforesaid within a time limited by the order.

(2.) In the event of non-compliance with the terms of the recognizance or of the order the court may authorise the Corporation to take down or alter the work so as to bring it into conformity with such provisions and the Corporation may recover summarily any costs and expenses incurred by them in the execution of this section from the person so convicted.

Penalty on workmen offending.

54. Every workman labourer servant or other person employed in the erection or alteration of any building who wilfully or against the order of any person directing or superintending such erection or alteration does any act or thing in the course of such erection or alteration contrary to the provisions of this Act or of any byelaw in force within the borough shall for every such offence be liable to a penalty not exceeding forty shillings.

Penalty on persons refusing inspection.

55. Every owner or occupier of any building and every other person interested therein who shall begin to build or rebuild or make any alteration in any building of which notice is required to be given to the surveyor under this Act and who shall refuse to the surveyor admittance from time to time at reasonable hours in the day-time for the purpose of inspecting the said building or alteration or who shall in anywise interrupt or hinder any such surveyor from inspecting the same shall for every such offence be liable to a penalty not exceeding ten pounds.

Restriction on proceedings under this part of Act.

56. Proceedings shall not be had under this Act against any person for any default made in not complying with the provisions of this part of this Act or of any byelaw in force within the borough relating to new buildings unless notice of the default shall have been given by the surveyor within ten days after the occurrence thereof save in cases where default affects the safety of the building.

Dangerous chimneys &c. to be taken down or secured.

57. (1.) Where any chimney chimney-pot roof or parapet of any building is deemed by the surveyor to be in a ruinous or dangerous state the surveyor shall immediately give notice thereof to the owner if known and resident within the borough or ten miles thereof or to the occupier of such building either personally or by leaving the same at or affixed to some conspicuous part of the said building requiring such owner or occupier forthwith to take down repair rebuild or otherwise secure the same to the satisfaction of such surveyor.

(2.) If such owner or occupier does not begin to take down repair rebuild or secure the same within two clear days after such notice has been given left or affixed and complete such taking down repairing rebuilding or otherwise securing the same to the satisfac-

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tion of such surveyor as soon as the nature of the case will admit the surveyor may complain to a court of summary jurisdiction.

(3.) The court shall as soon as may be hear the complaint and if any immediate danger is apprehended may order the owner or occupier forthwith to take down shore up or otherwise secure such chimney chimney-pot roof or parapet and in case no immediate danger is apprehended may direct the owner or occupier to take down repair rebuild or otherwise secure the same to the satisfaction of such surveyor within a time to be fixed by the court.

(4.) Any person who makes default in complying with an order of the court under this section shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day during which such default continues moreover in the event of such default the court may authorise the Corporation to execute any works required for the security of such chimney chimney-pot roof or parapet and the Corporation may recover the expenses incurred by them in so doing summarily or as private improvement expenses.

(5.) Where the occupier of any building pays any costs charges or expenses incurred under this section he may in the absence of specific agreement to the contrary deduct the amount thereof out of any rent due or accruing due to the owner of the building and the receipt for such amount shall be a discharge to the occupier for an equivalent amount of rent.

Buildings described as lock-up shops used as dwellings.

58. Where in the plan of a building submitted to and approved by the Corporation such building is described as a lock-up shop workshop shed or place of business the use of such building or any part thereof for the purposes of habitation by any person other than the person placed therein to take care thereof shall be an offence against this Act and shall be deemed to be committed on the day when such user is made known to the Corporation. Every person so using such building or permitting the same to be used shall for every such offence be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day during which such offence continues.

Sufficient means of ingress and egress to be provided for hotels and other public buildings.

59. Every building permanent or otherwise which is used or intended to be used as an hotel refreshment rooms church chapel school theatre or other place of public amusement or entertainment or for holding a large number of persons for any purpose shall be provided with ample and convenient means of ingress and egress regard being had to the purposes for which such building is intended to be used and the number of persons likely to be assembled at the same time therein.

If the owner or occupier or person in charge of any such building after the expiration of three months from the receipt of a notice from the surveyor to the effect that the Corporation are not satisfied with the sufficiency of the means of ingress and egress provided for such building and specifying the alterations or additions which the Corporation think necessary shall allow such building to be used for any such purpose as aforesaid without having first complied with the terms of the notice he shall for every such offence be liable to a penalty not exceeding fifty pounds.

Amendment of section 74 of 10 & 11 Vict. c. 34.

60. The seventy-fourth section of the Towns Improvement Clauses Act 1847 with respect to water spouts to be affixed to houses or buildings shall in its application to the borough be read and construed as if the word occupier therein had been owner.

Water from buildings to be conveyed in pipes.

61 (1.) Water shall not be permitted to drain or to be pumped or discharged from any building on to the footway of any street or public place but shall be conveyed in covered pipes where practicable below the surface of the footway and where impracticable on account of the level of the street in covered or channelled pipes at the level of the footway to some drain sewer or watercourse. Any person who permits any water to be drained pumped or discharged in contravention of this section shall be liable for each offence to a penalty not exceeding forty shillings.

(2.) For the purpose of laying such pipes the owner of any building may take up so much of the pavement of any footway as may be requisite and such pipes shall be laid under the directions of the surveyor and all damage occasioned thereby to the pavement or the footway shall be made good to the satisfaction of the surveyor by such owner and in the event of his default so to make good the same the Corporation may do any necessary work and recover summarily the expense of so doing from such owner.

V.—Byelaws as to Streets and Buildings.

Power to make byelaws with respect to streets and new buildings, &c.

62. Subject to the provisions of this Act the Corporation may from time to time make byelaws for all or any of the following purposes (that is to say):

With respect to the level width and construction of new streets and courts and the provision to be made for the drainage thereof.

With respect to the walls foundations flocrs roofs timbers and chimneys of buildings for securing stability and the prevention of fire and for purposes of health.

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With respect to the removal from the sites of buildings before beginning the foundations thereof of offensive or unwholesome waste or refuse and of soil that has been rendered offensive or unwholesome by the deposit thereon of such waste or refuse or of fœcal matters.

With respect to the sufficiency of the space about buildings to secure a free circulation of air and with respect to the ventilation of buildings.

With respect to the drainage of buildings and to waterclosets earth closets privies ashpits and cesspools in connexion with buildings and to their situation.

With respect to the thickness and construction of walls of all ovens and furnaces built or wholly or partially built after the passing of this Act.

But not so as to affect by any byelaw for any of the purposes aforesaid any building not being a new building within the meaning of this Act.

Power to make byelaws with respect to new and old buildings.

63. Subject to the provisions of this Act the Corporation may from time to time make byelaws for all or any of the purposes following (that is to say):

For closing buildings or parts of buildings unfit for human habitation and for prohibiting the use thereof for human habitation.

For prohibiting the occupation as a dwelling or sleeping room of any room any portion whereof extends immediately over any privy ashpit midden or cesspool or for enforcing the removal or alteration of such privy ashpit midden or cesspool.

For compelling owners of buildings in streets to provide and keep proper spouts troughs and pipes to carry off water from the roofs and other external parts thereof

and byelaws for purposes of this section may affect any building whether new or not.

Provision for notices &c.

64. Subject to the provisions of this Act the Corporation may provide for the observance of any byelaws made under the two last foregoing sections by inserting therein provisions as to any of the following matters (that is to say):

The giving of notices.

The deposit of plans and sections by persons intending to lay out streets or to construct or alter buildings.

Inspection by the Corporation.

And the power of the Corporation to remove alter or pull down any work begun or done in contravention of such byelaws.

VI.—Sewers Drains and Privy Accommodation. A.D. 1881.

Excavations to be drained.

65. Before commencing and during the erection of any building the owner or builder shall carry off from the lowest excavations for or basement of such new building all the water capable of being carried off and shall prevent such water from flowing into the basement or cellars of any adjoining or neighbouring buildings or into the walls thereof and if any person acts in contravention of this section he shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for each day during which the offence continues after the expiration of forty-eight hours from service of notice on him by the Corporation.

Corporation may put in branch drains at the expense of owners of houses.

66. Where a main or other sewer has been constructed by the Corporation for the general sewerage or drainage of the premises in any street the Corporation may construct and lay branch drains of such size at such level and with such fall as they think proper from such premises into such sewer or may divert any drain existing at the time of completion of such sewer and connected with such premises so that the same may discharge into such sewer.

All expenses incurred by the Corporation in the execution of this section shall be repaid to the Corporation by the owners of such premises each owner contributing in proportion to the length of drain laid down for him and such proportion shall be ascertained and determined by the surveyor and shall be recoverable summarily or as private improvement expenses.

Power to construct drain for house built in contravention of s. 25. of Public Health Act.

67. Where any person has been convicted of causing a house to be erected or built or any drain to be constructed in contravention of section twenty-five of the Public Health Act 1875 the Corporation may cause such drain or drains to be laid relaid or amended or remade as the case may require and may recover the expenses incurred by them in so doing from the owner of the house summarily or as private improvement expenses.

Power to enforce conversion of privies into water closets.

68. Where any privy ashpit or cesspool is certified by the medical officer of health of the borough or by the surveyor to be prejudicial to health or to be in a filthy or unwholesome condition or an annoyance to the public or neighbourhood or to be so situate that the removal of refuse therefrom is prejudicial to health or an annoyance to the public or neighbourhood the Corporation may by written notice require the owner of the same within a reasonable time to be specified in the notice to repair alter or cleanse such privy and ashpit or to convert the same into a watercloset or earth-closet and to repair alter or cleanse such cesspool as the case may require to the satisfaction of the Corporation.

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In default of the execution of the work specified in such notice the Corporation may do the work required to be done and may recover the expenses incurred by them in so doing summarily or as private improvement expenses and they may if they think fit themselves bear the whole or a portion of such expenses.

Privies &c. to be provided in factories.

69. Where it appears to the Corporation upon the report of the medical officer of health or of the surveyor that any factory shop office or workshop is insufficiently provided with privy accommodation for the persons employed therein the Corporation may by written notice require the owner or occupier thereof or if such factory shop office or workshop be let for a less term than from year to year or at any rent not exceeding fifteen pounds per annum the owner thereof to provide so many sufficient water closets earth closets or privies and urinals and in such suitable position as the Corporation shall think fit.

Any such owner or occupier who makes default for the space of one month in complying with the requirements of such notice shall be liable to a penalty not exceeding five pounds and a further penalty not exceeding forty shillings for every day during which the default is continued.

Corporation may declare costs of sewers and drains to be private improvement expenses.

70. Where any sewer or drain is constructed within the borough by the Corporation which in the opinion of the Corporation is exclusively for the accommodation of particular premises the Corporation may declare the whole or part of the expenses of constructing such sewer or drain to be private improvement expenses and may recover the same accordingly. Provided that if any person feels aggrieved by the decision of the Corporation such person may appeal to the stipendiary magistrate whose decision shall be conclusive.

Corporation may order removal and construction of urinals by innkeepers and beer-sellers.

71. The Corporation may from time to time by written notice require the owner or occupier of any inn public-house or beer-house within the borough to remove any urinal adjoining such inn public-house beer-house or place or to construct or place adjoining such inn public-house or beer-house a urinal in such position and according to such plan as the Corporation may approve and the Corporation may if they think fit pay not exceeding one-half of the expense of such removal.

Any such owner or occupier who makes default in complying with the terms of any such notice for fourteen days after the time specified for compliance therewith shall be liable to a penalty not exceeding five shillings for every day after the expiration of such period of fourteen days during which such default is continued.

Parts IV. V. VI. not to apply to certain railway buildings.

72. Parts IV. V. and VI. of this Act shall not extend or apply to any building of a railway company not used or intended to be used as a dwelling-house except in so far as they relate to the drainage or sanitary details of any such building.

VII.—Sanitary.

Open spaces belonging to dwelling-houses.

73. With respect to dwelling-houses except those belonging to the London and North-western Railway Company and the Great Western Railway Company or either of them so long as such property shall belong to or be in the occupation of those companies or either of them existing at the commencement of this Act the following provisions shall have effect namely:—

Where such dwelling-house has an open space belonging to it not greater than that required by the byelaws of the borough for new dwelling-houses that space or any part thereof shall never be built on without the approval of the Corporation.

Where such a dwelling-house has an open space belonging to it greater than that required by the byelaws of the borough for new dwelling-houses that space or any part thereof shall never be built on so as to leave for that dwelling-house a less open space than that required by the byelaws of the borough for the time being for new dwelling-houses without the approval of the Corporation.

Extension of sections 116 to 119 inclusive of the Public Health Act, 1875.

74. The provisions contained in sections 116 to 119 inclusive of the Public Health Act 1875 shall extend and apply to all articles sold or exposed for sale or deposited in any place for the purpose of sale or of preparation for sale within the borough and intended for the food of man.

Notice of cases of infectious disease.

75. In order to secure that due notice be given to the Corporation of any inmate of any building used for human habitation who is suffering from smallpox fever cholera or any other dangerous infectious disease the following provisions shall have effect (that is to say):

(i) If any such inmate be suffering from any such disease as aforesaid the occupier or person having the management or control of such building shall so soon as he becomes aware of the existence in any such inmate of any such disease forthwith give notice to the Corporation at the town hall of the existence in such inmate of such disease, unless a duly qualified medical practitioner has been called in.

(ii) If such inmate be not a member of the family of such occupier or person the head of the family (resident in such

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building) to which such inmate belongs or if there be no such head then such inmate (unless prevented by reason of such disease or of youth) shall on becoming aware of the existence in such inmate or in his own person as the case may be of such disease forthwith give notice thereof to such occupier or person.

(iii) The Corporation shall provide and supply gratuitously to every registered medical practitioner resident or practising in the borough forms for the certificate or declaration by such medical practitioner of the particulars herein-after mentioned in relation to such cases according to the form set forth in the schedule C of this Act or to the like effect.

(iv) Every medical practitioner attending on or called in to visit such inmate shall on becoming aware that such inmate is suffering from any such disease as aforesaid forthwith fill up sign and send to the Corporation at the town hall a certificate or declaration stating according to the form supplied by the Corporation the name of such inmate the situation of such building and the name of such occupier or person and the nature of the disease from which such inmate is suffering.

(v) The Corporation shall pay to every medical practitioner who shall in pursuance of this section duly make and send any such certificate or declaration a fee of two shillings and sixpence for each such certificate or declaration.

(vi) Any person who fails to comply with any of the provisions of this section (unless ignorant thereof the burden of the proof of which shall be on him) shall for every such offence be liable to a penalty not exceeding five pounds and for a second or any subsequent offence to a penalty not exceeding ten pounds.

Byelaws with respect to dairies.

76. The Corporation for the better prevention of the spread of infectious diseases may from time to time make byelaws with respect to dairies cowsheds and milkshops for all or any of the following purposes (that is to say):

For regulating the situation and arrangements thereof.

The inspection thereof by an officer of the Corporation at all reasonable times.

For ensuring the purity of the water supply thereof.

Provisions for prevention of infection from disease.

77. The following provisions for prevention of infection from disease in addition to those contained in the Public Health Acts shall be in force within the borough.

The Corporation may from time to time provide temporary shelter or house accommodation for the members of a family in which infectious disease has appeared.

The Corporation may themselves provide or contract with any person to provide nurses for attendance upon persons suffering from infectious diseases within the borough.

The Corporation from time to time may order public or private day schools, situate in neighbourhoods affected by any dangerous infectious disease, to be temporarily closed.

The Corporation may order any shop dairy or other place for the sale or storage of provisions clothing or other articles liable to retain infection to be temporarily closed whenever from the appearance of any dangerous infectious disease in such shop dairy or other place or in rooms in connexion therewith such action appears to the Corporation to be necessary and may take all such means as seem to them desirable for preventing the entrance of the public into such place or the issue from it of food clothing or other articles. In case of the existence of any dangerous infectious disease in any house within the borough the Corporation may issue an order declaring such house or any rooms therein or part thereof an infected place and forthwith until such order has been determined by another certifying it free from infection the following regulations shall in respect of such house or part of a house be observed:

(*a.*) No person occupying or living in any such house or part of a house, shall continue at any indoor occupation which necessitates the handling of any clothing food or article likely to retain infection, which is intended for sale, or for the use of persons belonging to another family:

(*b.*) No bedding clothing or other articles liable to retain infection shall be removed from such house or part of a house without previous disinfection or without proper precautions (to the satisfaction of the Corporation) for the purpose of being disinfected:

Provided that when the room or rooms occupied by the persons suffering from such disease can be effectually separated and are so separated from the other parts of the same house or building, the rooms so occupied only shall be deemed to be affected by such order and regulations. The Corporation shall make compensation to any person who has sustained loss by reason of the exercise of any of the foregoing powers but such compensation shall be in regard only of direct material and pecuniary loss and not in respect of any consequential loss or damage.

Any person wilfully or without reasonable excuse offending against any provision contained in this section or any order or

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regulation made under any of such provisions shall be liable to a penalty not exceeding five pounds and in case of a continuing offence to a further penalty not exceeding forty shillings for every day on which such offence continues.

Power to establish temporary hospitals.

78. The Corporation may if they think fit establish a temporary hospital or ward for the treatment of any infectious epidemic or other disease and provide proper fittings furniture conveniences medical appliances and other things necessary or proper for the hospital or ward and engage medical attendants and nurses and others for the service of the same or agree with the managers of a hospital within or without the borough for the reception therein of inhabitants of the borough affected with the disease and may pay the necessary costs and expenses thereof out of the borough fund.

Further powers for removal to hospital of infected person.

79. (1) On the certificate of the medical officer of health of the borough or other legally qualified medical practitioner that any person within the borough is suffering from any dangerous infectious disease and is without proper lodging or accommodation enabling the case to be properly isolated so as to prevent the spread of the disease or to be properly treated the Corporation may give notice to the head of the family (resident in the same building) to which the person so suffering belongs requiring the removal forthwith of such person to any hospital belonging to them or under their control. Provided that if there is no such head of the family or if such head of the family is absent from the borough or cannot be found such notice may be given to the person so suffering.

(2) If the person to whom such notice is given consents the Corporation may forthwith remove the person so suffering to such hospital as aforesaid but if the person to whom such notice is given refuses to consent to such removal or to be removed or is by reason of age disease or otherwise incapable of giving such consent any justice may on the application of the Corporation make an order for the removal of the person so suffering to such hospital as aforesaid. Such order may be addressed to an officer of the Corporation or to any constable of the borough and any person who disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds and to a further penalty not exceeding twenty shillings for every day during which such disobedience or obstruction continues.

(3) Any expenses incurred by the Corporation in respect of the conveyance of such person to such hospital and his maintenance and treatment therein may be recovered by the Corporation from such person or from his personal representatives in the event of

his death therein or the Corporation may if they see fit themselves defray such expenses or any part thereof.

Extends s. 126 of Public Health Act.

80. The provisions contained in section 126 of the Public Health Act 1875 shall apply to any person being in charge of any infectious dead human body who exposes such body.

Penalty on throwing rubbish into sewers.

81. Any person who throws or permits to fall into any sewer or drain any cinders ashes bricks rubbish stone earth sand shell or other like substance or causes or permits to flow thereinto any lime washings or other refuse by which the sewer or drain may become blocked up or obstructed or discharges or causes or allows to be discharged into any sewer or drain any gas steam or liquid which would prejudicially affect such sewer or drain or which from its temperature or otherwise would be injurious in a sanitary point of view shall be liable to a penalty not exceeding forty shillings and to a further penalty not exceeding one pound for every day during which the offence continues after expiration of twenty-four hours from service of notice thereof on him by the Corporation and the Corporation may remove and repair any damage caused thereby and recover summarily the expenses of so doing from the offender.

Penalty on fouling wells &c.

82. Any person who throws or causes to be thrown any dust dirt dung offal rubbish ashes or filth or any carcase or any noxious or offensive matter whatsoever into any well canal pond stream water-course or reservoir for water within the borough or which supplies the borough with water shall be liable to a penalty not exceeding forty shillings.

Regulation of disused burial ground.

83. The Corporation may by agreement with any rector vicar commissioners churchwardens overseers or other persons having the control of any disused burial ground undertake the enclosing laying out planting putting into and keeping in proper sanitary condition and good order and otherwise regulating such disused burial ground and the Corporation may from time to time make bye-laws for preventing nuisances therein and for regulating the use thereof.

VIII.—Police.

Power to continue police courts.

84. The Corporation may continue and maintain the police court offices and stations and may from time to time enlarge the same and provide and maintain additional courts stations and watch-houses lock-up-houses and other places necessary for police purposes and furnish and fit up the same and provide the necessary money for the same out of the borough fund.

Power to chief

85. The chief constable may subject to the approval of the watch committee suspend any constable from the exercise of his

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constable to suspend constables.

office for such time as the chief constable thinks fit for breach of discipline or neglect or violation of duty or grave misconduct and if any constable while suspended by the chief constable exercises in any manner the office of constable he shall be liable to a penalty not exceeding five pounds.

Power to deduct penalties on constables from salaries.

86. Where any penalty is recovered under this Act against any constable or any person who had held the office of constable in respect of any act or omission of such person while holding such office, the amount of the penalty may be deducted from any salary due or to become due to him as constable.

Employment of police as market officers &c.

87. The Corporation may employ constables of the borough as market officers fire brigade officers inspectors of weights and measures and of lodging houses and in any other capacity in which their services appear to the Corporation to be useful for purposes of this Act without prejudice to the claim of any constable so employed to any superannuation or other allowance or to any benefit whatever.

Power to reward constables.

88. It shall be lawful for the Corporation to give such rewards in money to any constable of the borough who may conduct himself with particular merit or may be disabled or wounded in the execution of his office as the Corporation may think reasonable.

Power to invest Police Superannuation Fund.

89. The Corporation may in their name or in the names of trustees to be from time to time appointed by them invest the Police Superannuation Fund or any part thereof in any of their mortgages or other securities or in any security in which they are for the time being authorised to invest any sinking fund under this Act.

IX.—Police Regulations.

Penalty on persons committing any of the offences enumerated.

90. Every person who commits any of the following offences shall be liable to a penalty not exceeding forty shillings or in the discretion of the court before whom he is convicted to imprisonment for any term not exceeding fourteen days (that is to say) :—

Every person occupying a blacksmith's whitesmith's or nail-maker's shop having a door or window or other opening fronting or opening into or towards a street who does not by good and close doors or shutters every evening not later than half an hour after sunset prevent the light from such shop shining into any street :

Every person who to the obstruction danger or annoyance of any resident or passenger in any street or court keeps any gaslight

or other light flaring or unprotected extending to or over any street:

Every person who while in a state of intoxication rides or drives any animal cart or carriage in any street:

Every person who stands or places any person outside any shop or building where any merchandise or goods of any description are exposed in order to offer the same for sale so as to obstruct or incommode the passage of any person over or along any footway:

Every person guilty of riotous disorderly or indecent behaviour in any street or other public place:

Every person who writes or draws any profane indecent obscene or offensive word character figure or representation on any building wall fence hoarding or other erection within the borough:

Every person who by himself or his agent without the consent of the owner or occupier of a building wall fence hoarding or other erection within the borough affixes thereto any posting bill or other paper or by any writing or drawing or otherwise marks or disfigures the same or with or without the consent of such owner or occupier affixes thereto any bill paper document print drawing photograph painting or representation of an indecent or obscene character or referring to any disease of a loathsome or secret kind and every such agent:

Every person who to the obstruction danger or annoyance of passengers throws down goods produce wares or merchandise out of an upper storey of a warehouse in any street or of any other building in any street used for any trade manufacture or business:

Every person who to the annoyance of passengers empties or begins to empty any cask tub barrel case or package:

Every person who in any street feeds or fodders any horse or other animal except from a bag suspended from its head or with food held or delivered by the hand or from a trough:

Every person who in any street to the danger or annoyance of the residents or passengers carries or exhibits any placard or advertisement on poles boards sticks or otherwise or who in any street to the annoyance of residents or passengers blows any horn rings any bell or uses any other noisy instrument or shouting or singing (the town crier appointed by the Corporation in the performance of his duty and scavengers excepted).

Every person who in any street or other public place collects a crowd by flying pigeons foot racing or other games or by

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brawling fighting singing shouting or otherwise or who in any street or other public place to the obstruction or annoyance of passengers stands or loiters and refuses or neglects to move on when ordered so to do by a constable:

Every person who uses a pigsty or keeps swine within the borough except in situations and places authorised by the Corporation:

Every person who drowns or casts with intent to drown any dog cat or other animal into any well stream canal watercourse pool dam pond or reservoir within the borough:

Every common prostitute or night walker loitering or being in any thoroughfare or public place for the purpose of prostitution or solicitation to the annoyance of any inhabitant or passenger.

Penalty for burning bricks, rags, bones, &c.

91. Any person who

Burns or prepares to burn bricks or tiles in any place nearer than thirty yards to any dwelling-house situate in or near any street or burns in any place within one hundred yards of any dwelling-house situate in or near any street any cork rags or bones or other offensive substance for making manure sal ammoniac or other chemical compound or for any other purposes of trade manufacture or commerce or

Burns bricks or tiles or carries on any trade or business within the borough which occasions offensive effluvia without using the best practicable means for preventing such effluvia or other annoyance occasioned thereby:

shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day during which the offence is continued after service on him by the Corporation of notice to discontinue the same.

Removing furniture to evade rent.

92. Any constable may stop and detain until due inquiry can be made any carriage which or any persons whom he finds within the borough employed in removing the furniture of any house or lodging if the constable has good grounds for believing that such removal is made for the purpose of evading the payment of rent.

Mad dogs and other animals.

93. Any constable or other officer appointed by the Corporation may destroy any dog or other animal within the borough reasonably suspected to be in a rabid state or to have been bitten by any dog or other animal reasonably suspected to have been in a rabid state.

Regulations as to dogs.

94. The following regulations as to dogs shall have effect within the borough (namely)—

Any constable may take possession of any dog found in any street market or market hall in the borough and not apparently

under the control of any person and may detain such dog until the owner has claimed the same and paid all charges and expenses incurred by reason of such detention.

The mayor may issue an order requiring any dog while in the streets and not being led by some person to be muzzled in such a manner as will admit of the animal breathing and drinking without difficulty and during the currency of any order or public notice issued by the mayor directing dogs to be confined or muzzled any constable may take possession of any dog found in a street without such muzzle and may detain such dog until the owner has provided a proper muzzle for it and has paid all charges and expenses connected with such detention.

Where any dog taken possession of by any constable wears a collar with the address of any person inscribed thereon a letter stating the fact of such dog having been taken possession of shall be sent by the chief constable by post to the address inscribed on the collar.

The chief constable may cause any dog which has remained in the possession of any constable for seven clear days without the owner claiming the same and paying all charges and expenses incurred by its detention to be sold or destroyed.

Any moneys arising from the sale of any dogs beyond satisfying the charges and expenses incurred shall be paid over to the borough treasurer in aid of the borough fund.

All dogs detained under this section shall be properly fed and taken care of.

Failing to give account of goods suspected to be stolen.

95. If any person brought before any court of summary jurisdiction charged with having in his possession or conveying in any manner anything reasonably suspected to be stolen or unlawfully obtained does not give an account to the satisfaction of the court before whom he is brought of the manner in which he came by the same he shall be liable to a penalty not exceeding five pounds or in the discretion of the court to be imprisoned with or without hard labour for any term not exceeding two months.

Delivery of goods unlawfully pawned and in possession of brokers.

96. If any goods are stolen or unlawfully obtained or being in the care of any person for the purpose of being repaired cleaned or made up or being otherwise lawfully obtained are unlawfully deposited pawned pledged sold or exchanged and complaint is made to any justice 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 has advanced money upon the credit thereof such justice may issue a summons or warrant for the

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appearance of such broker dealer or other person as aforesaid before a court of summary jurisdiction and for the production of the goods and such last-mentioned court may order such goods to be delivered up to the owner thereof either without any payment by or to such owner or upon payment of such sum and at such a time as the court may think fit. If any broker dealer or other person being so ordered refuses or neglects to deliver up the goods he shall forfeit to the owner the full value thereof to be determined by a court of summary jurisdiction but such order shall not bar such broker dealer or other person from recovering possession of such goods by proceedings at law from the person into whose possession they come by virtue of the order so that such proceeding be commenced within six months next after the order is made.

Restoration of property unlawfully pawned.

97. Any court of summary jurisdiction may order that any goods unlawfully pawned pledged or exchanged brought before it the ownership of which is established to the satisfaction of the court be delivered up to the owner by the person with whom they were unlawfully pawned pledged or exchanged either without compensation or with such compensation and costs as the court may think fit.

Delivery of goods charged to have been stolen or fraudulently obtained and in custody of constable.

98. If any goods or money charged to have been stolen or unlawfully obtained are or is in the custody of any constable by virtue of any warrant of any justice or in prosecution of any charge of felony or misdemeanor and the person charged with having stolen or unlawfully obtained possession of the same is not found or is summarily convicted or discharged or is tried and acquitted or is tried and found guilty but the property so in custody has not been included in any indictment the following provisions shall apply thereto (namely) :

(1.) A court of summary jurisdiction may make an order for the delivery of such property to the person appearing to be the the rightful owner thereof :

(2.) Such order shall not be any bar to the right of any person to sue the person to whom the property is delivered and to recover the same from him by proceedings at law so that such proceedings be commenced with six months next after the order is made :

(3.) In case the owner cannot be ascertained the court may order that the property be delivered to the borough treasurer :

(4.) The borough treasurer may after the expiration of twelve months during which no owner shows his title to such property sell such goods and place the proceeds thereof to the credit of the borough fund :

(5.) If nevertheless such goods are of a perishable nature the sale may be effected immediately and the proceeds thereof shall be carried to the credit of the borough fund after the expiration of such twelve months.

Power to search for goods suspected to be unlawfully obtained and concealed.

99. If information is 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 building or on board any vessel or in any other place within the stipendiary magistrate's jurisdiction such justice may by warrant under his hand directed to any constable of the borough 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 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.

Justices may order goods wrongfully detained under 15*l.* value to be delivered to the proper owner.

100. (1.) On 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 is not 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 a court of summary jurisdiction.

(2.) The court shall inquire into the title thereto or to the possession thereof and if it appears to the court 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 the court may order the goods to be delivered to the owner thereof either absolutely or on tender of the amount appearing to be due by such owner (which amount the court are hereby authorised to determine) or on performance or tender and refusal

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of the performance of the act for the performance whereof such goods are detained as security or if such act cannot be performed then on tender of amends for non-performance thereof (the nature or amount of which amends the court are hereby authorised to determine).

(3.) Any person who neglects or refuses to deliver up the goods according to such order shall forfeit to the party aggrieved the full value of such goods not being greater than the sum of fifteen pounds such value to be determined by the court and the court may award such costs as it thinks fit.

(4.) An order under this section shall not bar any person from recovering possession of the goods or money so delivered or forfeited by action 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 the making of such order.

Street musicians to depart when desired to do so.

101. Any householder personally or by his servant or by any constable may require any street musician or singer to depart from the neighbourhood of the house of such householder and every person who sounds or plays upon any musical instrument or sings in any street near or within hearing of such house after being so required to depart shall be liable to a penalty not exceeding forty shillings.

Street traffic byelaws.

102. The Corporation may make byelaws for prohibiting entirely or at certain times any vehicle from running into or passing along any street in which any public building is situate during any hours to be specified in such byelaws and generally for regulating street traffic in the borough and the speed of vehicles and the distance to be observed between each vehicle and any person guilty of any breach of such byelaws or who does not comply with the direction of any constable acting in pursuance thereof shall be liable to a penalty not exceeding five pounds. No proprietor driver or conductor of any carriage cart omnibus or tramcar shall be liable to any penalty for any deviation from the route prescribed in any licence by reason of any such byelaw.

Dangerous places to be repaired or enclosed.

103. With respect to the repairing or enclosing of places rendered dangerous by the neglect of the owner the following provisions shall have effect (namely):

(1.) If any building step structure or other thing or any well coalpit shaft used or disused excavation or reservoir pond stream or dam of water or any bank thereof or any land or place is by the neglect or default of the owner and in the opinion of the Corporation for want of sufficient repair protection or enclosure dangerous to the occupiers thereof or of

the neighbouring buildings or lands or to the passengers along any street or footway the Corporation may by written notice require the owner within reasonable time to be limited by the notice to repair protect or enclose the same so as to prevent any danger therefrom:

(2.) If the owner makes default in complying with the requirements of the notice within the time limited or if the owner is not known or cannot after due inquiry be found the Corporation may do such works as they think necessary for effecting such repair protection or enclosure and the expenses thereof shall be payable by the owner and may be recovered summarily.

Penalty on persons hoisting goods into warehouses without proper tackle.

104. Any person who hoists or lowers any barrel sack or other heavy matter into or from any warehouse building cellar or vault in any street within the borough without proper and sufficient ropes and other tackle in good order and condition and without slinging or otherwise effectually securing such barrel sack or other heavy matter so as to prevent the same from slipping breaking away or falling shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty on permitting goods to be hoisted into warehouses &c.

105. If in any street the owner or occupier of any warehouse building part of a building or of any cellar or vault or any foreman or master porter employed therein wilfully or negligently permits any barrel sack bag or other heavy matter to be hoisted or lowered into or from such warehouse building cellar or vault without proper and sufficient ropes and other tackle in good order and condition he shall be liable to a penalty not exceeding five pounds.

Hawking or exposing dangerous substances.

106. Any person who hawks sells or exposes for sale any dangerous substance of an explosive or inflammable character within the borough except in shops where such articles may lawfully be sold shall for each offence be liable to a penalty not exceeding five pounds. Provided that this section shall not extend or apply to petroleum on any quay way warehouse or store on any part of the estate of the Mersey Docks and Harbour Board.

Prevention of accidents to foot passengers.

107. Every person who in such manner as to be dangerous to the public carries or conveys anything along the footway of any street shall be liable to a penalty not exceeding twenty shillings.

Penalty for betting in streets.

108. Any three or more persons who to the annoyance of the inhabitants or passengers assemble together in any street or open place within the borough for the purpose of betting shall be deemed to be obstructing the street or open place and each of such persons shall be liable to a penalty not exceeding five pounds and any

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constable may take into custody any person who may commit such offence in view of such constable.

Penalty on insulting passengers.

109. If any person in a street at any time assaults or insults any passenger or uses to or in the hearing of any passenger any threatening obscene or disgusting language or wilfully creates any obstruction he shall be liable to a penalty not exceeding forty shillings.

Power to enter premises of convicted refreshment house owners &c.

110. Any constable may at all times enter into any house shop room cellar or vault within the borough used for the sale or consumption of refreshments of any kind if the owner or keeper of such premises has within twelve months before such entry been convicted of knowingly suffering common prostitutes or reputed thieves to assemble at and continue in such premises. If the owner or keeper of such premises or any servant or other person in his employ or by his direction in such case refuse to admit such constable entitled under this section to enter such premises he shall be liable to a penalty not exceeding forty shillings.

Regulations as to places for public dancing.

111. For the regulation of places for public dancing or other public entertainments of the like kind the following provisions shall take effect namely:—

(1.) A house room garden or other place whether or not licensed for the sale of wine spirits beer or other fermented or distilled liquors shall not be kept or used for public dancing music or other public entertainment of the like kind without a licence for all or some of those purposes first being obtained from a majority of the justices assembled at any special session convened by at least fourteen days' previous notice.

(2.) Licences to keep or use houses rooms gardens or places for all or some of the purposes aforesaid may be granted on such terms and conditions and subject to such restrictions as may be specified in the respective licences and every licence shall be in force for one year unless previously revoked.

(3.) A majority of the justices may from time to time at any such special session aforesaid transfer any such licence to such person as they think fit.

(4.) Any person intending to apply for any such licence or for the transfer of any such licence shall give not less than seven days' notice of his intention to the clerk to the justices.

(5.) If any house room garden or place be kept and used for public dancing music or other public entertainment of the like kind without such licence the occupier of the same shall be liable to a penalty not exceeding five pounds for every day

on which the same is kept and used for any of the purposes aforesaid.

(6.) There shall be affixed and kept up in some conspicuous place on the door or entrance of every house room garden or place so kept or used and so licensed as aforesaid the words following in large capital letters :—"Licensed for music (or as "the case may be) in pursuance of Act of Parliament."

(7.) Any house room garden or place so kept or used although so licensed as aforesaid shall not be opened for any of the said purposes except between the hours stated in the licence.

(8.) The affixing and keeping up such words as aforesaid and the limitation of the hours of opening and regulations for the maintenance of good order shall be inserted in and made conditions of every such licence and in case of any breach of those conditions such licence shall be liable to be revoked by the order of any two justices.

Shooting galleries &c.

112. Any person who to the annoyance or disturbance of any of the inhabitants of the borough keeps or has the management of any place used as a shooting gallery or keeps or has the management of any swing-boat or whirl-go-round or other like machine (whether the same be or be not in any street or public place) shall be liable to a penalty not exceeding five pounds and to a further penalty of not exceeding five pounds for every day during which the offence is continued after the recovery of such penalty against him under this section.

Regulation of traction engines.

113. No traction engine shall be used in any street unless the same has been licensed by the Corporation and under and subject to such restrictions as to wagons or vehicles to be attached thereto as the Corporation may deem expedient. Every person using or permitting any traction engine to be used in any street in contravention of this section shall be liable to a penalty not exceeding five pounds and to a like penalty for every day during which such contravention continues after a conviction under this section.

Restriction on hauling timber &c.

114. Any person who causes or permits to be hauled or drawn on any street any tree or piece of timber or any stone otherwise than on a wheeled carriage or who suffers any part of any tree or piece of timber to drag on any street shall for every such offence be liable to a penalty not exceeding forty shillings.

X.—Fire and Smoke Prevention.

Fire plugs to be pro-

115. The Corporation shall at the time of laying down any main pipe for the conveyance of water in any street within the

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vided by the Corporation.

water limits fix and from time to time repair or renew fire-plugs in such street for the supply of water in extinguishing fire and as soon as any such fire-plug shall have been completed the Corporation shall deposit a key of such fire-plug at each place within the water limits where any public engine is kept for extinguishing fire and shall affix a conspicuous notice in such street of the situation of such fire-plug.

Water to be taken to extinguish fires.

116. It shall be lawful for all persons at all times to take and use the water of the Corporation to extinguish any fire which may happen within the water limits without making compensation for such water.

Power to provide fire police stations.

117. The Corporation may continue and maintain the fire police fire stations and engine houses and other offices and buildings connected with the fire police establishment acquired by them from the Improvement Commissioners Tranmere Local Board Oxton Local Board and Higher Bebington Local Board and may from time to time enlarge and improve the same as they may deem expedient.

Corporation to provide fire engines.

118. The Corporation may from time to time provide and maintain one or more fire engine or fire engines and fire escapes together with all such pipes buckets and other articles and things as may be necessary for working and using the same and may from time to time provide and maintain proper and convenient houses or other places within the borough for keeping such engines.

Power to enter and break open premises in case of fire.

119. Any constable of the borough or of the fire police of the borough or any officer or other person appointed by the Corporation may enter and if necessary break into any building in the borough being or reasonably supposed to be on fire or any building or lands adjoining or near thereto without the consent of any owner or occupier thereof respectively and may do all such acts and things as he may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

Captain of fire brigade to have control of operations.

120. The captain or superintendent of the fire brigade of the Corporation or other officer for the time being in charge of the engine or part of the fire police establishment of the Corporation attending at any fire in the borough shall from the time of his arrival thereat have the sole charge and control of all operations for the extinguishment of such fire whether by the Corporation engine or establishment or any other or others including the fixing of the positions of fire engines and apparatus the attaching of hose to any water pipes or water supply and the parts of the building

on fire or of adjoining buildings against which the water is to be directed.

Penalties for non-consumption of smoke.

121. For prevention of smoke the following provisions shall have effect (namely):

(1.) If any fireplace or furnace employed after the passing of this Act in the working of engines by steam or in any building for the purpose of trade or manufacture or in baths or wash-houses (although a steam engine is not used) is not so constructed as to prevent or burn the smoke arising from such fireplace or furnace the owner or occupier of the building or lands in or on which such fireplace or furnace is situate shall be liable to a penalty not exceeding five pounds:

(2.) If any such owner or occupier uses any such fireplace or furnace not so constructed as aforesaid or if any such owner or occupier or any engineer fireman stoker foreman or other person employed by him after the commencement of this Act negligently uses any fireplace or furnace so constructed as aforesaid in such manner that the smoke arising therefrom is not effectually prevented or burnt he shall be liable to a penalty not exceeding ten pounds and to a further penalty not exceeding forty shillings for every day during any part of which such fireplace or furnace is so continued to be used after one month's notice in writing given by the Corporation to the owner or occupier to remedy or discontinue the same:

(3.) The foregoing provisions of this section shall extend to cases where more fireplaces or furnaces than one communicate with a single chimney and in any such case the names of the several owners and occupiers of the buildings or lands on which they are situate and the several engineers firemen stokers foremen or other persons having the control or management thereof may be included in one summons and the court having cognizance of the case may in their discretion apportion the penalty as they see fit or impose a penalty on one or more of those persons in exclusion of the others:

(4.) If any such owner or occupier, or the servant of either of them refuses to allow such building or lands to be inspected by a person authorised by the Corporation then any person so authorised may by warrant under the hand of a justice (which warrant any justice is hereby authorised to grant) enter into and upon such building or lands and examine any such fireplace or furnace:

(5.) The words "prevent or burn smoke" shall nevertheless not be held in all cases to mean prevent or burn all smoke and the

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court having cognizance of the case may abstain from imposing any penalty if they are of opinion as to any such engine or furnace that it has been so constructed or altered to prevent or burn as far as possible all smoke arising therefrom and that the same has been carefully attended to and that the smoke arising therefrom has been prevented or burned as far as practicable.

Inspection for purpose of smoke prevention.

122. It shall be the duty of the inspector of nuisances or of some other officer appointed in that behalf by the Corporation to inspect any premises in which he has reason to believe that the enactments with respect to prevention of smoke for the time being in force within the borough are not complied with and to report the result of his inspection to the Corporation.

Any person who obstructs the inspector of nuisances or other officer of the Corporation in the execution of his duty under this section or in the examination of any fireplace or furnace for the purpose of ascertaining whether the said enactments are being complied with shall be liable to a penalty not exceeding ten pounds.

Penalty on discharging smoke into street.

123. Any person who discharges or permits to be discharged any smoke or steam from the front side or end of any building into any street or who constructs or uses a steam pipe flue or funnel (*not* being the funnel of a locomotive engine) so that the condensed water or moisture must usually fall into a street shall for each offence be liable to a penalty not exceeding forty shillings.

Power to order alteration of chimneys.

124. It shall be lawful for any justice on complaint made to him by the medical officer of health or the inspector of nuisances that any smoke gas or vapour from any chimney is a nuisance to any of the inhabitants of the borough to issue his summons calling upon the occupier of the premises where such chimney is to appear at a time and place named therein before a court of summary jurisdiction and if upon the hearing of such complaint the court shall think fit so to do it may make an order requiring such occupier to cause such chimney to be raised or a funnel or pipe to be placed thereon for conveying away such smoke gas or vapour or such other means to be adopted as may seem fitting to the court for preventing or mitigating such nuisance within the time specified in such order and any such occupier as aforesaid who neglects or refuses to obey such order shall be liable to a penalty not exceeding five pounds and a further sum not exceeding forty shillings for every day during which such neglect or refusal shall continue.

XI.—Hackney and Stage Carriages and Omnibuses.

Power to make bye-laws as to hackney carriages and drivers. 10 & 11 Vict. c. 89.

125. The power of the Corporation to make byelaws under the provisions of the Towns Police Clauses Act 1847 with respect to hackney carriages as incorporated with the Public Health Act 1875 shall extend to making byelaws for all or any of the following purposes (that is to say):

For regulating the mode of application for and the issuing of licences for the drivers and conductors of hackney carriages and the form contents registration and duration of such licences.

For regulating the fitness of animals to be employed to draw a hackney carriage and for the disuse for that purpose of unfit animals.

For punishing misconduct of drivers of hackney carriages in refusing or neglecting to drive as required and for preventing the carrying in or upon hackney carriages of dead bodies or of persons having any infectious or loathsome disease and for preventing persons being carried in or upon hackney carriages without the consent of the hirers:

For regulating the disposal of property accidentally left in hackney carriages if unclaimed for a period of twelve months:

For fixing the distance to which hackney carriages may be compelled to take passengers as well beyond as within the borough and the rates or fares as well for time as distance and for securing the due publication of fares.

Application to omnibuses of provisions as to hackney carriages.

126. The terms "hackney carriage or carriages" whenever used in the last preceding section or in sections thirty-seven thirty-nine to fifty-two (both inclusive) fifty-eight and sixty to sixty-eight (both inclusive) of the Towns Police Clauses Act 1847 as incorporated with the Public Health Act 1875 shall (anything in section thirty-eight of the Towns Police Clauses Act 1847 notwithstanding) be deemed to include every omnibus waggonette and other carriage plying or standing for hire by or used to carry passengers at separate fares to from or in any part of the borough and the said provisions shall apply to the proprietors and drivers of such omnibuses waggonettes and other carriages.

Provided that whenever the word "driver" or "drivers" occurs in any of the said sections of the Towns Police Clauses Act 1847 it shall be deemed to include every conductor of any such omnibus waggonette or other carriage as aforesaid.

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A licence granted to a driver or conductor of any such omnibus waggonette or other carriage as aforesaid shall only authorise the holder thereof to act as driver or conductor of the description of carriage specified in such licence and shall be in force for one year only from the date thereof or until the next general licensing meeting in case any general licensing day be appointed.

Byelaws for regulation of omnibuses.

127. The Corporation may make byelaws for the following purposes namely—

(*a.*) To provide for the exhibition on some conspicuous part of any such omnibus waggonette or other carriage as aforesaid of a statement in legible letters and figures of fares to be demanded and received from the persons using or carried for hire in such omnibus waggonette or other carriage.

(*b*) To prevent the owner driver or conductor of any such omnibus waggonette or other carriage or any other person on his or their behalf by touting calling out or otherwise from importuning any person to use or to be carried for hire in such omnibus waggonette or carriage to the annoyance of such person or of any other person.

(*c*) To prescribe the routes by which within the borough any such omnibus waggonette or other carriage may convey passengers but so that the access to any railway station may not be prejudicially affected or rendered circuitous.

(*d*) To fix the points within the borough at which any such omnibus waggonette or other carriage shall or may take up and set down passengers but so as thereby not to exclude any such taking up and setting down at any railway station.

Penalty for fraudulent use of numbers and badges.

128. If any person fraudulently or with intent to deceive does either of the following things (namely):

(1.) Affixes or places on any carriage or cart any figure or number to resemble any figure or number appointed by the Corporation to be affixed to any licensed carriage;

(2.) Affixes or carries on his person any badge figure or number to resemble any badge figure or number appointed by the Corporation to be carried by a licensed driver or conductor;

he shall be liable to a penalty not exceeding forty shillings.

Complaints to the Corporation of drivers of carriages.

129. Whenever complaint is made to the Corporation that any licensed driver or conductor of a carriage or cart has been guilty in the exercise of his calling of any misconduct or of any contravention of this Act or any byelaw in force within the borough and has thereof been convicted by a court of summary jurisdiction the Corporation may summon such driver or conductor before them

appointing a reasonable time and place for the hearing of such complaint and on such hearing the Corporation may suspend the licence of such driver or conductor for such period as they may think proper or they may revoke the same. Every driver or conductor acting as such after any such suspension or revocation shall be deemed guilty of an offence and be liable to a penalty not exceeding twenty shillings and a further penalty not exceeding twenty shillings for every day during which such offence continues.

Power to reward driver.

130. The Corporation may reward for meritorious conduct any driver or conductor licensed by them.

Byelaws as to carts standing or plying for hire.

131. The Corporation may from time to time make byelaws applying to carts standing or plying for hire within the borough and their proprietors and drivers all or any of the provisions of the Towns Police Clauses Act 1847 or of this Act relating to hackney carriages their proprietors and drivers as well as all or any of the provisions of the byelaws relating to hackney carriages their proprietors and drivers for the time being in force within the borough.

XII.—Byelaws as to Porters and Drovers.

Power to make byelaws as to porters and drovers.

132. The Corporation may from time to time make byelaws for all or any of the purposes following (that is to say):

For licensing porters (that is to say persons following the business of carrying errands messages parcels or luggage for hire) and drovers (that is to say persons offering themselves to lead or drive cattle for hire) but not porters or drovers employed by a railway company and for charging any fee not exceeding five shillings for any such licence for twelve months and in the like proportion for any shorter period and for regulating the conduct of porters and drovers in their employments and determining whether they shall wear any and what badges and generally for regulating the exercise of their respective callings:

For fixing stands for porters and drovers but not in the immediate approaches to or within the curtilage of a railway station without the consent in writing of the owner of such station and the distance to which they may be compelled to go in the exercise of their calling not exceeding in the case of porters three miles and in the case of drovers twenty miles beyond the boundary of the borough:

For fixing the fares as well for time as for distance to be paid to porters and drovers and for securing the due publication of such fares:

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For securing the safe custody and redelivery of any property accidentally left with porters or drovers and fixing the charges to be paid in respect thereof:

For imposing penalties on persons acting as porters or drovers without being licensed:

And in any such byelaws the Corporation may (if they think fit) adapt mutatis mutandis to porters and drovers such of the provisions of the Towns Police Clauses Act 1847 relative to drivers of hackney carriages as the Corporation may deem applicable Provided always that the provisions of this section shall not extend or apply to drovers employed at or in connexion with the present or any future wharves lairages slaughter-houses or places for the landing of animals on the estate of the Mersey Docks and Harbour Board so far as such drovers shall be employed on the estate of the Board.

XIII.—MARKETS AND SLAUGHTER-HOUSES.

Power to continue and establish markets and fairs and slaughter-houses.

133. With respect to cattle and other markets and fairs and the providing of cattle markets weighing houses and slaughter-houses the Corporation shall have the following powers (namely):

(1.) They may provide cattle markets with offices approaches works and conveniences and may from time to time establish and hold cattle markets and cattle fairs:

(2.) They may continue and from time to time appoint and provide market places and market houses for the sale of marketable articles and places for fairs with offices approaches and conveniences:

(3.) They may continue the markets and fairs held at the commencement of this Act and may from time to time alter the days on which and the places at which the same respectively are or may held and may establish and hold new markets and cattle fairs:

(4.) They may provide and keep weighing houses or places weights and measures scales and machines for weighing or measuring articles and weighing carts and may appoint and keep persons to attend to such weighing or measuring:

(5.) They may from time to time provide and maintain slaughter-houses with or without fittings and conveniences:

(6.) They may demand and receive tolls stallages and rents (not exceeding the tolls stallages and rents specified in schedule D of this Act) from persons selling or offering or exposing for sale cattle or articles in any market or fairs in the borough or

using or occupying the shops stalls standings or other conveniences in the markets or fairs or frequenting the markets or fairs or using the weighing house or places weights measures scales or machines in the markets or fairs or using the slaughter-houses :

(7.) They may alter or discontinue any cattle or other market or fair of the Corporation and enlarge improve alter or remove any market place or market house or any place for cattle or other markets or fairs or any slaughter-house or any approach work or convenience or any weighing house or place belonging to the Corporation.

Recovery of tolls.

134. If any person liable to the payment of any toll stallage rent or charge for weighing payable to the Corporation does not pay the same when demanded the Corporation or their lessee or any person authorised by the Corporation or their lessee to collect the same may seize and detain the animal or article in respect of which the same is payable or any other animal or article in the market belonging to the person liable to pay the same or under his charge and if the toll stallage rent or charge and the reasonable expenses of the seizure and detention and of the keeping and maintaining of the animal or article seized are not paid in case of perishable articles seized forthwith and in case of animals or other articles seized within four days from the time of seizure the Corporation or their lessee may forthwith or on the expiration of those four days (as the case may be) sell the animal or article seized and out of the money arising thereby may pay and retain the toll stallage rent or charge and the expenses aforesaid and of the sale returning the overplus (if any) to the owner of the animal or article seized or such toll stallage rent or charge and such expenses may be recovered in any court of competent jurisdiction.

Settlement of disputes as to tolls.

135. If any dispute arises concerning any toll stallage or rent or the charges of keeping or selling any animal or article seized or detained under the powers of this Act such dispute shall be determined by a court of summary jurisdiction and the court shall on application make such order therein and may award such costs to either party as may appear to the court just.

Double toll on animals, &c., left in market at the close.

136. If any animal article or thing brought into a market of the Corporation and liable to toll be not removed at or before the closing of such market the toll payable in respect thereof shall be doubled in amount and all the provisions for the time being in force with respect to the recovery of the ordinary toll on such animal article or thing shall extend and apply to such double toll.

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Power to take possession of stalls for nonpayment of rent.

137. If any tenant shall on demand thereof after the same has become due and payable make default in the payment of any toll rent or charge payable to the Corporation in respect of any stall booth stand shed hiring fixture or property in any market fair or slaughter-house the Corporation may enter upon and take possession thereof and re-let the same without prejudice to any other remedy for the recovery of such toll rent or charge.

Power to license slaughter-houses.

138. With respect to the licensing of slaughter-houses the following provisions shall have effect (namely)

(1) The Corporation may from time to time grant licences for the use of buildings as slaughter-houses and they may demand a sum not exceeding five shillings for any such licence for twelve months and in the like proportion for any shorter period and they may grant such licences on such terms and conditions and subject to such restrictions as may be specified in such licences.

(2) They may by order revoke or suspend the licence for any slaughter-house when in their opinion the same is a nuisance but an appeal shall lie from such order to the stipendiary magistrate of the borough who may confirm vary or revoke such order.

(3) In case of any such revocation or suspension the Corporation shall give notice thereof to the owner or occupier of such slaughter-house.

(4) He shall not be obliged to discontinue the use of the slaughter-house pending an appeal by him against the order.

(5) If any person except during the pending of such appeal as aforesaid slaughters or dresses for sale any animal in any slaughter-house the licence for which is suspended or revoked he shall be liable to a penalty not exceeding five pounds.

(6) If any licensed slaughter-house is not used as such for the space of three months the Corporation may revoke the licence thereof.

(7) The Corporation may from time to time make byelaws for the inspection of licensed slaughter-houses and the prevention of cruelty therein and for the cleansing thereof and for the supplying thereof with water.

Slaughtering prohibited except in slaughter-houses provided or licensed by Corporation.

139. It shall not be lawful for any person except with the consent of the Corporation to slaughter for sale any cattle or to dress for sale the carcase of any cattle in any place within the borough other than a slaughter-house provided or licensed by the Corporation and any person acting in any respect in contravention

of this enactment shall be liable to a penalty not exceeding five pounds.

Power to lease buildings, &c.

140. It shall be lawful for the Corporation from time to time to let the erections and buildings comprising shops rooms store-rooms and warehouses for the time being belonging to the Corporation and also the vaults and cellars under the same for such terms and at such rents as the Corporation shall think fit.

Tolls to be made payable by successive sellers.

141. The several tolls in the markets and fairs now or hereafter belonging to or under the control of the Corporation payable with respect to any animal or article shall be paid not only by the original seller but also by any subsequent seller or persons who offers such animal or article for sale and such tolls shall become payable before such animal or article is sold or offered for sale.

Power to let tolls.

142. It shall be lawful for the Corporation to demise the whole or any part of the tolls or profits to be collected or to arise from or in respect of the markets fairs and weighing houses or places to any person or persons either by public auction or private contract for such time not exceeding seven years at such annual rents and on such terms and conditions and with such securities for payment thereof as may be agreed upon between the Corporation and such person and persons respectively.

Power to reduce tolls.

143. It shall be lawful for the Corporation from time to time if they shall see occasion or think fit to reduce the said tolls or any of them in such proportions and manner as to the Corporation shall seem expedient (but not so as to prejudice any lessee of the said tolls under the foregoing provisions of this Act) and after the said tolls have been so reduced it shall be lawful for the Corporation from time to time to raise the tolls so reduced to any sums not exceeding the amount of the tolls made payable by this Act and the Corporation shall immediately upon every such reduction or raising of the said tolls cause notice thereof painted or printed on a board to be set up and fixed in some public part of the markets with a table of the tolls so reduced or raised.

Market inspectors may be made constables.

144. The Corporation may cause the inspectors and collectors of markets slaughter-houses and fairs now or hereafter belonging to or under the control of the Corporation and all persons appointed to assist them permanently or otherwise to be sworn if in uniform or provided with a warrant before a justice as constables and the *men so* sworn shall have such powers authorities and privileges and shall be liable to such responsibilities and (subject to the directions of the Corporation) shall perform all such duties as constables appointed under the Municipal Corporation Acts.

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Forfeiture of articles left in markets.

145. Every animal or article brought into any market or fair and left therein after the hour of closing (except such as may be left in the charge of the superintendent of the market or fair) may be taken possession of by the superintendent and if the same being of a perishable nature be not claimed within two hours after the closing of the market or fair or not being of a perishable nature be not claimed within one month thereafter then and in every such case the same may be sold by the Corporation who shall return the surplus proceeds of such sale after deducting any unpaid stallage rent or toll due in respect thereof and the expenses of detention and sale to the owner on demand if such demand is made within one month after the sale but if demand is not so made the proceeds of the sale shall be forfeited to the Corporation.

Offences in market.

146. Every person who in any cattle or other market or fair now or hereafter belonging to or under the control of the Corporation commits any of the following offences (that is to say):

Every person who makes use of any expression of cursing or swearing or of any threatening abusive violent offensive obscene or disgusting language:

Every person who is drunk and disorderly:

Every person who wilfully creates any obstruction:

Every person who loiters in any part of any market hall or of any building connected therewith after having been warned to desist therefrom by a constable:

Every person who fights quarrels or makes any affray or disturbance or assaults or insults another person:

Every person who commits or creates any nuisance:

Every person who wilfully damages any wall with chalk paint or otherwise or posts any bill or paper thereon:

Every person who wilfully breaks any window or light or does any other damage to the property of the Corporation:

Every person who permits any dog under his charge to be at large in any covered market:

shall for every such offence be liable to a penalty not exceeding forty shillings and the superintendent of such market or fair or other officer authorised by the Corporation or any constable may remove from such market or fair any person who within his hearing or view commits any such offence.

Apprehension of persons treating

147. If any person wantonly or cruelly tortures beats ill-treats or abuses any animal in any market house or place or fair ground or in any slaughter-house any officer of the market or fair or any

constable on view thereof may apprehend him and take him before a justice of the peace to be dealt with according to law.

animals cruelly.

148. Every person who has been convicted of two offences against either of the last two preceding sections or against any of the byelaws relating to cattle or other markets or fairs or to slaughter-houses shall be liable after the second conviction to be forthwith removed and to be excluded by a resolution of the Council for a term not exceeding one year from all or any of such markets fairs or slaughter-houses and his or her tenancy (if any) of any pen shop stall or standing shall be on the passing of such resolution determined without prejudice to any remedy for the recovery of any rent that may be due.

Ejectment for repeated offences.

149. The Corporation may demise any of the slaughter houses provided by them to any person for a term not exceeding seven years at such annual rents and on such terms and conditions as the Corporation think proper.

Power of Corporation to demise slaughter-houses.

150. Nothing in this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Act 1878 or of any order licence or act of Her Majesty's Privy Council made granted or done or to be made granted or done thereunder or of any order regulation licence or act of a local authority made granted or done or to be made granted or done under any such order of the Privy Council or exempt the markets slaughter-houses dairies shippons or cowsheds to which this Act relates or any of them or any building or thing whatsoever or any body or person from the provisions of any general Act relating to animals or dairies now in force or to be passed in this or any future session of Parliament.

Saving for Acts relating to animals and dairies cowsheds and milk-shops. 41 & 42 Vict. c. 74.

XIV.—Town Hall Telegraph &c.

151. The Corporation may take down and remove any buildings at the commencement of this Act belonging to them for the purposes of the Corporation under the Municipal Corporations Acts or otherwise and may build on the site thereof or on other land belonging to them a town hall and municipal offices and a sessions court and may from time to time enlarge and improve the same and furnish and fit up the same with all proper furniture and conveniences and may let or allow the use of the town hall or any other public building for the time being belonging to them for such purposes and on such conditions as they think fit if and when the same are not required for purposes of the Corporation and may dispose by sale lease or otherwise of the sites of buildings belonging to them at the commencement of this Act or so much thereof as is not required for new buildings and may dispose of the materials of buildings when taken down or may dispose by sale lease or otherwise

Power to provide town hall and municipal offices.

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for their estate or interest of buildings belonging to or used by them at the commencement of this Act and not required for purposes of the Corporation, without taking down and removing the same.

Power to establish telegraphs.

152. The Corporation may from time to time hire or establish and maintain within the borough such wires and apparatus for the transmission of messages and other communications wholly or partially by means of electricity (which wires and apparatus are in this section referred to by the word apparatus) as they think expedient or necessary for the better execution of any of the powers or authorities for the time being vested in them and in relation to any apparatus for the purposes of the Telegraph Act 1863 the Corporation shall be in the like position in all respects as a company authorised by special Act of Parliament to construct and maintain telegraphs would be or might have been under that Act so however that it shall not be requisite for the Corporation to give any notice respecting the opening for the purposes of erecting or laying apparatus in any street under their own management but nothing in this Act shall authorise the Corporation to work apparatus in consideration of any money payment or other valuable consideration or for any purpose other than the execution of their powers and authorities aforesaid or in contravention of any exclusive privilege by law vested for the time being in the Postmaster-General or to construct any apparatus which shall interfere in any way with any telegraph in the possession or under the control of the Postmaster-General without the sanction of the said Postmaster-General. Provided that if at any time the Corporation desire to carry wires over or under the property of the London and North-western Railway Company and the Great Western Railway Company or either of them the works shall be executed under the direction and to the reasonable satisfaction of the engineer for the time being of the said Companies or either of them at the expense of the Corporation who shall be responsible for any damages that may be occasioned thereby.

26 & 27 Vict. c. 112.

Statues and drinking fountains.

153. The Corporation may from time to time erect place and maintain in any street or public place any monument ornamental drinking fountain or trough as they think fit and if any person damages defaces or makes any mark on the same or on any work appurtenant thereto or pollutes or makes unfit for drinking by man or animal water in any such fountain or trough or washes in or permits to enter into that water any dog or other animal under his charge or accompanying him he shall for every such offence be liable to a penalty not exceeding forty shillings.

Meteorological apparatus.

154. The Corporation may from time to time establish and maintain such meteorological apparatus for scientific purposes as they think expedient.

Public waterclosets urinals and lavatories.

155. The Corporation may erect in any street or public place or on land belonging to them but not in the immediate approaches to or within the curtilage of a railway station without the consent of the owner of such station waterclosets urinals and lavatories for the use of the public and may charge for the use of such waterclosets and lavatories such sum as they may think proper and the Corporation may make regulations for the management of waterclosets urinals and lavatories and for the conduct of the persons using the same.

Cabmen's shelters.

156. The Corporation may authorise suitable erections for the use convenience and shelter of drivers of hackney carriages to be placed in such of the streets of the borough as they may think fit but not in the immediate approaches to or within the curtilage of a railway station without the consent of the owner of such station and may make regulations for the management and use of such places and the conduct of the persons resorting thereto.

Shoeblack stands.

157. The Corporation may authorise suitable moveable stands for the purpose of enabling persons to follow the occupation of shoeblacks to be placed in such streets as they may think fit and they may make regulations for the conduct of such persons and the user by them or the public of such stands and for the registration and licensing of the persons engaged in such occupation.

XV.—Parks.

Power to purchase lands for formation of parks and to form parks.

158. The Corporation may from time to time purchase by agreement any lands within or without the borough to be appropriated for the purposes of a park or a public walk or public walks or a place or places of public resort or recreation or of the enlargement or improvement thereof or of the approaches thereto and may level drain sewer pave flag gravel lay out plant light or otherwise improve every such park walk or place and do such other acts as appear necessary to the Corporation with a view to the proper formation maintenance improvement use and enjoyment of every such park walk or place.

Maintenance and improvement of parks.

159. The Corporation may from time to time maintain re-arrange improve and ornament the parks for the time being belonging to them and may erect on any part of the same refreshment-rooms shelters and other like buildings and conveniences for the use of the public and buildings and conveniences for the better storing

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and keeping of materials for maintaining repairing and improving the same and they may for the purpose of improving and ornamenting the parks and the approaches thereto make do and execute all such works roads and conveniences and enlarge all or any of the existing roads leading thereto as they may from time to time think necessary or expedient.

Power to set apart lands for games.

160. The Corporation may set apart portions of the parks and recreation grounds for cricket football archery and other like games but so that the same shall be open to the public when not in use for such games.

Power to close parks and let portions for special purposes.

161. The Corporation may from time to time on giving notice by advertisement in a newspaper circulating within the borough and by placard close any park or part of any park for such days not exceeding twelve days altogether in any one year as they think fit and may take money for special use on those days of any park or any part thereof for any purpose they may approve.

Power to provide apparatus for games.

162. The Corporation may provide apparatus for games and recreation for the use of the public frequenting the parks and recreation grounds belonging to the Corporation and may charge for the use thereof or they may lease or grant the right of so doing upon such terms and conditions as they think proper and the Corporation may make regulations or byelaws with respect to the use and the payment for the use of such apparatus.

Saving for covenants in certain indentures.

163. Nothing in this Act contained shall be taken or construed to override interfere with or affect any of the covenants or conditions entered into by the Improvement Commissioners by deed on the conveyance of the lands surrounding the existing Birkenhead park to the respective purchasers of the same.

Byelaws for regulation of parks.

164. The Corporation may from time to time make byelaws for all or any of the following purposes relating to any park public walk or place of public resort or recreation belonging to them (that is to say) :—

For appointing and regulating keepers and other persons employed therein :

For regulating the hours at which the same are to be opened and closed :

For fixing the payment to be made for admission to any building therein or for the use of any ground for cricket or other games :

For regulating the conduct of persons frequenting the same :

For preventing the holding therein of any religious political or party meeting or any meeting which in the judgment of the Corporation is not proper to be held therein:

For regulating the days on and hours at which games are to be permitted therein and the particular parts or places for the same:

For regulating the days on and hours at which bands of music or music of any sort are or is to be permitted therein:

For regulating refreshment rooms therein and for determining the days on and hours at which they are to be opened and closed and the nature and prices of the articles to be sold therein.

For preventing or for regulating the smoking of tobacco therein or in any building or part of a building therein.

For preventing or regulating the admission therein of dogs:

For preventing males from intruding on or using places therein set apart for the use of females and vice versâ:

For preventing or regulating the admission therein of vehicles horses and other animals:

For protecting from injury buildings terraces fountains bridges walks seats fences and other parts of or things of or belonging to the park or place and for preventing the destruction or injury of aquatic or other birds their nests or eggs or of other animals or of fish or of trees shrubs plants or flowers or the plucking of flowers or leaves therein:

For enabling the servants of the Corporation to exclude therefrom persons guilty of a breach of any byelaw relative thereto or of any public law.

XVI.—Gas and Water.

Gas limits.

165. The limits of this Act for the supply of gas in this Act called "the gas limits" shall be the borough and the several townships of Lower Bebington that part of Higher Bebington which is not within the borough Bromborough Great Neston Little Neston Poulton-cum-Spital Thornton Hough Upton Bidston and Prenton and (with the consent in writing of the Local Board of Health for the district of Wallasey but not otherwise) the townships of Poulton-cum-Seacombe Liscard and Wallasey.

Power to make gas-works and supply gas.

166. Subject to the restrictions contained in this Act the Corporation may erect lay down provide and maintain gasworks and retorts gasometers reservoirs drains sewers mains service and other pipes meters lamp posts stopcocks burners machinery for works and apparatus houses buildings and approaches and may do

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all such acts as they think proper for making and storing gas and for supplying gas within the gas limits and may make store and supply gas accordingly and may manufacture and deal in coke coal-tar pitch asphaltum ammoniacal liquor oil and other products of the coal or other materials employed in the manufacture of such gas and may manufacture or provide supply or deal in gas fittings tubes meters pipes and do all other acts and provide and supply all other things in any way connected with gasworks or with the supply of gas to the consumers thereof in such manner as the Corporation may think proper.

Site for manufacture of gas.

167. Nothing in this Act contained shall authorise the Corporation to manufacture gas or residual products elsewhere than on the lands described in the Schedule F to this Act.

Limiting price of gas.

168. The maximum price to be charged by the Corporation for the supply of gas to persons burning the same by meter shall not exceed the rate of four shillings and threepence per thousand cubic feet where the premises supplied are within the borough and four shillings and ninepence per thousand cubic feet where the premises supplied are beyond the borough. But the price charged for gas supplied to premises beyond the borough shall never exceed sixpence per one thousand cubic feet more than the price per one thousand cubic feet for the time being charged for gas supplied to premises within the borough.

Pressure of gas.

169. All gas supplied by the Corporation to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six-tenths of an inch and from sunset to midnight not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment from time to time test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and the penalties shall mutatis mutandis apply to such testing of pressure and two hours' previous notice shall be given to the Corporation of the time and place at which such testing shall be conducted.

Quality of gas.

170. The prescribed number of candles shall be fourteen.

Testing place.

171. Within six months from the commencement of this Act a testing place shall be provided at some part of the works or within two hundred yards thereof.

Burner.

172. The prescribed burner for such testing shall be the burner known as Suggs' London Argand burner No. 1 to be used with a chimney six inches long and having a diameter of one inch and three-quarters outside measure provided that if at any time the gas flame tails over the top of the glass a chimney six inches long with a diameter of two inches outside measure shall be used.

Power to place pipes to light buildings.

173. The Corporation with the consent of the owner and occupier of any building may lay any pipe branch or other necessary apparatus from any main or branch pipe into through or against such building for the purpose of lighting it and may with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas and for measuring and ascertaining the extent of such supply and may with the like consent from time to time repair replace alter or discontinue and remove any such pipe branch or apparatus.

Provision of gas meters.

174. All gas meters and service pipes shall be provided by the Corporation at the expense of the consumer or (at the option of the consumer) by the consumer and approved by the Corporation.

Providing for settlement of disputes as to correctness of meters.

175. Every dispute which may arise between the Corporation and any person supplied by them with gas as to the correctness in registering of the meter used for the purpose of such supply shall at the expiration of seven days after notice in writing given by either of the parties in dispute to the other of them (unless previously settled by agreement) be referred to some competent gas engineer to be agreed upon between the said parties or in case they cannot agree to be nominated by the president of the time being of the Institution of Civil Engineers and the decision of such engineer shall be final and conclusive upon both parties and such engineer shall direct the costs of the inquiry to be paid by such of the parties or by both parties in such proportion between them as he shall think fit and such costs shall be payable by the party or parties accordingly.

Penalty for tampering with meter.

176. Every person who knowingly and wilfully prevents any meter from duly registering the quantity of gas supplied shall for every such offence be liable to a penalty not exceeding five pounds and the existence of artificial means for causing such prevention shall where such meter is under the custody or control of the consumer be primâ facie evidence that the same has been knowingly and wilfully caused by the consumer using such meter.

Power to remove pipes from unoccupied premises.

177. Whenever any premises from which the Corporation are by the Gasworks Clauses Act 1847 authorised to cut off the supply of gas are unoccupied the Corporation their agents servants and workmen after giving twenty-four hours' previous notice of their

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intention to the owner may enter the same between the hours of nine in the forenoon and four in the afternoon and remove and carry away any pipe meter fittings and other works belonging to the Corporation making compensation to such owner for any damage occasioned thereby.

Interest on sums deposited by consumers.

178. If the Corporation at any time under the provisions of any Act of Parliament take security by way of a deposit of money from any consumer of gas supplied by them for payment of meter rent or gas rates the Corporation shall pay interest on the sum deposited at the rate of four pounds per centum per annum.

Limit of charge for public lamps.

179. The Corporation shall not charge a higher price by the one thousand cubic feet for the gas supplied to any local authority than the lowest rate by the one thousand cubic feet from time to time charged by them otherwise than by special contract in writing to any private consumers within the district of such local authority.

Sale of gas plant to local authorities.

180. If at any time the local authority of any sanitary district within the meaning of the Public Health Act 1875 are empowered and are desirous to purchase the mains pipes and other works (if any) of the Corporation used exclusively for the supply of gas to such district the Corporation shall sell the same at a price to be fixed in default of agreement by arbitration in manner provided by this Act for settlement of disputes as to compensation.

Water limits.

181. The limits of this Act for the supply of water by the Corporation in this Act called "the water limits" shall be the borough except those parts which for the time being the Wirral Waterworks Company and not the Corporation are entitled to supply with water and they shall include any place or places beyond the borough which the Corporation may for the time being be authorised to supply with water.

Rates at which water is to be supplied for domestic purposes.

182. The Corporation shall from time to time at the request of the owner or occupier of any house or part of a house in any street in which there is any main or pipe of the Corporation or at the request of any person who under the provisions of this Act or of the Public Health Act 1875 is entitled to demand a supply of water for domestic purposes furnish either from any of the works belonging to or constructed by the Corporation or from any other waterworks which may hereafter be constructed by or belong to them to such owner or occupier or other person by means of a service pipe stop cock and box to be provided and laid down by the Corporation from their said pipe to such house or part of a house at the cost of such owner or occupier or other person a sufficient

supply of water for domestic purposes for an annual rental or rate of not exceeding six pounds ten shillings per centum per annum upon the net annual rateable value of such dwelling house or part of a house Provided that the Corporation may if they think proper require any water rent or rate to be paid in advance by quarterly payments and may refuse or discontinue the supply of water in case of refusal or neglect to pay such water rent or rate in advance.

Definition of domestic purposes.

183. A supply of water for domestic purposes shall include a supply for private baths and waterclosets not exceeding one bath and two waterclosets but shall not include a supply for cattle or for horses or washing carriages where such horses or carriages are kept for hire or by common carriers or for any trade or manufacture or business whatsoever or for watering gardens or for fountains or for any ornamental purposes.

Rates for waterclosets and baths.

184. In addition to the rents for the supply for domestic purposes the Corporation may demand and receive for every water-closet (beyond the second) in any house any yearly sum not exceeding four shillings and for every bath (beyond the first) any yearly sum not exceeding five shillings.

Supply of water for other than domestic purposes.

185. The Corporation may use water for any public purpose and may supply any person with water for other than domestic purposes for such remuneration and upon such terms and conditions as may be agreed upon between the Corporation and such person. Provided that such use and supply shall not interfere with the supply of water for domestic purposes within the water limits.

Penalty for using water for other than domestic purposes without agreement.

186. Every person using for other than domestic purposes any water supplied by the Corporation and not having previously agreed with the Corporation for a supply for such other purpose and every person having agreed with the Corporation for a supply of water for any other than domestic purposes and using the water so supplied for any purpose other than the purposes so agreed shall respectively for every such offence be liable to a penalty not exceeding five pounds.

Conditions of supply.

187. The Corporation 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 Corporation may from time to time by byelaw prescribe.

Repair of pipes &c. by the Corporation.

188. The Corporation 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

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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 summarily.

Penalty for using water otherwise than by agreement.

189. Any person who shall otherwise than by agreement with the Corporation draw or use through any hose or moveable pipe water supplied by the Corporation shall be liable to a penalty not exceeding five pounds and a further sum of forty shillings for every day during which such offence is continued.

Limitation of obligation to supply water to premises not hitherto supplied.

190. The Corporation shall not be obliged to supply water for domestic purposes to any house or tenement which has not been supplied with water by the Corporation before the commencement of this Act 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 ball-cock on the pipe bringing the water from the works of the Corporation to such cistern nor unless such cistern ball and ball-cock shall be of such material size description position and arrangement as the Corporation approve and the Corporation 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 Corporation and is fitted with ball and ball-cock to their satisfaction.

If Corporation refuse to supply water owners of houses may require to be supplied by meter.

191. If the Corporation refuse to supply water for domestic purposes to any house or tenement or if the Corporation 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 Corporation shall supply the same accordingly at a sum not exceeding the rate of fifteen pence 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 rent or rate for domestic supply.

Corporation may make allowances for rain-water cisterns.

192. The Corporation may from time to time make such allowance or compensation as they think fit to any person who provides and uses a cistern upon his premises for the reception of rain-water and uses the rain-water so received therein so as to save the water of the Corporation and such allowance or compensation may be by means of a rebate or deduction from the rates or rents payable by such person to the Corporation in respect of water.

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Regulations for preventing waste of water.

193. For preventing waste misuse undue consumption or the contamination of the water of the Corporation the following provisions in addition to all other powers vested in the Corporation for that purpose shall have effect namely:

(1.) The Corporation may from time to time make such byelaws as they think expedient for the objects aforesaid to be observed by persons supplied with water.

(2.) By any such byelaws the Corporation may direct the use and prescribe the size nature strength and materials and the mode of arrangement and of junction of service pipes with the mains and of the alteration and repair of the pipes valves cocks cisterns baths soil pans waterclosets and other apparatus or receptacles or any of them to be used by such persons respectively for carrying delivering and receiving water and may regulate the supply of fittings and the stamping of fittings supplied by the Corporation.

(3.) The Corporation shall not be bound under any agreement or otherwise to supply or continue to supply water to any person unless such byelaws as are for the time being in force are duly observed by him.

(4.) In case of failure of any such person to observe such byelaws as are for the time being in force the Corporation may if they think fit after forty-eight hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe valve cock cistern bath soil pan watercloset or other apparatus or receptacle belonging to or used by any person supplied by them and the expense of every such repair replacement or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied and may be recovered by them summarily.

Rates for supply of water to shipping.

194. The Corporation may from time to time supply water for the purposes of shipping for such remuneration and upon such terms and conditions as may be agreed between the Corporation and the persons requiring such supply.

Power to the Corporation to supply fittings.

195. The Corporation may if requested by any person supplied or about to be supplied by them with gas or water furnish to him at his costs and charges and from time to time repair and alter any such pipes valves meters cocks burners cisterns baths soil pans watercloset apparatus and receptacles as are required by this Act or by their byelaws and may provide all materials and do all work necessary or proper in that behalf and may by byelaw or otherwise prohibit all persons supplied by them with gas or water from using any fittings which have not been supplied by the Corporation or

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approved by the Corporation and stamped except such as may be used by the London and North-western Railway Company and the Great Western Railway Company or either of them for railway purposes.

Recovery of money by distress.

196. All sums of money due to the Corporation for the supply of water or gas supplied by the Corporation or for the hire or fixing of meters and all damages costs and expenses by this Act directed to be paid and the amount of which shall not be disputed may be levied by distress and any justice on application may issue his warrant accordingly.

Contracts for supply beyond limits.

197. The Corporation may enter into contracts with the owner of any tenement or hereditament situate in the neighbourhood of any gas or water main or pipe of the Corporation though not within the limits of supply for gas or water as the case may be of the Corporation and also with any sanitary authority not within such limits to take and use the gas and water of the Corporation on such terms and conditions and for such period as may be agreed: Provided that it shall not be lawful for the Corporation to enter into any such agreement as aforesaid with respect to any premises beyond their water limits or gas limits (as the case may be) and within the limits of supply of any water company or gas company or to supply water or gas to such premises except with the consent of such water company or gas company. Provided also that if at any time the local authority of any sanitary district within the meaning of the Public Health Act 1875 are empowered and are desirous to purchase the mains pipes and other works (if any) of the Corporation used exclusively for the supply of water to such district the Corporation shall sell the same at a price to be fixed in default of agreement by arbitration in manner provided by this Act for the settlement of disputes as to compensation.

Protection of the Birkenhead Railway and Works.

198. Any works to be constructed laid down or executed in exercise of or in carrying the powers conferred by this part of this Act into execution crossing or in any way affecting the Birkenhead Railway (or any of the bridges or works thereof respectively) or any lands or property belonging to or used or occupied by the London and North-western Railway Company and the Great Western Railway Company or either of them shall be done under the superintendence and to the reasonable satisfaction of the engineer to the said railway companies or either of them and according to plans and sections and at such times as shall be reasonably approved by him before any such works are begun but in all things at the expense of the Corporation and so as to cause no injury to or interference with any such railway works land or property or the

passage or conduct of traffic over or on any such railway or at any station or wharf thereof and if any such injury or interference shall arise to any such railway bridges works lands or property or with any such traffic the Corporation shall make full compensation in respect of such injury or interference.

No main or pipe shall be carried on the property of the said railway companies or either of them or on any land under their or either of their control parallel with the Birkenhead Railway or any of its sidings without the consent of the said companies.

Saving for agreement as to water supply.

199. Nothing herein shall prejudice the right of the London and North-western Railway Company and the Great Western Railway Company or either of them to a supply of water from the Corporation under the agreement dated the 5th day of May 1858 as amended by an agreement dated the 25th day of June 1861 and confirmed by the Corporation and the said two railway companies and the limits within which the said two railway companies or either of them shall be supplied with water shall be the borough or such parts thereof as the Corporation may from time to time have the right to supply with water.

XVII.—Ferries.

Power to purchase Tranmere Ferry.

200. Subject to the provisions of this Act it shall be lawful for the Corporation to purchase and take but only by agreement with the owners thereof and other persons interested therein and to hold and use the ferry called Tranmere Ferry with the wharves slips landing places and conveniences connected therewith or such of them or such parts thereof as the Corporation may think proper but nothing herein shall authorise the Corporation to diminish the present facilities of access to the property of or in the occupation of the London and North-western Railway Company and Great Western Railway Company or either of them abutting on the Tranmere Pool.

Application of provisions with respect to ferries.

201. The provisions herein-after contained with respect to ferries except where otherwise expressed shall be applicable to the Woodside Ferry and to the Tranmere Ferry after the purchase thereof.

Extensions not to be made without consent of Board of Trade.

202. The Corporation shall not at any time extend any of the existing works in connexion with Woodside Ferry and Tranmere Ferry or either of them riverwards without the previous consent of the Board of Trade to be signified in writing and then only according to such plan and under such restrictions and regulations as the Board of Trade approve of such approval being signified as last aforesaid.

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Neither shall the Corporation construct any new wharves slips landing-places or conveniences as aforesaid without obtaining the like consent and approval and if any such extension or any such construction of new work shall be commenced or completed without such consent and approval the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs of the Corporation and the amount of such costs shall be a debt due to the Crown and recoverable against the Corporation accordingly.

Corporation to exhibit lights.

203. The Corporation shall at the outer extremity of the wharves slips landing-places and conveniences belonging to them in connexion with Woodside Ferry and Tranmere Ferry exhibit and keep burning from sunset to sunrise such lights (if any) as the Board of Trade shall from time to time direct. Provided always that no such direction shall take effect or be brought into operation until the terms thereof shall have been advertised in two morning newspapers published in Liverpool on two separate days in two successive weeks and any written objection to any such direction sent to the Board of Trade before the expiration of seven clear days from the last day of advertising shall be heard by the Board of Trade who shall thereupon modify the proposed direction in such respect if any as that Board may think fit.

Power to improve and maintain ferries.

204. The Corporation may do all things necessary to improve and keep in an efficient state the ferries landing-places stages bridges tramways and works and the approaches thereto and they may erect construct and maintain convenient wharves landing stages bridges places for repair of ferry boats buildings offices tramways sidings and other accommodation works which they may think necessary in connexion therewith and they may acquire by agreement any landing places or stages with approaches thereto and may employ such staff as may be necessary for the efficient repair maintenance and working of the ferries. The provisions of this section shall not be deemed to authorise the Corporation to erect or place any new or additional wharf landing stage or work of any description in any part of the river Mersey or upon any part of the foreshore of that river or to alter the structure or position of any existing wharf landing stage or works in any part of the said river or upon any part of the foreshore thereof without the consent of the Mersey Dock and Harbour Board.

Power to hire boats.

205. The Corporation may hire any steam or other boats and may add to enlarge renew alter repair and maintain any of their steam or other boats and may purchase all the plant stores materials

and machinery necessary for that purpose and for the carrying on the ferries in the most efficient manner.

Power to build ferry boats and to dispose of boats and plant.

206. The Corporation may build or contract for the building of or purchase of any additional steam or other boats for use at their ferries and may sell or otherwise dispose of any of their steam or other boats and plant and shall carry the proceeds of any such sale or disposal to the depreciation and boat fund herein-after mentioned.

Application of ferry revenue.

207. All moneys derived from revenue of the ferries shall be applied and appropriated as follows:—

1st. In payment of the costs charges and expenses incurred in and about maintaining and working the steam boats and their machinery or other boats or in purchasing materials stores and things and in maintaining or improving the slips wharves landing-places stages bridges river walls buildings works workshops and approaches and other works appertaining thereto being the property of the Corporation and in remunerating the persons employed in working the ferries.

2nd. In setting apart and appropriating such sum or sums as the Corporation may from time to time order to be set apart and appropriated to form and maintain a depreciation and boat fund a landing stage repair fund and a contingent fund.

3rd. The yearly sum to be set apart to the depreciation and boat fund shall be not less than five per cent. on the moneys borrowed under this Act and expended on new boats The surplus net income shall be applied in payment of interest on the Corporation debt other than the gas and water debt and subject thereto shall be carried to the credit of the borough fund.

Agreements as to use of approaches to ferries.

208. The Corporation may make agreements with any tramway company omnibus proprietors cab proprietors or others as to the use by and appropriation to such tramways omnibuses or cabs of any ferry premises or any portion of the ferry premises belonging to the Corporation.

Ferry tolls.

209. The Corporation may demand and receive for the use of the ferries and the conveyance of passengers cattle and goods in any steam or other boat belonging to them or purchased hired chartered or provided by them under the authority of this Act and for the use of the slips wharves and landing places and stages connected with the ferries any tolls or charges (in this Act called "ferry tolls") not exceeding the sums mentioned in Schedule E to this Act and the moneys arising therefrom shall be carried to the "revenue account" of the ferries.

Saving for agreement with Railway Companies. 34 & 35 Vict. c. clxxxiii. 23 & 24 Vict. c. cl. 34 & 35 Vict. c. cxcvii.

210. Nothing in this Act shall be taken to interfere with the scheduled agreement to the Great Western Railway Additional Powers Act 1871 or with the scheduled agreement to the Mersey Docks (Ferry Accommodation) Act 1860 as modified by the Mersey Docks (Liverpool River Approaches) Act 1871.

Ferries to be free on payment of tolls.

211. The Corporation shall not at any time demand or take a greater ferry toll or make any greater charge for ferryage than the amount specified in schedule E to this Act and on payment of the tolls from time to time demandable all persons shall be entitled to use the ferry or ferries in respect of which such toll is demandable subject nevertheless to the byelaws from time to time made by the Corporation.

Taking and recovery of tolls.

212. Such ferry tolls shall be paid to such persons and at such places on or near the ferries in respect of which the same are demandable and in such manner and under such regulations as the Corporation by notice to be annexed to the account or list of tolls appoint and if on demand any person fails to pay the tolls due in respect of any goods it shall be lawful for the collector to detain and sell all or any part of such goods and out of the moneys thence arising to retain the tolls payable in respect of such goods and all charges and expenses of such detention and sale and such collector shall on demand render the overplus if any of the moneys arising by such sale and such of the goods as remain unsold to the person entitled thereto or the Corporation may recover such tolls in a court of summary jurisdiction.

Disputes as to the amount of tolls.

213. If any dispute arise concerning the amount of the ferry tolls due to the Corporation or concerning the charges occasioned by any distress levied with reference thereto the collector or person distraining may detain the goods distrained or (if the case so require) the proceeds of the sale thereof until the amount of the tolls due or until such tolls and the amount of the costs of such distress have been ascertained in a court of summary jurisdiction.

Differences as to weights.

214. If any difference arise between any toll collector or other officer or servant of the Corporation and any owner of or person having the charge of any articles liable to ferry tolls respecting the weight quantity or nature of such articles such collector or other officer may lawfully detain and examine gauge or otherwise measure or cause to be weighed all such articles and if upon such measuring or weighing such articles appear to be of greater weight or quantity or of other nature than shall have been stated in the account given thereof then the person who gave such account or the respective owners of such articles as the case may be shall pay the costs of

such measuring or weighing but if such articles appear to be of the same or less weight or quantity than shall have been stated in such account then the Corporation shall pay such costs and they shall also pay to such owner of or person having charge of such articles such damage (if any) as shall be awarded by a court of summary jurisdiction.

Penalty on refusal to pay toll.

215. If any person knowingly and wilfully refuses or neglects to pay his ferry toll or fare when payable by virtue of this Act he shall be liable to a penalty not exceeding forty shillings.

List of tolls to be printed and exhibited.

216. A list of all the ferry tolls from time to time appointed by the Corporation to be taken shall be published by being printed or painted and exhibited in some conspicuous place on the toll gates or toll houses or places where such tolls are payable.

Tolls to be taken only while list exhibited.

217. No ferry tolls shall be demanded or taken by the Corporation for the use of the ferries during any time at which the list of tolls herein-before directed to be exhibited in respect thereof is not so exhibited and if any person wilfully pulls down defaces or destroys any such list of tolls he shall be liable to a penalty not exceeding five pounds.

Power to charge increased rates by agreement.

218. The Corporation may notwithstanding anything in this Act contained by agreement with the owner of or person in charge of goods of any description take and recover either in respect of the conveyance of such goods by passenger boats or by reason of any other special service performed by the Corporation in relation thereto any increased rates or charges over and above the rates and charges by this Act limited or authorised to be received and taken for or in respect of any such goods.

Regulations as to toll collectors.

219. Every toll collector shall place in the front or some other conspicuous part of the toll house or other building where he shall be on duty his Christian and surname in legible characters and he shall continue the same so placed during the whole time he is on duty.

Penalties on toll collectors.

220. Every collector who commits any of the following offences shall be liable to a penalty not exceeding forty shillings and for a second or any subsequent offence to a penalty not exceeding five pounds (that is to say):

If he does not place and continue placed his name as required by this Act during the whole time he is on duty:

If he either refuses to permit any person to read or in any way hinders any person from reading the same:

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If he refuses to tell his Christian name and surname to any person demanding the same who has paid or tendered the tolls demanded of him or if he gives a false name to any such person:

If he demands or takes a greater or less toll from any person than he is authorised to do by virtue of this Act and of the byelaws and regulations of the Corporation made in pursuance thereof:

If upon the legal toll being paid or tendered he unnecessarily detains or wilfully hinders any carriage or goods or any person from passing by the ferry:

If he makes use of any scurrilous or abusive language to any passenger or to any person lawfully using the ferry.

Power to lease the ferry tolls.

221. It shall be lawful for the Corporation from time to time by lease to take effect in possession within twelve months from the letting thereof to let the ferry tolls or any part thereof respectively to any party for any period not exceeding twenty-one years from the commencement of any such lease: Provided that no such letting shall take place unless public notice of the intention to let the tolls or the part thereof intended to be let shall have been given by the Corporation by advertisement in two or more local newspapers published and circulating in Birkenhead and Liverpool respectively once at least in each of four successive weeks prior to the meeting of the council at which it shall be intended to let such tolls and unless it is made subject to the rights of the London and North-western Railway Company and the Great Western Railway Company or either of them under any existing agreement with the Corporation.

Lessees making default to be removed.

222. If any such lease becomes void or voidable according to any stipulations therein contained for that purpose by reason of the failure on the part of the lessee to comply with any of the terms of such lease or if all or any part of the rent thereby reserved is in arrear or unpaid for twenty-one days after the same has become payable then on application made by the Corporation to a court of summary jurisdiction it shall be lawful for such court to order any constable with proper assistance to enter upon any toll house dwelling house office weighing machine or other building with the appurtenances thereto belonging to the Corporation and remove from the same the lessee or collector or other person found therein together with his goods and to take possession thereof and of all property found therein belonging to the Corporation and deliver the same to them or any person appointed by them for that purpose.

Power to re-let tolls.

223. Upon such possession being obtained it shall be lawful for the Corporation to determine the lease (if any) previously subsisting and the same shall be accordingly utterly void except as to the remedies of the lessors for payment of the rent due or in respect of unperformed or broken obligations or conditions on the lessee's part all which remedies shall remain in full force and in every such case either during such proceedings or on the termination thereof the Corporation may again let the tolls to the same or any other person or cause them to be collected in the same manner as if no such former lease had been made relative thereto.

Application to Tranmere Ferry of provisions as to tolls.

224. The provisions of this Act relating to ferry tolls and to the ferry toll collectors shall not apply to Tranmere Ferry unless and until the Council direct that they shall so apply by a resolution passed by not less than three-fourths of the whole number of the Council at a meeting specially convened for that purpose.

Corporation to regulate the use of the ferries.

225. The Corporation may from time to time subject to the provisions and restrictions in this Act contained make byelaws for all or any of the following purposes (that is to say):

For regulating the times of the arrival and departure of boats using the ferries;

For regulating the embarking and discharging of passengers and the loading and unloading of goods and carriages carried on board the boats using the ferries;

For regulating the delivery of goods and other things which are conveyed on board such boats;

For preventing or regulating the smoking of tobacco and for preventing the commission of any nuisance in or upon such boats or in any of the premises occupied by the Corporation;

For regulating the traffic to and from the Woodside Ferry and the Birkenhead Railway Station over the ferry approaches bridges and landing stages and the setting down and taking up on or near such approaches and stages of any passengers by tramways omnibuses cabs carriages and other vehicles;

And generally for maintaining order and decorum on board the boats using the ferries and for regulating the using or working of the ferries and boats;

But no such byelaws shall be repugnant to the provisions of the said scheduled agreement to the Great Western Railway Additional Powers Act 1871 or authorise the closing of the ferries during reasonable hours for the working of the boats except at any time when in consequence of the state of the weather or from any other sufficient cause it shall be necessary to suspend the working of the ferry boats.

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Publication of such byelaws.

226. The substance of such byelaws and the short particulars of any offence for the commission of which a penalty is imposed by the provisions of this Act or by any byelaw relating to the ferries shall be painted on boards or printed on paper and pasted on boards and hung up and affixed and continued on some conspicuous part of the ferry premises so as to give public notice thereof to the parties interested therein or affected thereby and no penalty imposed by any such byelaws shall be recoverable unless the same shall have been published and kept published in manner aforesaid. The Corporation may by any such byelaw impose penalties for any breach thereof not exceeding for any offence five pounds: but no such byelaws shall be valid until confirmed by the Board of Trade and that Board is hereby authorised to confirm the same.

Saving the right of the Mersey Docks and Harbour Board to make byelaws.

227. Nothing in this Act contained shall take away prejudice or affect or be deemed or construed to take away prejudice or affect any right of the Mersey Docks and Harbour Board to make byelaws rules orders and regulations for any purpose or in relation to any matter as to which they are now empowered to make the same nor interfere with any byelaws rules orders or regulations which may have been already made by the said Board or any committee thereof: And no byelaw to be made by the Corporation as aforesaid shall be inconsistent with or repugnant to any byelaw rule order or regulation lawfully made or to be made by the said board.

Defacing boards.

228. If any person pulls down destroys damages or defaces any such board put up or affixed as required by this Act for the purpose of publishing any byelaw or penalty or obliterates any of the letters or figures thereon he shall be liable for every such offence to a penalty not exceeding five pounds and he shall also defray the expenses attending the restoration of such board and such expenses shall be recoverable summarily.

Provision as to dangerous goods on boats.

229. No person shall be entitled to carry or to require the Corporation to carry on board their boats any aquafortis oil of vitriol gunpowder or any other goods which the Corporation may by byelaw have declared to be of a dangerous nature and if any person send or convey by the ferry any such goods without distinctly marking their nature on the outside of the package containing the same or otherwise giving notice in writing to the book-keeper or other servant of the Corporation with whom the same are left at the time of sending he shall be liable to a penalty not exceeding ten pounds for every such offence.

Protection of the

230. Nothing in this Act contained shall extend or be construed deemed or taken to extend to take away prejudice lessen or affect

any of the powers privileges exemptions rights or authorities vested in or enjoyed by the owners or proprietors lessees or tenants or occupiers of the Birkenhead Ferry or in relation to the railway traffic of the London and North Western Railway Company and the Great Western Railway Company or either of them at Monk's Ferry.

Birkenhead Ferry.

Passenger ferry steamers plying during fog. 25 & 26 Vict. c. 63.

231. If any of the events mentioned in sub-sections 1 2 3 and 4 of section 54 of the Merchant Shipping Act Amendment Act 1862 should occur in relation to any passenger ferry steamer of the Corporation whilst plying to or from Woodside and Liverpool during fog such event shall for the purposes of that section or any other statutory modification thereof for the time being in force so far only as regards the plying of any such passenger ferry steamers during fog be deemed to have occurred without the actual fault or privity of the Corporation.

XVIII.—Tramways.

Byelaws with respect to tramways 33 & 34 Vict c. 78.

232. Sections forty-six to forty-eight (both inclusive) of the Tramways Act 1870 shall apply to all tramways within the borough as if they had been authorised by a special Act passed subsequently to the passing of that Act and the Corporation may also make regulations and byelaws under and subject to the provisions of those sections for preventing overcrowding on all or any of the tramways within the borough.

XIX.—Marine Store Dealers.

Dealers in marine stores to be licensed.

233. No person shall carry on within the borough the business of a dealer in marine stores without a licence from the Corporation authorising such person to carry on such business which licence the Corporation shall have power of granting or refusing. Provided that the applicant may appeal to a court of quarter sessions from a refusal of the Corporation to grant such licence.

Names of dealers in marine stores to be painted on premises.

234. Every person licensed under the authority of this Act to carry on the business of a dealer in marine stores shall cause to be painted in capital letters not less than four inches in height and of a proportionate and proper breadth on the outside of the front of the house in which such business is in such licence stated to be carried on and so that the same shall be at all times plainly 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 painted as

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aforesaid so long as he continues to carry on the said business upon the same premises.

Application for licence.

235. An application for any such licence shall be in such form as the Corporation shall from time to time require and shall be signed by the applicant and shall specify the Christian name and surname and place of abode of the applicant and the place where such business is proposed to be carried on.

Duration of licence.

236. Every such licence shall be signed by the town clerk 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 be appointed by the Corporation as they are hereby authorised to do.

Contents of licence.

237. There shall be specified in every such licence the true Christian name and surname and place of abode of the applicant 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 and registration of licence.

238. For every such licence and for every renewal thereof there shall be paid to the town clerk such sum not exceeding twenty shillings as the Corporation shall direct and the town clerk shall enter such licences in a register to be provided and kept by the Corporation for that purpose.

Notice of change of abode and of place of business.

239. Whenever a licensee changes his place of abode or the place of carrying on his said business or carries 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 town clerk 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 shall within three days after such change produce his licence at the office of the town clerk who shall endorse thereon a memorandum specifying the particulars of such change.

Penalty on carrying on business without licence and other offences.

240. Any person who commits any of the following offences (that is to say):

carries on within the borough the business of a dealer in marine stores without having obtained a licence for such purpose; or

makes any wilfully false statement in any application for a licence, or

having obtained a licence neglects or omits to cause his Christian name and surname together with the words "licensed dealer in

marine stores" to be painted and continued as required by this Act, or

neglects or omits to give any notice by this Act required to be given to the town clerk by licensees or to produce his licence as directed by this Act

shall be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding five pounds for every day during which such business is carried on contrary to the provisions of this Act: Provided that this provision shall not come into operation with respect to persons carrying on such business beyond the townships of Birkenhead and Claughton-cum-Grange until the first day of January after the commencement of this Act and that all licences granted to persons carrying on the said business within the said townships and in force at the time of the commencement of this Act shall continue in force until the first licensing day after the commencement of this Act.

Licences may be suspended or revoked.

241. Any such licence may be suspended or revoked by any court before whom the licensee is convicted of any offence which in the opinion of the court renders it expedient that such licence should be suspended or revoked.

Saving for ship chandlers or rope makers.

242. Nothing in this Act contained with respect to dealers in marine stores shall relate to or affect persons who carry on the business of a general ship chandler or that business and the business of a rope maker and who only occasionally deal in second-hand marine stores.

XX.—Financial.

Expenses of executing Act.

243. All expenses incurred by the Corporation in carrying into execution the provisions of this Act except such of those expenses as are payable out of borrowed moneys or out of the borough fund and borough rate under any general Act of Parliament or this Act and except so far as any such expenses may be defrayed out of revenue derived from the gas or water or ferries or markets undertakings or any of them or from any other property of the Corporation or be recovered from the owners or occupiers of premises or other persons or be defrayed out of the interest rate leviable under this Act shall be paid out of the district fund and general district rate leviable under the Public Health Act 1875.

Power to rate prospectively and retrospectively.

244. The Corporation may make any rate prospectively in order to raise money to pay charges and expenses to be incurred after the making of the rate or retrospectively in order to raise money to pay charges and expenses incurred at any time within twelve

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months before the making of the rate or partly prospectively and partly retrospectively.

Books to be evidence.

245. The books of the Corporation shall be received as primâ facie evidence of all matters therein entered under the provisions of any of the repealed Acts or this Act.

Assessments in one book.

246. The Corporation may include in one rate book the assessments of all or any of the rates which they are authorised to levy.

Rating of owner instead of occupier.

247. In the case of all rates leviable by the Corporation the owner instead of the occupier may at the option of the Corporation be rated in cases where he might be rated under section 211 subsection (1) of the Public Health Act 1875.

Rates due from owner may be recovered from occupier.

248. When the owner of any premises is rated by the Corporation in respect thereof to any rate and the rate remains unpaid for the space of three months the Corporation may recover the amount of such rate from the occupier of such premises by distress and sale of his goods and chattels in like manner as rates may be recovered from the occupiers of any property liable to be rated. Provided that no occupier shall be required to pay nor shall his goods and chattels be distrained for any further sum than the amount of rent due from him at the time of the demand made upon him for such amount of rate or which shall after such demand and notice not to pay the same to his landlord at any time accrue and become payable by him unless he shall refuse on application being made to him for that purpose by or on behalf of the Corporation truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable but the burthen of proof that the sum demanded from any such occupier is greater than the rent which was due by him at the time of such notice or which shall have since accrued shall lie upon the occupier.

Penalty on occupier refusing to give name of owner.

249. If on the request of the Corporation or of any collector of the said rates the occupier of any premises refuses or wilfully omits to disclose or wilfully mis-states to the Corporation or collector making such request the name of the owner of such premises or of the person receiving or authorised to receive the rents of the same such occupier shall be liable to a penalty not exceeding five pounds.

Occupier may deduct amount paid by him from rent.

250. If the amount of any rate to which the owner of any premises is rated under the provisions of this Act be paid by the occupier of such premises or levied on his goods and chattels then the owner of such premises at the time of such payment or levy shall reimburse the occupier and such occupier may deduct the sums paid or levied together with the cost of the distress (if any) paid

by him from any rent due or to become due from him in respect of such premises and the payment shall be a good and sufficient discharge to such occupier against such owner for so much money as he shall have paid in the manner directed by this Act or shall have sustained the loss of by reason of any distress made under this Act or such occupier may recover summarily the same from such owner.

Collection of rates by overseers.

251. For the purpose of facilitating the collection of rates the Corporation may require the overseers of the poor for the several parishes wholly or partly within the borough to collect together with the borough rate all or any of the other rates leviable by the Corporation Provided that every demand note and rate receipt shall specify the amount in the pound and purposes of each such rate Provided further that if any additional labour or expense is thrown on the overseers under this section the Corporation shall pay to the overseers such reasonable allowance in respect thereof as the Corporation see fit.

Rates to be recoverable by distress or action.

252. If any person assessed to any rate made by the Corporation fails to pay the same when due for the space of fourteen days after personal demand thereof or demand in writing left at the usual or last known place of abode or business of such person the same may be recovered and levied by distress and sale of his goods and chattels by warrant under the hand and seal of any justice and the overplus (if any) of the moneys raised by such distress and sale shall be returned to the owner of the goods and chattels after deducting all charges attending such distress and sale. Provided that nothing herein contained shall prevent the Corporation from recovering any such rate where the amount due exceeds the sum of five pounds by action in any court of competent jurisdiction.

Audit of accounts. 5 & 6 Will. 4. c. 76.

253. (1.) All the accounts of the Corporation whether in the capacity of a municipal authority sanitary authority or authority for the execution of this Act or otherwise shall (notwithstanding anything in the Municipal Corporations Act 1835 or any other Act of Parliament) be made up to the end of the twenty-fifth day of March in each year and shall be audited as soon as conveniently may be after that date in each year and the financial year of the Corporation shall for all purposes be deemed to begin on the twenty-sixth day of March and to end on the twenty-fifth day of March in the ensuing year.

(2.) The Corporation may from time to time appoint and remove a competent person to audit all their accounts and may award to him and to any person who may be appointed to assist him such salary or remuneration as they think fit and so long as all the accounts of the Corporation are regularly audited by an auditor

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appointed under this section no auditors or auditor elected or appointed under the Municipal Corporation Acts shall be entitled to receive any remuneration.

(3.) After the audit in each year the borough treasurer shall make out and shall cause to be printed a full abstract of all the accounts for the year and a copy thereof shall be open to the inspection of all the inhabitants of the borough and copies thereof shall be sold to all ratepayers of the borough on their application and on payment of a reasonable sum for each copy.

Temporary provision.

254. Any accounts of the Corporation which would have been audited between the passing of this Act and the twenty-fifth day of March in the year 1882 if this Act had not passed shall be audited as soon as may be after the twenty-fifth day of March 1882 and not before.

Poll at election of auditors. 38 & 39 Vict. c. 40.

255. Notwithstanding anything in the Municipal Elections Act 1875 or any other Act contained in the event of a poll for the election of an auditor or auditors of the borough the poll of the burgesses may be taken for the whole borough at the town hall or some other place to be appointed by the Council and it shall not be necessary to take the poll in each ward of the borough.

Power to raise money to pay off mortgages and bonds.

256. And whereas the sums owing by the Corporation on mortgage or bond amounted on the twenty-fifth day of March one thousand eight hundred and eighty-one to the sum of eight hundred and eighty-nine thousand and thirty pounds and consisted of the following sums (that is to say):

The gas and water debt amounting to the sum of three hundred and fifty thousand four hundred and forty-seven pounds:

The Tranmere general debt amounting to the sum of thirty-three thousand two hundred and eighty-one pounds authorised to be raised by the Tranmere Local Board:

The Tranmere water debt amounting to the sum of thirty-five thousand seven hundred and forty-two pounds:

The Oxton debt amounting to the sum of three thousand seven hundred and twenty-five pounds authorised to be raised by the Oxton Local Board:

The Bebington debt amounting to the sum of three hundred and seventy-eight pounds authorised to be raised by the Bebington Local Board:

The general mortgage debt of Birkenhead and Claughton hereinafter called the Birkenhead and Claughton debt amounting to the sum of four hundred and sixty-five thousand four hundred and fifty-seven pounds which sums amount in the whole to eight hundred and eighty-nine thousand and thirty pounds:

Be it enacted that the Corporation may raise on the security of all and every the rates tolls and other revenues and receipts of the Corporation from whatever source derived and by all or any of the modes by this Act prescribed such sums as they may from time to time require not exceeding in the whole the said sum of eight hundred and eighty-nine thousand and thirty pounds for paying off mortgages or bonds from time to time falling due or which may be surrendered under the powers of this Act.

Power to raise money for purposes of Act.

257. In addition to the existing Corporation debt the Corporation may raise on the security of all and every the rates tolls and other revenues and receipts of the Corporation from whatever source derived and by all or any of the modes by this Act authorised such sums as they may from time to time require

for ferry purposes not exceeding forty thousand pounds

for the Town Hall Sessions Court and other buildings not exceeding sixty thousand pounds and

for street and other improvements not exceeding twenty-one thousand pounds.

Power to re-borrow.

258. If the Corporation pay off any securities by this Act authorised otherwise than by a sinking fund they may in manner aforesaid re-borrow the amount so paid off and so from time to time but all money re-borrowed shall be repaid within the period (if any) prescribed in the case of the original loan and as if it were part thereof.

Conversion of existing securities.

259. (1.) The holder of any mortgage or bond of the Corporation in force at the commencement of this Act may agree with the Corporation to surrender the same and to take in exchange a mortgage or mortgages or debenture stock of equivalent value issued under the powers of this Act.

Power for Corporation to redeem mortgages and bonds.

(2.) Any person who holds any such mortgage or bond and who is one of the persons enabled by the Lands Clauses Consolidation Act 1845 to sell land under that Act may consent to any arrangement under this Act for the conversion of such mortgage or bond into a security or securities granted under this Act or to the payment of the moneys secured thereby before the time limited for the payment thereof as if such person were the absolute owner in his own right of such mortgage or bond and such person is hereby indemnified for so doing.

(3.) All securities granted under this Act in substitution for or on account of any such mortgage or bond or the moneys secured thereby shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as

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immediately before the conversion or payment thereof affected such mortgage or bond or the moneys secured thereby and so as to give effect to and not to annul any testamentary or other disposition of or affecting the same and every such disposition shall take effect with reference to a proportionate amount of the substituted stock and moneys.

Payment of interest.

260. Interest on the gas and water debt (including the Tranmere water debt) and payments to the sinking fund for discharge of that debt shall be paid by the Corporation out of the revenues of their gas and water undertakings and interest on the remainder of the Corporation debt and on the moneys borrowed under this Act and payments to any sinking fund for discharge of any part thereof shall so far as such interest and payments are not paid and provided out of any income of the Corporation under this Act or otherwise be paid and provided by the Corporation out of the interest rate to be made and levied under the authority of this Act.

If at any time the revenues of the gas and water undertakings prove insufficient to meet the whole of the interest on the gas and water debt and the payments to the sinking fund then the deficiency shall be made good out of the said interest rate.

Making and levying interest rate.

261. The Corporation shall from time to time provide all moneys by this Act directed to be paid out of the interest rate by making and levying a special rate to be called the interest rate in like manner and with the like exemptions and subject to the like provisions as the general district rate under the Public Health Act 1875.

Provided that until the portion of the borough which formerly was included in the district of the Higher Bebington Local Board is supplied with water by the Corporation the amount in the pound of any such interest rate on the property in that portion shall not so far as regards interest on debt existing at the commencement of this Act exceed one-half the amount in the pound of such rate on property in the residue of the borough.

Power to mortgage rates and revenues.

262. The Corporation may secure the repayment of all or any moneys which they are authorised to raise under this Act by mortgage of all or any of the rates tolls and revenues of the Corporation from whatever source derived.

Form of mortgages.

263. Every mortgage made by the Corporation shall be by deed under their common seal duly stamped and truly stating the consideration: All the mortgages of the Corporation under this Act shall rank together without any priority on account of the date of the deed or on any other account, and the provisions

contained in sections 236 to 239 both inclusive of the Public Health Act 1875 with respect to the mortgages to be executed by a local authority shall apply in the case of all mortgages granted under the powers of this Act except where any such provisions are expressly altered or varied by this Act and for the purposes of such application the term local authority in the said provisions shall be construed to mean the Corporation.

Power to create debenture stock.

264. For enabling the Corporation to create a continuing stock the following provisions shall have effect (that is to say):

(1.) The Corporation may raise any money which they are by this Act or otherwise authorised to raise by creation and issue at such times in such amounts and manner at such price on such terms subject to such conditions and with such rights and privileges as they think fit of stock to be called Birkenhead Corporation Debenture Stock bearing interest at any rate not exceeding the rate of five pounds per annum for every one hundred pounds thereof payable half-yearly or otherwise and redeemable (at the option of the Corporation) at par at such times and on such conditions as the Corporation think fit:

(2.) The debenture stock shall have all the incidents of personal estate:

(3.) The Corporation shall cause entries of the debenture stock from time to time issued by them to be made in a register with the names and addresses of the holders and the amounts of their holdings:

(4.) The register shall be accessible for inspection at all reasonable times to mortgagees and holders of debenture stock of the Corporation and to duly authorised agents of such mortgagees and holders without charge:

(5.) No notice of any trust expressed implied or constructive shall be entered on the register or be receivable by or affect the registrar:

(6.) The Corporation may from time to time appoint such person or bank as they may think fit to be the registrar for the purposes of this Act and may from time to time rescind any such appointment and the person or bank so appointed shall have all the powers and duties of the registrar under this Act subject to such directions as may from time to time be given by the Corporation:

(7.) Debenture stock shall entitle the holder to the rights and powers of a mortgagee of the Corporation other than the right to require payment of the nominal principal money represented by the debenture stock:

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(8.) The debenture stock issued by the Corporation under this Act and the interest thereon and the money required for the redemption thereof shall be charged indifferently on all the rates tolls and revenues of the Corporation from whatever source derived subject to all charges existing at the commencement of this Act on such rates tolls and revenues respectively.

(9.) All moneys arising from the issue of any debenture stock at a premium shall be carried to and applied as part of the sinking fund applicable to the redemption of that stock.

Priority of stock not to be affected by time of creation thereof.

265. No holder of any portion of debenture stock created and issued under this Act shall have any priority or preference by reason of the creation or issue of such portion of stock before the creation or issue of any other portion of stock.

Power for trustees to invest in debenture stock.

266. Subject to the provisions of this Act as to stock certificates to bearer and coupons trustees or other persons for the time being having power to invest any moneys in nominal debentures or nominal debenture stock issued under the Local Loans Act 1875 shall have power to invest such moneys in debenture stock issued under this Act: Provided that where two or more persons are successively interested in the trust funds no such investments shall be made at a price exceeding the redemption value of the stock.

Receipt for interest of joint holders.

267. If two or more persons are registered as joint holders of any stock any one of such persons may give effectual receipts for any interest on such stock unless notice to the contrary is given to the Corporation by any of the joint holders.

Interest warrants by post.

268. (1.) The registrar may from time to time make arrangements for payment of interest on debenture stock by sending warrants through the post and every warrant so sent shall be deemed a cheque within the meaning assigned to that term in the Crossed Cheques Act, 1876.

39 & 40 Vict. c. 81.

(2.) Where a holder of debenture stock desires to have his interest warrants sent to him by post he shall make a request for that purpose to the registrar in writing signed by him in a form approved by the registrar and shall give to the registrar an address in the United Kingdom or in the Channel Islands or the Isle of Man to which the letters containing the warrants are from time to time to be sent.

(3.) The posting by the registrar of a letter containing an interest warrant addressed to a holder of debenture stock at his request under this Act at the address given by him to the registrar shall as respects the liability of the Corporation and registrar be equivalent

to the delivery of the warrant to the said holder of debenture stock himself.

Certificate of debenture stock.

269. On the application of any holder of debenture stock the Corporation shall issue to him a certificate stating the amount of stock held by him and such certificate shall be admitted in all courts as primâ facie evidence of the title of such stockholder his executors administrators successors or assigns to the sum therein specified.

Renewal of certificate.

270. If any such certificate be worn out or damaged the same may on the production thereof be cancelled and another similar certificate may be given to the holder of the stock therein specified or if such certificate be lost or destroyed then on proof thereof to the satisfaction of the Corporation a similar certificate may be given to the holder of the stock specified in the certificate so lost or destroyed and in either case a due entry of the substituted certificate shall be made in the register and for every such certificate given in pursuance of this section a fee not exceeding two shillings and sixpence may be demanded.

Transfer of debenture stock.

271. (1.) Books shall be kept by the registrar wherein all transfers of debenture stock shall be entered, and every such entry shall be signed by the transferor or by his attorney thereunto lawfully authorised by writing under his hand attested by at least one witness.

(2.) The transferee may if he thinks fit underwrite his acceptance of the transfer.

(3.) The instrument of transfer may be in the following form that is to say—

I (*A.B.*) of in consideration of
the sum of pounds paid to me by (*C.D.*)
of do hereby transfer to the said
(*C.D.*) his executors administrators and
assigns the sum of Birkenhead Corporation
debenture stock standing in my name in the register of such stock and all my property right and interest in and to the same and the interest thereon.

In witness whereof I have hereunto set my hand this
day of
one thousand eight hundred and

Closing transfer books for transfers.

272. (1.) The transfer books may be closed for transfers during such time (not exceeding fifteen days) immediately preceding each half-yearly payment of interest on the debenture stock as may be directed by the Corporation on their giving not less than seven

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days' notice of such closing by advertisement in one or more local newspapers circulating in the borough.

(2.) The persons who on the day of such closing are inscribed in the register as holders of stock shall as between them and their transferees of any stock be entitled to the interest then next payable on such stock.

Transmission of debenture stock.

273. (1.) The executors [or administrators of a deceased holder of debenture stock shall be the only persons recognized as having any title to the stock of such holder or any interest thereon.

(2.) Any person becoming entitled to any stock in consequence of the death bankruptcy or insolvency of any holder or in consequence of the marriage of any female holder or otherwise than by transfer of the stock shall produce such evidence of his title as may reasonably be required by the registrar and the person so becoming entitled to any stock may transfer such stock to another person without being registered himself.

(3.) The Corporation shall not be required to allow any executors or administrators to transfer any debenture stock until the probate of the will or the letters of administration to the deceased has or have been left with the registrar for registration.

Register to be evidence.

274. The register kept under the provisions of this Act shall be evidence of all matters therein entered under the provisions of this Act and of the title of persons entered therein as owners of any debenture stock.

Stock certificates to bearer.

275. (1) Subject to the provisions of this Act with respect to trustees the registrar if so authorised by the Corporation shall on application and payment of the fees chargeable in pursuance of this Act grant to a holder of debenture stock a certificate (in this Act called a stock certificate to bearer) which shall entitle the bearer to the stock therein specified and shall be transferable by delivery:

(2) A stock certificate to bearer shall not be granted in respect of any sum of debenture stock not being fifty pounds or a multiple of fifty pounds:

(3) Any stock in respect of which a stock certificate to bearer has been so issued shall so long as such certificate is outstanding cease to be transferable in the transfer books.

Coupons attached to stock certificates.

276. (1) There shall be attached to every stock certificate to bearer coupons entitling the bearer to the interest on the stock described in such stock certificate for a limited period.

(2) On the expiration of the period for which the coupons attached to a stock certificate to bearer have been issued the registrar may issue fresh coupons for a further limited period in respect of such certificate or may exchange the certificate for

another certificate with coupons for a further limited period and so for successive periods.

(3) Coupons shall be payable on presentation at the office of the registrar or at any bank in that behalf mentioned in the coupon within three clear days from the day of presentation.

(4) The payment to the bearer of any coupon of the amount expressed therein shall be a full discharge to the registrar and the Corporation from all liability in respect of that coupon and the interest represented thereby.

Registration of bearer of stock certificate.

277. On delivery to the registrar of a stock certificate to bearer issued under this Act and of all unpaid coupons belonging thereto and on payment of any required fees the registrar shall enter the bearer in the register as holder of the stock described in the certificate and thereupon that stock shall become transferable in the transfer books and the interest thereon shall thenceforth be payable as if no stock certificate to bearer had been issued in respect thereof.

Trustees not to hold stock certificates to bearer.

278. A trustee shall not apply for or hold a stock certificate to bearer or a coupon unless authorised so to do by the terms of his trust but this provision shall not impose on the registrar an obligation to inquire whether a person applying for a stock certificate to bearer is or is not a trustee or subject the registrar or the Corporation to any liability in the event of his issuing to a trustee a stock certificate to bearer or coupon or dealing with a trustee as the holder of a stock certificate to bearer or coupon or invalidate any stock certificate to bearer or coupon issued to a trustee.

Loss or destruction of stock certificate or coupon.

279. If any stock certificate to bearer or coupon issued under this Act is lost or destroyed the registrar may on receiving indemnity to his satisfaction issue a fresh stock certificate to bearer or coupon in lieu of that lost or destroyed.

General provision as to stock comprised in stock certificate to bearer.

280. Save in so far as relates to the mode of transfer and payment of interest thereon any debenture stock comprised in a stock certificate to bearer issued under this Act shall be a charge on the same securities and be subject to the same powers of redemption and (save in so far as such stock certificate is a negotiable security) to the same incidents in all respects as if it had continued registered in the register as stock transferable therein.

Fees in respect of stock certificates to bearer.

281. There shall be charged with respect to the several proceedings in relation to stock certificates to bearer such reasonable fees as may be from time to time determined by the Corporation

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Provided that where the registrar in lieu of issuing fresh coupons in respect of a stock certificate to bearer gives in exchange a fresh stock certificate to bearer with coupons annexed no fee shall be charged in respect of such fresh stock certificate to bearer.

All fees payable in pursuance of this section shall be payable to the registrar and shall be carried to the borough fund.

Arrangements with bank.

282. The Corporation may from time to time enter into such arrangements with any bank as they think proper for carrying into effect the provisions of this Act with reference to the creation and transfer of debenture stock and the management thereof and the keeping of the register and any other matters and for the proper remuneration of the bank with reference thereto.

Special provisions if Bank of England become registrar.

283. In the event of the Bank of England becoming the registrar under this Act then so long as the bank continue to act as registrar the following provisions shall have effect (namely):—

(*a*) The bank as registrar may if they see fit require the execution of every instrument authorising an attorney to transfer any debenture stock to be attested by at least two witnesses:

42 & 43 Vict. c. 11.

(*b*) The Bankers' Books Evidence Act 1879 shall apply to the register and to all other books accounts and documents kept by the registrar in pursuance of this Act:

(*c*) The bank as registrar before paying interest on any debenture stock may if the circumstances of the case appear to make it expedient require evidence by a statutory declaration made under the Act 5 & 6 Will. IV. c. 62. or otherwise of the title of any person claiming a right to receive the interest:

(*d*) Where debenture stock is standing in the name of an infant or person of unsound mind jointly with any person not under legal disability a letter of attorney for the receipt of the interest on the stock shall be sufficient authority in that behalf if given under the hand and seal of the person not under disability attested by two or more credible witnesses. The bank as registrar before acting on the letter of attorney may require proof to their satisfaction of the alleged infancy or unsoundness of mind by statutory declaration made under the Act 5 & 6 Will. IV. c. 62. or otherwise.

Corporation may make regulations as to debenture stock.

284. (1) The Corporation may from time to time make alter and rescind with respect to the transfer of debenture stock the issue of stock certificates to bearer and otherwise in relation to such stock reasonable regulations not inconsistent with the provisions of this Act.

(2) A printed copy of all regulations with respect to the transfer of debenture stock or otherwise in relation to such stock shall be

entered in the register and any such regulations for the time being in force shall be duly observed.

Expenses of execution of provisions relating to debenture stock.

285. The expenses from time to time incurred by the Corporation in the execution of the provisions of this Act relating to debenture stock issued under this Act and any composition for stamp duty in respect of such stock shall be defrayed by the Corporation out of the borough rate or interest rate.

Land sold to be free from charges.

286. When any land rents or other property is or are sold demised or otherwise disposed of by the Corporation the same shall in the hands of any person or body corporate to whom the same shall have been sold demised or otherwise disposed of and his or their heirs executors administrators successors and assigns be absolutely free from all claims charges or obligations in respect of any mortgage or debenture stock granted or issued under this Act and such person or body corporate shall not be bound to see to or inquire into the application by the Corporation of the money arising from such sale demise or disposition or be in any way responsible for the non-application or mis-application thereof.

Protection of lenders from inquiry.

287. A person lending money to the Corporation shall not be bound or entitled to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Saving existing charges.

288. Nothing in this Act shall prejudicially affect any charge on the corporate estates of the Corporation and the borough fund and borough rates and the district fund and general district rates or any of them by way of annuity mortgage or otherwise subsisting at the commencement of this Act and every annuitant mortgagee or incumbrancer or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the property subject to his charge as if this Act had not been passed and all such charges created before the commencement of this Act shall during the subsistence thereof have priority over any mortgage or debenture stock granted under this Act.

Periods for discharge of debt.

289. The gas and water debt now owing by the Corporation shall be paid off and discharged within seventy years from the date of the commencement of this Act. The Tranmere debt and the Oxton debt and the Bebington debt (herein-after called the local board debts) shall be paid off and discharged within the respective periods for which the respective loans are sanctioned. The Birken-

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head and Claughton debt shall be paid off and discharged within one hundred years from the date of the commencement of this Act. The moneys borrowed under this Act in addition to the existing Corporation debt shall be paid off and discharged within seventy years from the dates of borrowing the same respectively. The discharge of the local board debts shall be effected by instalments to be paid out of the interest rate in like manner as if this Act had not been passed and the discharge of the other debts aforesaid shall be effected by means of sinking funds in manner herein-after mentioned.

Sinking funds for discharge of debt.

290. (1.) For the discharge of the said gas and water debt of the Birkenhead and Claughton debt and of any moneys borrowed under this Act in addition to the existing Corporation debt respectively the Corporation shall establish sinking funds to be called respectively—

The Gas and Water Sinking Fund.

The Birkenhead and Claughton Sinking Fund.

The New Sinking Fund.

(2.) Such equal yearly or half-yearly sums shall be paid into each of those sinking funds out of the prescribed sources in each year as being accumulated at compound interest at the rate of three pounds ten shillings per centum per annum will be sufficient after payment of all expenses to discharge the respective debts within the periods in that behalf respectively laid down by this Act.

(3.) The prescribed sources shall be as follows that is to say:—

In the case of the Gas and Water Sinking Fund (*a*) the revenue of the Gas and Water undertakings and (*b*) the interest rate.

In the cases of the Birkenhead and Claughton Sinking Fund and of the New Sinking Fund (*a*) any moneys arising from the sale of lands and other moneys applicable in that behalf under this Act and (*b*) the interest rate.

(4.) The first payments into the Gas and Water Sinking Fund and the Birkenhead and Claughton Sinking Fund shall be made on the expiration of one year from the commencement of this Act and the first payment into the New Sinking Fund shall be made on the expiration of one year from the date of first borrowing any part of the sum of one hundred and twenty-one thousand pounds authorised to be borrowed under this Act.

(5.) All sums paid into any sinking fund shall be as soon as may be invested by the Corporation in securities in which trustees are for the time being authorised by law to invest or in any mortgages bonds debentures or debenture stock of any municipal corporation

(including the Corporation) or of any local board or of any company incorporated by Act of Parliament and paying dividends on its original capital and any such investments may be from time to time varied or transposed and all dividends or other income received in respect of such investments shall as soon as may be after they are received be paid into the sinking fund and invested by the Corporation in like manner.

(6.) The Corporation may from time to time apply any sinking fund or any part thereof in or towards the discharge of the moneys or the redemption of the stock to the discharge or redemption whereof it is applicable and until such discharge or redemption is effected shall not apply the same for any other purpose.

(7.) Any surplus of any sinking fund remaining after the discharge of the moneys or the redemption of the stock to which it was applicable shall be paid and applied in such manner as the Corporation may think expedient.

(8.) Where any part of a sinking fund is invested in any securities of the Corporation or is applied in paying off any moneys or in redeeming any stock before the expiration of the period prescribed for such discharge or redemption the interest which would otherwise be payable on such moneys or stock shall be paid into that sinking fund and invested and accumulated in manner herein provided.

(9.) If the annual income of a sinking fund is not less than the annual interest payable on so much of the debt in respect of which it was created as remains undischarged the equal yearly or half-yearly sums required by this section to be paid into that sinking fund may cease to be so paid.

Further provisions as to Birkenhead and Claughton Sinking Fund. 21 & 22 Vict. c. lxxxv.

291. The amount which at the commencement of this Act shall be standing to the credit of the interest reserve fund and general mortgagees' fund established under sections fifteen and seventeen of the Birkenhead Improvement (General Mortgagees) Act 1858 shall be carried to the Birkenhead and Claughton Sinking Fund and credit shall be given for that amount in estimating the sums by this Act required to be paid into that sinking fund and the amount of debt paid off by means of such application shall not again be raised.

Annual return to Local Government Board with

292. The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act transmit to the Local Government Board a return in such form as may be prescribed by

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respect to sinking fund.

that Board and verified by some responsible officer of the Corporation by statutory declaration if so required by the said Board showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same and the interest thereof has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to set aside the sum required by this Act for any sinking fund or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court of Justice.

Capital of the gas and water undertakings to be separate.

293. And whereas in order to facilitate the audit of the accounts of the Corporation it is desirable that the capital of the gas undertaking of the Corporation should be divided from that of the water undertaking and that the division should be made by taking the sum paid at the time of the purchase by the Improvement Commissioners of the undertaking of the Birkenhead and Claughton Gas and Water Company as two-thirds of such sum for gas and one-third for water adding thereto the sum since expended on the several undertakings and charged to capital and whereas the total capital of the Birkenhead and Claughton gas and water undertakings amounts to the sum of three hundred and sixty-seven thousand six hundred and fifty-four pounds Be it enacted that the sum of two hundred and thirty-three thousand one hundred and ninety-six pounds of the total capital shall be considered as forming the capital of the gas undertaking formerly belonging to the Improvement Commissioners and that the balance amounting to one hundred and thirty-four thousand four hundred and fifty-eight pounds shall be considered as forming the capital of the water undertaking of the Improvement Commissioners and that the sum of forty-six thousand one hundred and sixty-three pounds being the sum expended shall be considered the capital of the water undertaking of the Tranmere Local Board.

Separate accounts to be kept.

294. The Corporation shall keep separate accounts:—

(1.) Of their receipts payments assets and liabilities with respect to their gas undertaking and supply of gas or artificial light to be called the Gas Account:

(2.) Of their receipts payments assets and liabilities with respect to their water undertaking and supply of water to be called the Water Account:

(3.) Of their receipts payments assets and liabilities with respect to their ferry undertaking to be called the Ferry Account.

(4.) Of their receipts payments assets and liabilities with respect to their market undertaking to be called the Market Account and

(5.) Of their receipts payments assets and liabilities with respect to any other subject matter under this Act which ought as a matter of correct book-keeping to form the subject of a separate account.

Application of moneys carried to gas account.

295. All moneys received by the Corporation and carried to the credit of the gas account other than borrowed moneys shall be applied as follows (that is to say):

(1.) In maintaining repairing and renewing from time to time the gas works mains machinery and other appliances.

(2.) In paying so much of the interest on the debt of the Corporation as may be applicable to and borrowed for the gas undertaking.

(3.) In making the payments into the Gas and Water Sinking Fund required by this Act and in making and providing the payments into any other gas sinking fund or the instalments required by any other Act passed during this session of Parliament.

(4.) In paying one-half of the remaining net profits to the credit of the Borough Fund.

(5.) The other half of such net profits shall be applied in reduction of the price of gas as and when the Corporation see fit.

Application of moneys carried to water account.

296. All money received by the Corporation and carried to the credit of the water account other than borrowed moneys shall be applied as follows that is to say:

(1.) In maintaining repairing and renewing from time to time the waterworks mains machinery and other appliances.

(2.) In paying so much of the interest on the debt of the Corporation as may be applicable to and borrowed for the water undertaking.

(3.) In making the payments into the Gas and Water Sinking Fund required by this Act and in making and providing the

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payments into any other water sinking fund or the instalments required by any other Act passed during this session of Parliament.

(4.) In paying one-half of the remaining net profits to the credit of the Borough Fund.

(5.) The other half of such net profits shall be applied in reduction of the price of water as and when the Corporation see fit.

Application of £121,000. borrowed for general purposes of Act.

297. The sum of one hundred and twenty-one thousand pounds authorised to be borrowed under this Act for the general purposes of this Act shall be applied as follows that is to say :

For ferry purposes a sum not exceeding -	£40,000
For Town Hall Sessions Court and other buildings a sum not exceeding - - - -	£60,000
For street and other improvements a sum not exceeding - - - - -	£21,000
	£121,000

Provided that such moneys shall be applied only to purposes to which capital is properly applicable.

Power to subscribe to Liverpool and Birkenhead Subway. 43 & 44 Vict. c. clii.

298. And whereas by the Liverpool and Birkenhead Subway Act 1880 it is enacted that the mayor aldermen and citizens of the city of Liverpool and the mayor aldermen and burgesses of the borough of Birkenhead respectively (therein-after called the Corporations of Liverpool and Birkenhead) and the Mersey Docks and Harbour Board (therein-after called the Dock Board) or one or more of them may subscribe or contribute funds towards the capital of the company incorporated by the said Act and may respectively take and hold shares therein to any extent not exceeding the sum of one hundred and twenty-five thousand pounds each or may respectively guarantee the payment of interest dividend annual or other payments on shares or stock of the company of an amount not exceeding that sum or the principal and interest of any loan of equivalent amount which may be raised by the company under the powers of that Act and that the Corporations of Liverpool and Birkenhead may respectively apply to all or any of such purposes their city fund and borough fund respectively and whereas the said Act contains no provisions for authorising the Corporation of Birkenhead to raise or borrow money necessary for such purposes : Be it therefore enacted that it shall be lawful for the Corporation from time to time to borrow and raise at interest on all or any of the securities and in all or any of the modes on and in which they are authorised to borrow for purposes of this Act such sum or sums

of money not exceeding in the whole the said sum of one hundred and twenty-five thousand pounds as they may from time to time require for enabling them to carry into execution the powers conferred on them by the above-recited enactment.

The Corporation if they take any shares in the capital of the said Company or if they at any time give any guarantee under the said Liverpool and Birkenhead Subway Act may by writing under their common seal from time to time appoint some person to attend any meeting of the Liverpool and Birkenhead Subway Company or of any commissioners or other public trust to whom the undertaking of the said company may be transferred and such person shall have all the privileges and powers attaching to shareholders at such meetings and shall be entitled to such number of votes in respect of any shares taken or moneys guaranteed by the Corporation as if he were the holder of such shares or as if the aggregate amount of those moneys were divided into ten pound shares and he were the holder of such shares.

Every such appointment by the Corporation of any person to vote on their behalf shall be delivered to such company commissioners or other public trust as aforesaid and kept with their records and shall be at all reasonable times open to the inspection and transcription of all parties interested and every such instrument shall as between the Corporation and the said company commissioners or other public trust as aforesaid be sufficient evidence of the facts therein stated.

Corporation not to regard trusts.

299. The Corporation shall not be bound to see to the execution of any trust whether express or implied or constructive to which any loan or security for loan given by them may be subject whether or not the Corporation have had express or implied notice of any trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest therein not entered in their books and the Corporation shall not be bound to see to the application of any money paid on the receipt of the person in whose name any loan or security for loan stands in their books or of his personal representatives nor shall the Corporation be answerable or accountable for any loss misapplication or non-application of any such money.

XXI.—Arbitration and Legal Matters.

Settlement of disputes as to compensation.

300. Where any compensation damages costs charges or expenses is or are by this Act directed to be paid and the method of ascertaining the amount thereof is not provided for such amount shall in case of dispute be ascertained and determined by arbitration.

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Unless both parties concur in the appointment of a single arbitrator each party shall appoint an arbitrator.

Settlement of claims under £20.

301. All questions referable to arbitration under this Act may when the amount in dispute is less than twenty pounds be determined in the manner provided by section 181 of the Public Health Act 1875 and that section shall apply accordingly.

Application of provisions of Public Health Act as to arbitrations.

302. The provisions contained in the one hundred and eightieth section of the Public Health Act 1875 with respect to arbitrations shall extend to and be applicable in the case of any arbitration under this Act.

Prosecution and recovery of offences and penalties.

303. All offences penalties forfeitures costs and expenses by this Act or any Act incorporated herewith or any byelaw thereunder authorised or directed to be prosecuted or recovered summarily or in a summary way or before any justices or justice or the prosecution or recovery of which is not otherwise expressly provided for may be prosecuted and recovered before a court of summary jurisdiction and all penalties recovered summarily within the borough under this Act or any Act incorporated herewith or any byelaw thereunder shall be paid to the Corporation and carried to the Borough Fund.

Appeal to quarter sessions.

304. Any person who deems himself aggrieved by any rate made under the provisions of this Act or by any order conviction judgment or determination of or by any matter or thing done by any court of summary jurisdiction under the powers of this Act may appeal to a court of quarter sessions.

Jurisdiction &c. of borough justices extended.

305. The jurisdiction powers authorities rights privileges and duties of the stipendiary magistrate for the borough and of the justices of the peace appointed for the borough whether acting in petty sessions or out of sessions or otherwise and of all constables of the borough shall extend to and throughout the borough and the whole of the foreshore adjacent to the borough and also to and on board of any vessel lying in the river Mersey and also to any part of the estate of the Mersey Docks and Harbour Board on the Cheshire side of the river Mersey and to 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 to the borough and the said estate of the Mersey Docks and Harbour Board and such extended jurisdiction is in this Act called the stipendiary magistrate's jurisdiction. Provided 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 city of Liverpool or the borough of Bootle or of the justices of the

peace or police of the counties of Lancaster and Cheshire or either of them.

Venue.

306. The venue to be inserted in the margin of all proceedings before the stipendiary magistrate or any justice or justices sitting in quarter sessions or at the police court of the borough where by law a venue is required shall be "borough 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.

Power to apprehend certain offenders.

307. (1.) If any person be found within the stipendiary magistrate's jurisdiction committing any offence punishable on indictment or on summary conviction by virtue of this Act he may be taken into custody without a warrant by any constable of the borough 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 authorised by him and may be detained until he can be delivered into the custody of a constable to be dealt with according to law.

(2.) Every such constable may also within the stipendiary magistrate's jurisdiction enter on and search any carriage or vessel on or in which there is reason to suspect that anything stolen or unlawfully detained may be found and may stop and search any person reasonably suspected of having or conveying in any manner anything stolen or unlawfully detained.

(3.) Any person to whom within the stipendiary magistrate's jurisdiction any property is offered to be sold pawned or delivered if he has reasonable cause to suspect that such property or any part thereof has been stolen or otherwise unlawfully obtained is hereby authorised 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 constable together with such property to be dealt with according to law: Provided that nothing in this section contained shall authorise the detention of any ship or vessel.

Proceedings when offender refuses to state his name.

308. If any person charged with any offence against this Act or any byelaw thereunder refuses to disclose his name all the necessary proceedings may be had and carried on against him for recovery of any penalty forfeiture or damage imposed or incurred by the description of his person and of the offence committed without stating his name or if one only of his names is known all those proceedings may be had and carried on against him by that name only.

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Recovery of rates.

309. All borough general district cemetery library interest and other rates which the Corporation are entitled to levy and raise under this Act or any other Act shall be recoverable and the payment thereof may be enforced in like manner as and with the incidents of poor rates and with the like right of appeal. Provided that it shall not be requisite for a railway company being appellant prior to the prosecution by them of any appeal to enter into any recognizance or make any deposit of money.

Recovery of sums by action.

310. Whenever any person neglects or refuses to pay any penalty forfeiture costs expenses or any rent rate or sum due to the Corporation under this Act the Corporation may recover the same with full costs of suit in any court of competent jurisdiction for the recovery of debts of the like amount and the remedy of the Corporation under this enactment shall be in addition to their other remedies for the recovery of such penalties forfeiture cost and expenses or rent rate or sum.

Settlement by court of amount of damages.

311. Where any damages satisfaction or charges are directed or authorised to be paid or recovered in addition to any penalty or penalties for any offence in this Act mentioned the amount of such damages satisfaction or charges shall be settled and determined by the court before whom the offender is convicted and the court on non-payment thereof shall cause the same to be levied by distress and sale of the offender's goods and chattels.

Securing transient offenders.

312. Any constable or other officer of the Corporation and such person or persons as he may call to his assistance may without any warrant or other authority than this Act seize or detain any person being unknown to such constable or other officer who shall be found committing any offence against this Act and take him as soon as conveniently may be before the nearest justice of the peace for the borough.

Proceedings not to be quashed for want of form.

313. No order verdict rate assessment judgment conviction or other proceeding touching or concerning any offence against this Act or against any rule order or byelaw made by authority thereof shall be quashed or vacated for want of form only.

Proceedings against several persons for the same offence.

314. Where proceedings under this Act are to be taken against several persons in respect of one nuisance caused by their joint act or default the Corporation may if they think fit include them in one complaint and a justice may if he thinks fit include them in one summons and any order made in such a case may be made on all or any one or more of the persons included in the summons and the costs may be distributed as to the court appears fair.

Proceedings against one or more of joint owners or occupiers.

315. In case of any demand or complaint under this Act to which two or more persons being owners or occupiers of lands or partly the one or partly the other are answerable jointly or severally it shall be sufficient to proceed against any one or more of them without proceeding against the others or either of them, but nothing in this Act shall prevent the parties so proceeded against from recovering contribution in any case to which they would be entitled by law to contribution if this Act had not been passed.

Distress on removal of goods.

316. Any justice may issue a warrant of distress against any person for the payment of rates due by him to the Corporation upon the oath of the collector that the rates are due and have been demanded and that the goods of such persons are being removed.

Several sums in one summons.

317. Any summons or warrant issued for any purpose of this Act may contain in the body thereof or a schedule thereto several names and several sums.

Judges not disqualified.

318. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate or other charge under this Act or being interested in any contract under this Act for a supply of water or gas.

Proofs of debts in bankruptcy.

319. If any person against whom the Corporation shall have any claim or demand become bankrupt or enter into any arrangement for the liquidation of his affairs or composition with creditors it shall be lawful for the town clerk in all proceedings against or in the matter of the estate of such bankrupt or insolvent to represent the Corporation and act in their behalf in all respects as if such claim or demand had been the claim or demand of the town clerk and not of the Corporation.

What to be deemed private improvement expenses.

320. The expression "private improvement expenses" means and includes all private improvement expenses expressly declared to be such by or under the Public Health Act 1875 or this Act or any byelaw made in pursuance of either of those Acts also all other expenses at any time incurred by the Corporation for the repayment whereof the owner of the building or lands in respect whereof such expenses may have been or may be incurred is liable under any enactment or byelaw or under any agreement with or by reason of any application of such owner.

Apportionment of private improvement expenses.

321. (1.) Where any private improvement expenses are recoverable by the Corporation from owners of premises under the Public Health Act 1875 or this Act in respect of works executed by the Corporation in any street the Corporation may apportion such expenses among such owners as the Corporation having regard to

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all the circumstances of the case and not merely to frontage may deem most just.

(2.) A person aggrieved by a decision of the Corporation under this section may appeal within twenty-one days after notice in writing of such decision to the stipendiary magistrate who may summon all parties interested to appear before him and may make an order confirming or varying the apportionment in whole or in part and with or without costs to any party as may appear to him just.

(3.) An order of the stipendiary magistrate under this section shall not be subject to appeal or review by any superior court.

Recovery of expenses.

322. All private improvement expenses and all other expenses by this Act or any byelaw thereunder made payable by or recoverable from the owner or occupier of any building or lands or from any other person shall if not paid on demand be recoverable by the Corporation with interest thereon from the expiration of one month after such demand at the rate to be determined by the Corporation not exceeding five pounds per centum per annum in addition to any other mode of recovery which the Corporation may possess either as a debt from such owner or occupier or other person (as the case may be) in any court of competent jurisdiction or by distress and sale of the goods and chattels of such owner or occupier or other person (as the case may be) and any justice may issue his warrant accordingly.

Limit of time for recovery of expenses by Corporation extended.

323. Summary or other proceedings for the recovery of any amount or instalment of any private improvement expenses or other expenses recoverable by the Corporation may be commenced at any time within twelve months from the date of service of a demand for payment of the same.

Power to allow time for repayment of expenses.

324. When any private improvement expenses are recoverable from the owners or occupiers of buildings or lands the Corporation may by resolution allow to the owners or occupiers or any of them time for repayment thereof or of any part thereof and may order the same or any part thereof to be paid either in one sum or by such instalments as the Corporation think fit with interest for the principal money from time to time remaining unpaid after such rate as the Corporation determine but all sums so remaining due notwithstanding that the Corporation agree so to allow time shall from time to time at the expiration of the several times allowed be recoverable from the respective owners and occupiers for the time being both present and future in succession one after another as the same would have been recoverable from the original owner or occupier if no such time had been allowed and with respect to any such

instalment the time limited by this Act or otherwise for the recovery of expenses shall be deemed to run only from the time when such instalment becomes due but the Corporation shall not in any case allow under this section a term exceeding twenty years for the payment of any expenses or of any part thereof.

Expenses to be a charge on premises.

325. All private improvement expenses and other expenses by this Act or any byelaw thereunder made payable by or recoverable from the owner of any building or lands with such interest thereon as by this Act or any such byelaw is provided for shall be a charge on such building or lands in priority to any incumbrance or charge on or affecting the same and created subsequently to the time when the works are commenced.

Recovery by mortgagees in possession of moneys paid by them.

326. Where any premises are in the possession of any mortgagee or other person having in his own right any charge or incumbrance thereon such mortgagee or other person shall have and exercise the same powers and remedies for the recovery of any moneys paid by him in accordance with the provisions of this Act in respect of such premises for forming constructing sewering levelling paving flagging and channelling or otherwise completing any road or street as he has or may exercise for the recovery of the principal money secured by such mortgage or the interest thereof.

Power to enter into possession where owner fails to pay his proportion.

327. Where any private improvement expenses are recoverable from the owner of any building or lands and such owner fails after the same become recoverable to pay the same with all interest thereon or if any such owner is or becomes bankrupt or is after diligent inquiry unknown to the Corporation or cannot be found the Corporation (by way of additional remedy and whether any action or other proceeding against such owner has been brought by them or not) may at any time and from time to time after the expiration of one month from service of a notice to such owner or in case such owner cannot be found after fixing such notice on the premises of their intention to put in force the powers of the present section proceed as follows (namely) :

(1.) The Corporation may enter into receipt of and demand and receive from tenants and occupiers and persons liable the rents and profits of such building or lands and in case of non-payment may use all or any such lawful remedies by way of distress or otherwise for recovering and obtaining payment of the same or any part thereof as may be used by landlords in ordinary cases and may do all things necessary or expedient for recovering and receiving the rents and profits as if they were the owners of the building or lands and the tenants occupiers and persons liable shall pay the rents and profits to the

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Corporation and the receipt of the borough treasurer or of any officer of the Corporation appointed in that behalf shall be and shall alone be an effectual discharge for the same:

(2.) Where any such building or lands is or are unoccupied or unproductive or the owner thereof cannot be found at the time when the Corporation would be entitled under this Act to enter into the receipt of the rents and profits thereof (if any) or at any time afterwards while the claim of the Corporation is unsatisfied then and in every such case and as often as the same happens the Corporation may enter into possession of the building or lands and may occupy enclose and use the same or any part thereof:

(3.) The Corporation may from time to time let from year to year or for any shorter period any such unoccupied or unproductive building or lands or any part thereof and receive the rents and profits thereof as if they were the owners thereof.

Application of rents and profits received.

328. All rents and profits received in respect of any such building or lands as aforesaid shall be applied in the manner and in the order following (namely):

(1.) There shall be paid thereout any chief rent payable in respect of the building or lands:

(2.) There shall be paid thereout all taxes rates assessments expenses of repairs and other outgoings properly payable by the owner in respect of the building or lands and all expenses incurred by the Corporation in relation thereto by reason or in consequence of the failure of the owner thereof to pay any private improvement expenses as aforesaid:

(3.) There shall be retained on behalf of the Corporation the amount which the owner is at the time of the commencement of such receipt by the Corporation liable to pay on account of private improvement expenses and interest in respect of the same or any other buildings or lands in the same or any other street:

(4.) The surplus (if any) shall be paid to the owner his representative or assigns.

Right of Corporation to rents to exclude other rights.

329. Whenever the Corporation so enter into receipt of the rents and profits or in possession of any such building or lands then for and in respect of the period during which their claim against the owner for private improvement expenses is unsatisfied as well after the termination of that period as during its continuance the owner of the building or lands shall not have any right to receive any rents or profits of the building or lands or have any interest

therein except under the provisions of this Act directing the application of rents and profits received by the Corporation and for and in respect of the period aforesaid as well after its termination as during its continuance every or any such right shall as against any lessee of the building or lands or other person taking through or under the Corporation be by virtue of this Act absolutely extinguished.

Saving for special contracts as to expenses of works.

330. Nothing in this Act shall alter the liabilities as between owner and occupier respecting the payment of any expenses made payable or recoverable by this Act or any byelaw thereunder of any owner or occupier as between themselves under any special contract relative thereto made before or after the commencement of the Act.

Persons having partial interests may raise expenses by mortgage.

331. All owners of buildings or lands being tenants for life only and all committees of the estates of lunatics and all trustees seized possessed of or entitled to any estate or interest in any buildings or lands for or on behalf of any person or charity may charge such buildings or lands with such sum as may be necessary to defray the whole or any part of any private improvement expenses which the owners of such buildings or lands for the time being are liable to pay and the expenses of making such charge and for securing the repayment of such sum with interest may mortgage such buildings or lands to any person advancing such sum but so that the principal money due on any such mortgage shall be repaid within twenty years.

Corporation may charge supervision in addition to costs

332. Whenever under this Act or the Public Health Acts the Corporation either on the application or in consequence of the default of the owners or occupiers of any premises execute any work the cost of which is payable by such owners or occupiers they may if they see fit in addition to the actual cost of such works charge and recover in respect of plans sections measuring supervision and all other matters an amount not exceeding five per cent. of the amount of the actual cost of such works.

Recovery of expenses not otherwise provided for.

333. Any expenses incurred under this Act by the Corporation and payable by any owner or occupier of premises or other person and the recovery of which by the Corporation is not otherwise provided for by this Act shall be recoverable by the Corporation summarily or at the option of the Corporation by action in any court of competent jurisdiction.

Apportionment where lands are leased.

334. Whenever any expenses are payable to the Corporation by the owner of any buildings or lands in respect thereof and such buildings or lands are in lease such expenses may be apportioned

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between the lessees and the reversioners of such lands in such proportions as the Corporation may deem equitable: Provided that nothing in this section shall alter the liabilities respecting the payment of expenses as between owner and lessee under any special contract relative thereto.

XXII.—NOTICES.

Form and service of notices by Corporation.

335. (1.) Any instrument (including a notice order resolution requisition declaration requisition consent approval disapproval demand or other document) made given delivered or served by the Corporation under this or any other Act or any byelaw may be either in print or in writing (including lithograph) or partly in print and partly in writing (including lithograph) and shall be sufficiently authenticated by the name of the town clerk or of the surveyor or other proper officer (according to the subject of the particular instrument) being affixed thereto in print or writing or by a stamp on behalf of the Corporation.

(2.) Subject to any express provision of this or of any other Act it shall be sufficient where any such instrument is required to be given to or served on the owner or occupier of any premises to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which it is given or served without further name or description and any such instrument may be addressed to owners or occupiers of any adjoining or neighbouring premises collectively and when so addressed may be served on more owners or occupiers than one so that separate copies be served on the respective owners and occupiers of the premises concerned.

(3.) Any such instrument may be served on any such owner occupier or other person either personally or by sending the same through the post in a letter addressed to him by name at his last known place of abode or business or by delivering the same to some inmate at his last known or usual place of abode or business or in case of an occupier to any inmate of the premises in respect of which it is given or served or if the premises are unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such premises.

(4.) Service by a letter under this section shall be deemed to be effected on the day on which such letter would be delivered in the ordinary course of post.

Service of notices on Corporation.

336. Any notice to or demand on the Corporation under this Act may be served on the Corporation by being delivered to the

town clerk or by being sent through the post in a letter directed to the town clerk in which latter case service shall be deemed to be effected on the Corporation on the day on which such letter would be delivered in the ordinary course of post.

XXIII.—Miscellaneous.

Provision as to byelaws of the Corporation.

337. (1.) All byelaws made under this Act or any of the Improvement Acts may be altered or repealed from time to time by the Corporation and the penalties thereunder shall be recoverable summarily.

(2.) Sections 182 to 186 (both inclusive) of the Public Health Act 1875 (except so much of section 185 as applies exclusively to byelaws made by a rural authority) shall apply to the alteration and repeal of such existing byelaws and to the byelaws made by the Corporation under this Act or any Act incorporated with this Act (except byelaws relating to tramways and ferries) as if they were byelaws made by a local authority under that Act and byelaws made under any Act incorporated with this Act shall not require to be submitted to or to be confirmed by any authority other than the Local Government Board.

(3.) The powers of this Act with respect to byelaws may be exercised by the Corporation at any time after the passing of this Act and any byelaw or alteration or repeal of a byelaw may be confirmed or otherwise dealt with by the confirming authority at any time after the passing of this Act but no new byelaw or alteration or repeal of a byelaw shall come into operation till the commencement of this Act.

Penalty for obstructing the execution of Act.

338. Any person who obstructs assaults hinders or molests any member or officer of the Corporation or any other officer or person appointed or employed by the Corporation in the execution of his duty under this Act or any byelaw made in pursuance thereof shall for every such offence be liable to a penalty not exceeding five pounds.

Saving liability of individual member of Corporation.

339. No member of the Corporation by being party to the exercise of any of the powers given by this Act shall be liable individually to any action prosecution or other legal proceeding and the Corporation may apply any of their funds for the purpose of paying all costs of legal proceedings or damages which any such member may incur in or about the exercise of their powers under this Act.

Corporation may com-

340. When any action or proceeding is brought or instituted by or against the Corporation for anything done or supposed to be done

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pound actions.

in pursuance or by virtue of this Act it shall be lawful as well for the Corporation as for all persons with whom the Corporation shall have any such dispute to compound such action or proceeding without bringing the same to trial.

Powers of Act cumulative.

341. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers conferred on them by Act of Parliament law or custom and the Corporation may exercise such other powers as if this Act had not passed.

Penalty on pulling down notice boards.

342. If any person destroys pulls down injures or defaces any placard or notice or list put up by or under the direction of the Corporation he shall if no other penalty is expressly provided by this Act be liable to a penalty not exceeding five pounds.

Payment of money authorised by the Tranmere Improvement Act, 1862.

343. All sums of money directed by the apportionment made in pursuance of the Tranmere Improvement Act 1862 for constructing a new road or street commencing at the junction of the Tranmere Local Board district with the extra-parochial place of Birkenhead in the county of Chester at Whetstone Lane and terminating at a point in the same district adjoining a road or intended road leading or intended to lead therefrom to the village of Higher Bebington at present unpaid shall be from time to time paid and discharged as if the said Tranmere Local Board Act of 1862 had not been repealed.

Power to execute works, &c. in default of person liable.

344. Whenever by or in pursuance of this Act or any byelaw made under this Act any work act or thing is required to be done by any owner occupier or other person and default is made therein or if any such work act or thing is improperly or insufficiently done the Corporation may cause such work act or thing to be executed re-executed or done (as the case may require) and also whenever any work act or thing is by this Act or any byelaw under this Act prohibited being done and it nevertheless is done the Corporation may remove abate or alter the work act or thing so done and the expenses incurred by the Corporation in any such case or incidental thereto shall be repaid to them by the person making default in the execution or doing of or improperly or insufficiently or unlawfully executing or doing such work act or thing as the case may be notwithstanding any penalty may be imposed upon such person by any act or byelaw and such amount may be recovered in the same manner as private improvement expenses.

Power to enter and inspect.

345. The Corporation by their officers and servants may at all reasonable times in the daytime after twenty-four hours notice to

the occupier of the premises or if there is no occupier to the owner from time to time enter upon any building or lands for the purpose of inspecting any works or buildings or making such examination as may be necessary to ascertain whether the provisions of this Act or any byelaw thereunder have been complied with or of carrying into execution any of the powers contained in this Act or in any such byelaw without being deemed trespassers or liable to any action indictment, or other proceeding on account thereof.

Penalty on occupiers opposing execution of Act.

346. In case the occupier of any building or land prevents the owner thereof from carrying into effect in respect thereof any of the provisions of this Act or of any byelaw thereunder then after notice of this provision given by the owner to the occupier any justice on proof thereof may make an order in writing requiring the occupier to permit the owner to execute all such works with respect to such building or lands as may be necessary for carrying into effect the provisions of this Act or of any such byelaw and if after the expiration of ten days from the service of such order the occupier continues to refuse to permit the owner to execute any such work he shall for every day during which he so continues to refuse be liable to a penalty not exceeding five pounds and during the continuance of such refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work.

Occupier in default of owner may execute works and deduct expenses from his rent.

347. Whenever default is made by the owner of any building by or lands in the execution of any work or by virtue of this Act or any byelaw thereunder required to be executed by him the occupier of such building or lands may with the approval of the Corporation cause such work to be executed and the expense thereof shall be repaid to the occupier by the owner and the occupier may deduct the amount of such expense out of the rent from time to time becoming due from him to the owner.

Compensation may be in land or works.

348. The Corporation whenever they are by this Act required to make compensation to owners or occupiers of or persons interested in any land or building may by agreement with the persons entitled to such compensation make the same wholly or in part in land or works.

Power to make opening and footbridge from Canning Street to

349. The Corporation may with the permission of the Mersey Docks and Harbour Board but not otherwise and subject to such conditions as to the removal of such bridge or otherwise as that Board may think proper make an opening and footbridge from Canning Street Birkenhead to the Morpeth Dock and it shall be

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Morpeth Dock.

lawful for the Corporation to pay the cost of the same out of the borough rate.

Cesser of a certain rentcharge in favour of the Birkenhead Improvement Commissioners.

350. And whereas under and by virtue of a certain indenture or deed dated the first day of February 1861 and made between Francis Shand John Myers and John Highfield of the first part the Birkenhead Improvement Commissioners of the second part and Ambrose Waln of the third part there is reserved to the said Commissioners out of certain land situate in the township of Oxton an annual rentcharge of ten shillings payable on the first day of January in each year in respect of every house which should drain into a certain sewer belonging to the said Commissioners And whereas it is desirable inasmuch as the township of Oxton is now included in the borough that the said rentcharges should cease Be it enacted that the operation of the trusts and powers contained in the said indenture or deed so far as the same relate to the creation and reservation of the said rentcharges shall cease and that the said rentcharges shall be extinguished as from the date of the passing of this Act.

Agreement as to drainage determined.

351. The agreement made between the late Tranmere Local Board the late Birkenhead Improvement Commissioners and the late Oxton Local Board with respect to any payments to be made for the privilege of draining into the outfall sewer in the Happy Valley or Borough Road Birkenhead now belonging to the Corporation and any payment under an award between the Birkenhead Improvement Commissioners and the late Earl of Shrewsbury as to the drainage of part of his estate at Oxton shall after the passing of this Act be determined and the payments shall cease.

Corporation may direct prosecutions.

352. The Corporation may direct any prosecution or proceedings against any person for any offence committed against this Act or against any byelaw made thereunder or any matter arising under this Act or any byelaw when the doing of any act or thing is made punishable by this Act or by any byelaw and the causing or procuring such act or thing to be done or the aiding or abetting the doing thereof shall be punishable in like manner as the actual commission of the offence if the nature of the case permits and if an intention to the contrary does not appear in this Act or the byelaw under which such proceedings may be taken and the Corporation may direct and order the expenses of such prosecution or other proceedings to be paid and borne by and out of the borough fund.

Repeal of part of

353. Whereas provisions are contained in section 46 of the London and North-western Railway (New Lines and Additional

Powers) Act 1875 (for the protection of the Tranmere Local Board) requiring the London and North-western Railway Company and the Great Western Railway Company to give and grant to the Tranmere Local Board an easement on and over so much of their land as might be reasonably required by that board for the construction of a brick sewer therein mentioned but no steps to construct the sewer have been taken and it is expedient that the said provisions be repealed be it therefore enacted that sub-sections 4 5 6 and 7 of section 46 of the London and North-western (New Lines and Additional Powers) Act 1875 are hereby repealed.

s. 46 of the London and North-western Railway (New Lines andadditional Powers) Act, 1875. 38 & 39 Vict. c. clii.

354. Save as by this Act expressly provided nothing in this Act shall alter or affect the agreements and enactments mentioned or referred to in Schedule "G" hereto but those agreements and enactments respectively shall continue in full force and effect and be binding as if this Act had not been passed and the word Commissioners where used shall mean the Corporation.

Saving for certain agreements, &c.

355. Nothing contained in this Act shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's Most Excellent Majesty in right of Her Crown without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give). Neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty her heirs or successors.

Saving rights of the Crown on the foreshore.

356. Nothing contained in this Act shall extend to include or affect the construction repairing altering enclosing licensing or use of any dwelling-house warehouse slaughter-house building erection dock basin or works now being or which may hereafter be on the estate of the Mersey Docks and Harbour Board and which is or shall be used for or in connexion with the business or purposes of that board or the construction or completion or repairing of any street road or footwalk on the said estate or except with the consent of the said board to the laying down maintaining or renewing on any such street or road of any iron or other rails plates or trams for the purpose of carriages and waggons but this proviso shall not be taken to restrict or interfere with the powers and duties of the Corporation as the urban sanitary authority of the borough so far as relates to drainage and sanitary details of buildings.

Buildings lands roads streets of the Mersey Dock Board exempted from Act.

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Costs of Act.

357. All the preliminary and other costs charges and expenses of and incident to the preparing for obtaining and passing of this Act shall be paid by the Corporation out of all or any of the rates and revenues on the security of which they are authorised to borrow under this Act or out of moneys borrowed under this Act and the Corporation may debit such costs charges and expenses to such accounts as they see fit and may exercise the powers of this section at any time after the passing of this Act.

SCHEDULES to which the foregoing Act refers.

SCHEDULE A.

THE IMPROVEMENT ACTS.

3 Will. IV. cap. 68 (1833) "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."

1 Vict. cap. 33 (1838) "An Act to amend an Act passed in the third year of the reign of His late Majesty King William the Fourth intituled an Act for paving lighting watching cleansing and otherwise improving the township or chapelry of Birkenhead in the county palatine of Chester and for regulating the police thereof and for establishing a market within the said township."

4 and 5 Vict. cap. 62 (1841) "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."

5 Vict. sess. 2. cap. 5 (1842) "An Act to authorise the purchase of a certain ferry called 'Woodside Ferry' by the commissioners for the improvement of the township or chapelry of Birkenhead in the county palatine of Chester and for amending the Improvement Acts of the said township."

5 and 6 Vict. cap. 13 (1843) "An Act for extending the powers of the commissioners of the township of Birkenhead in the county of Chester and for including the township of Claughton-cum-Grange and part of the township of Oxton in the same county within their jurisdiction."

7 Vict. cap. 32 (1844) "An Act to authorise the purchase of Monk's Ferry by the commissioners for the improvement of Birkenhead Claughton-cum-Grange and part of Oxton in the county of Chester and for amending the Acts relating to the said commissioners."

9 Vict. cap. 28 (1846) "An Act for altering amending and enlarging the several Acts relating to the improvement of Birkenhead Claughton-cum-Grange and part of Oxton in the county of Chester."

13 Vict. cap. 3 (1850) the Birkenhead Improvement Amendment Act 1850.

21 and 22 Vict. cap. 85 (1858) Birkenhead Improvement (General Mortgagees) Act 1858.

21 and 22 Vict. cap. 121 (1858) the Birkenhead Commissioners Gas and Water Act 1858.

25 and 26 Vict. (1862) the Tranmere Improvement Act 1862.

26 and 27 Vict. cap. 106 (1863) the Birkenhead Improvement Commissioners Act 1863.

30 Vict. cap. 92 (1867) the Birkenhead Improvement Act 1867.

SCHEDULE B.

LIST OF STREETS TO BE DEEMED HIGHWAYS REPAIRABLE BY THE INHABITANTS AT LARGE.

Street.
Abbey Street
Albion Street
Alfred Road (between Westbourne Road and Grange Mount)
Argyle Street
Arthur Street
Ashville Road
Atherton Street
Austin Street
Back Camden Street
Back Price Street (from Watson Street to Cathcart Street)
Ball's Road
Beckwith Street (from Cathcart Street to Cavendish Street)
Berner Street
Blandford Street
Blackpool Street
Boundary Road
Borough Road
Brassey Street
Bridge Street
Brook Street
Camden Street (between Claughton Road and Price Street)
Canning Street
Camperdown Street (late Chapel Street East)
Caroline Place
Catherine Street (from Oliver Street to Grange Lane)
Cathcart Street
Cavendish Street
Cavendish Road
Chapel Street
Charlesville
Chester Street
Church Street
Christchurch Road
Claughton Road
Cleveland Street (from Argyle Street to Old Bidston Road)
Clifton Road (from Grange Lane to Borough Road)
Cole Street
Conway Street
Corporation Road
Devonshire Road
Devonshire Place
Douglas Street
Duncan Street
Duke Street
Egerton Street (formerly Back Chester Street)
Elgin Street
Elizabeth Place
Euston Grove
Exmouth Street (between Conway Street and Claughton Road)
Freeman Street
George Street
Gertrude Street
Grange Lane
Grange Mount
Grange Road
Grange Street
Grosvenor Road
Hamilton Square
Hamilton Lane
Hamilton Street
Hampton Street
Henry Street
Ilchester Road (from Corporation Road to Beaufort Road)
Ivy Street (upper)
Ivy Street (lower)
Jackson Street
John Street
Leicester Street
Livingstone Street
Lord Street
Mallaby Street
Market Street (between Chester Street and Adelphi Street)
Meacock Street
Mersey Street
Nelson Street
Neptune Street
Norman Street
Old Bidston Road
Oliver Street
Oxton Road
Park Road South
Park Road North
Park Road East (late Dobbs Street)
Park Road West
Park Street
Pilgrim Street
Pool Street
Price Street
Prince Edward Street
Priory Street
Princes Street
Reedville
Rose Brae
Russell Street
Sandford Street (between Cleveland Street and Bridge Street)
Sidney Street
Slatey Road
Somerville Street
Stanley Road
Stewart Street
St. Anne Street
St. Mary's Gate
St. James' Road
Sussex Street
Taylor Street
Thomas Street
Townsend Street (from Ilchester Road to Stanley Road)
Tunnel Road (formerly Old Chester Road)
Tyrer Street
Upton Road
Vittoria Street
Watson Street
Waterloo Place
Whetstone Lane
Wilbraham Street
William Street
Wood Street

St. John Street (between Grange Lane and Oliver Street)
White Street
Marcus Street
Rendel Street
Egerton Road
Forest Road
Laird Street
Westbourne Road (between Alfred Road and Euston Grove)
Eldon Place
Palm Grove
Palm Hill
Monk Street
Cross Street
Brandon Street (between Albion Street and Chester Street)
Oak Street
Short Street
Tranmere Vale
Kendal Street
Walton Street
Davies Street
Wilson Street
Dacre Street (between Argyle Street and Bank Street)
Field Street
Hemingford Street
Manor Hill
Napier Street
Charles Street
Woodchurch Road
Willaston Place
Old Priory
Trinity Street
Aberdeen Street

SCHEDULE C.

FORM OF CERTIFICATE OF INFECTIOUS DISEASE.

Birkenhead Corporation Improvement Act 1881.

Certificate of Infectious Disease.

To the Corporation of the Borough of Birkenhead.

Pursuant to the above-mentioned Act I hereby certify and declare that in my opinion the under-mentioned person is suffering from (*here specify the disease*).

Dated the day of

Signed)

Name of person suffering from the disease.

Situation of the building wherein such person is

Name of occupier or other person having the control or charge of the building or room

Note.—This certificate must (under a penalty in case of neglect) be forthwith sent by post or otherwise to the Corporation at the Town Hall. It should be addressed to the Medical Officer of Health and marked outside "Immediate."

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SCHEDULE D.

TOLLS STALLAGES RENTS AND SUMS AUTHORISED TO BE TAKEN IN THE MARKETS.

	s.	d.
For every waggon or cart brought to the market containing hay straw grass or vetches or any other articles or things whether the same be sold in the markets or not a toll not exceeding - - -	1	0
If the contents of any waggon or cart brought to the markets placed or pitched on any waggon or cart stand the same toll shall be paid for such contents as would have been payable for the waggon or cart if the contents thereof had been exposed for sale in such waggon or cart.		
If any waggon or cart be brought to and remain in the markets or the contents thereof be placed or pitched and remain on any waggon or cart stand for more than one day such further toll for every other day beyond the first day shall be paid for every such waggon or cart or the contents thereof as shall be equal to the toll payable for such waggon or cart or the contents thereof for the first day.		
For every sale stand in the markets not exceeding 100 square feet superficial a rent per day not exceeding - - - -	2	0
And for every addition not exceeding 100 square feet superficial made to any sale stand beyond 100 square feet superficial a further rent per day not exceeding - - - - -	2	0
For every sale stand in the markets over the whole of which a covering shall extend there shall be paid in addition to the rent herein-before authorised to be taken for such stand such further rent per day exceeding one-fourth part of the rent per day herein-before authorised to be taken as the Corporation may fix.		
For the weighing of any article or thing or one entire parcel of articles or things a toll - - - - - - - -		
If the same is one draught only not exceeding - - -	0	1
But if the same is more than one draught then for each draught not exceeding - - - - - - - -	0	1
For the measuring of any articles or things by any measure whatsover a toll each time the measure is filled not exceeding - -	0	0½
For every person standing in the markets and exposing for sale articles goods or wares of any kind per day - - - - -	0	2

Cattle.

For each horse mule or ass per day not exceeding - - -	1	0
For each bull ox cow or other like cattle per day not exceeding -	0	6
For each calf per day not exceeding - - - -	0	3
For each sheep or swine per day not exceeding - - -	0	3
For other things not enumerated as per agreement.		

SCHEDULE E.

FERRY TOLLS.

For carrying each person who shall not be a contractor or ticket holder as after mentioned from the slips quays or landing-stages of the mayor aldermen and burgesses of the borough of Birkenhead across the River Mersey to a landing-stage or place appropriated to ferry steamers belonging to the Mersey Docks and Harbour Board or vice versâ by the boats of the Corporation (between the hours of five o'clock in the morning and twelve o'clock at night) a sum not exceeding - - - - - - £0 0 2

For carrying as aforesaid any such person at and after the hour of twelve o'clock at night and before the hour of five o'clock in the morning a sum not exceeding - - - - - - - 0 0 6

	For 1 Year.	For 6 Calendar Months.	For 3 Calendar Months.
	£ s. d.	£ s. d.	£ s. d.
For carrying as aforesaid one person who shall contract with the Corporation by payment in advance from such date as the Corporation may fix excepting at and after the hour of 12 o'clock at night and before the hour of 5 o'clock in the morning not exceeding - - - - - -	2 5 0	1 10 0	1 0 0
For carrying every additional person of the one person's family dwelling together and not being lodgers or servants and except as aforesaid not exceeding - - - - - -	1 2 6	0 15 0	0 10 0

Tickets available for a single passage (in packets of not less than twelve) may be issued at such rate or charge and subject to such regulations as the Corporation may from time to time determine.

	Maximum. s.	d.
Ale beer porter and vinegar per hogshead - - - -	0	8
Ale beer porter and vinegar per barrel - - -	0	6
Ale beer porter and vinegar per half barrel - - - -	0	4
Ale beer porter and vinegar per quarter barrel - - -	0	3
Ass or mule and man - - - - - -	1	0
Bacon per cwt. - - - - - -	0	2

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	Maximum. s.	d.
Beef per quarter	0	4
Beef per side	0	8
Bearing barrow and two men	0	10
Bread and ship biscuits per cwt.	0	2
Bread and ship biscuits per puncheon (four cwts.)	1	0
Butter per tub or firkin	0	2
Calf	0	4
Candles per box size	0	4
Carriage light with one horse and man	2	0
Carriage light with two horses (coachman only free)	3	0
Carriage light omnibus with two horses (driver free)	4	0
Cab or car with one horse (driver free)	2	0
Cart with one horse (loaded or empty)	3	0
Cart with two horses (loaded or empty)	3	6
Cask empty small up to 36 gallons	0	2
Cask empty large above 36 gallons	0	6
Cement per barrel	0	4
Cheese	0	2
Chest of tea	0	6
Chest of tea half or quarter	0	4
Cockles or mussels per bag	0	2
Coffee per bag under ½ cwt	0	2
Coffee per bag above ½ cwt.	0	5
Corpse	5	0
Cow or bull	1	0
Earthenware or hollow ware per crate or hogshead	2	0
Eggs per case or crate	2	0
Fire-grates	0	6
Fire-grates registered	0	6
Fish per basket	0	2
Fish per box	0	4
Flour per barrel	0	4
Furniture per package	0	8
Furniture van (loaded or empty) two horses	10	0
Furniture van (loaded or empty) one horse	8	0
Gas tar on wheels only		
Geese per score	1	0
Glass per box	0	4
Hamper ordinary size under 2 ft. square	0	4
Hamper large	0	6
Handcart ordinary size not exceeding 4 ft. 6 in. over the wheels (and man)	1	0
Handcart large not exceeding 5 ft. 6 in. over the wheels (and man)	2	0
Hay or straw per ton	6	0
Hearse one horse	4	0
Hearse two horses	6	0
Hearse four horses	10	0

	Maximum. s.	d.
Hops pocket of	1	0
Horse and man	1	6
Landing waiter's hut	10	0
Laths per bundle	0	2
Lead flags tiles iron or heavy commodities per ton	5	0
Lorry or waggon with one horse (driver only free)	4	0
Lorry or waggon with two horses (driver only free)	5	0
Milk per can	0	2
Molasses per hogshead	1	0
Molasses per puncheon	2	0
Mourning coach one horse	4	0
Mourning coach two horses	5	0
Nails (bag or keg) per cwt.	0	2
Oakum per cwt.	0	2
Oil per cwt.	0	2
Petroleum (only on wheels)		
Piano or harmonium	2	0
Pitch per cwt	0	2
Pig (dead or alive)	0	2
Sacks of salt flour wheat barley oats potatoes beans or other sacks	0	4
Sheep or goat (dead or alive)	0	2
Ship stores as per agreement		
Slates per ton	5	0
Soap per cwt.	0	2
Spirits or wine hampers small under 2 ft. square	0	6
Spirits or wine hampers large	1	0
Spirits or wine quarter cask	1	0
Spirits or wine hogshead	2	0
Spirits or wine puncheon or tierce	3	0
Sugar per cwt.	0	2
Tallow per cwt.	0	2
Turpentine per cwt. (on wheels only)		
Tar per cwt. (being not gas tar)	0	2
Wheelbarrow with one man	0	8
White lead per cwt.	0	2
Parcels baskets of fruit &c. or box not exceeding 20 lbs. weight each nor £3 in value	0	2

Parcels &c. above this weight or value to be carried across by special agreement.

Articles not particularly enumerated on this list as per special agreement.

N.B.—Goods boat other than ordinary working hours by special agreement.

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SCHEDULE F.

THE SITE OF THE EXISTING GASWORKS.

Bounded by a line commencing at the south-west corner of Elizabeth Place thence running along the south side of Elizabeth Place to its junction with Thomas Street thence running in a southerly direction along the western side of Thomas Street thence along the southern end of Thomas Street to the gable end of No. 121 in the same street and along the westerly side and south side of the passage in rear thereof to the slaughter-houses of the Corporation thence bounded by the said slaughter-houses to the southern wall of a passage forming access to premises lying at the back and to the south of Denbigh Street and from the south-eastern corner of the said premises southwards by the premises of the Birkenhead Joint Railway to the township boundary between Tranmere and Birkenhead and elsewhere by the said township boundary, and containing twenty-five thousand eight hundred square yards or thereabouts.

SCHEDULE G.

AGREEMENTS.

1. Agreement dated September 1st 1868 giving permission to the Birkenhead Improvement Commissioners subject to certain terms and conditions to carry a waterpipe under Companies railway near the crossing in the direction of Seacombe.

2. Agreement dated April 1st 1873 erection of footbridge over and working of Seacombe crossing.

3. Agreement dated April 22nd 1873 giving permission to the Birkenhead Improvement Commissioners subject to terms and conditions specified to carry a waterpipe under the Companies railway to the Egerton Dock.

4. Agreement dated May 31st 1871 rebate on railway passengers carried viâ Woodside purchase of land from Birkenhead Improvement Commissioners and other matters.

5. Agreement dated May 25th 1875 arrangement re-open cutting widening of Albion Street sewers and other matters.

ENACTMENTS.

1. Great Western Railway (Additional Powers) Act 1871 Section 36—Agreement with Birkenhead Improvement Commissioners purchase of land Woodside Extension Line Ferriage &c.

2. London and North-western Railway (New Lines &c.) Act 1875 Sections 43 to 46—Green Lane Bridge and other matters.

3. London and North-western Railway (Joint and Various Powers) Act 1877 Sections 6 and 7—Bridge Street Bridge Tranmere.

4. London and North-western Railway (Additional Powers) Act 1878 Sections 22 to 25—Sewer widening of bridge over Chester Street &c.

5. Birkenhead Railway Vesting Act 1861 Sections 64 and 65.

6. Birkenhead Improvement Commissioners Act 1863 Sections 7 to 12 inclusive.

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