CHAPTER lxxxvii.

An Act to extend the Eastern Boundary of the borough of Birkenhead to the centre of the River Mersey to make further provisions for Street Improvements and as to the Public Libraries Ferries and Markets of the borough and for other purposes relating to the Local Government of the borough. [3rd July 1891.]

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WHEREAS the borough of Birkenhead (in this Act called the borough) is a municipal borough under and subject to the Municipal Corporations Act 1882 and the mayor aldermen and burgesses (in this Act called the Corporation) acting by the council are the urban sanitary authority for the district of the borough under the Public Health Act 1875: 45 & 46 Vict. c. 50. 38 & 39 Vict. c. 55.

And whereas the borough is a county borough under the Local Government Act 1888: 51 & 52 Vict. c. 41.

And whereas the parochial boundary of the borough on the eastern side thereof is believed to extend to the centre of the River Mersey while the municipal boundary extends to high-water mark and it is expedient to adopt the parochial boundary as the municipal boundary so that the boundaries shall be uniform for parochial and municipal purposes:

And whereas it is expedient to authorise the Corporation to acquire lands for the purposes of street improvements:

And whereas on or shortly after the incorporation of the borough in the year one thousand eight hundred and seventy-seven all the powers property and liabilities of the Birkenhead Improvement Commissioners were transferred to the Corporation and the Corporation as their successors are the owners of ancient ferry rights and carry on the ferry between Birkenhead and Liverpool known as Woodside Ferry:

And whereas the Corporation and the Mersey Docks and Harbour Board have entered into a memorandum of agreement a copy of which is set forth in Schedule B to this Act for limiting during the

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period therein mentioned the maximum amount to be paid by the Corporation to the said board under an agreement between the Birkenhead Improvement Commissioners and the board which is scheduled to the Mersey Docks Ferry Accommodation Act 1860 and it is expedient that the said memorandum of agreement be confirmed and effect given thereto :

23 & 24 Vict. c. cl.

And whereas it is expedient to authorise the Corporation to make charges for services rendered by them in respect of goods carried by the Woodside ferry steamers :

And whereas the Corporation have established a public library under the provisions of the Public Libraries Act 1855 and it is desirable to authorise them to establish lending libraries branch libraries and reading rooms :

18 & 19 Vict. c. 70.

And whereas it is expedient to enact that the Wallasey Local Board shall not be entitled without the consent of the Corporation to supply gas or water within the gas and water limits respectively of the Corporation :

And whereas it is expedient to authorise the Corporation to close unnecessary markets and to make other provisions in relation to their markets and fairs :

And whereas the Corporation have recently acquired the tramways undertaking of the Birkenhead Tramways Company Limited in liquidation and it is expedient to authorise the Corporation to discontinue portions of such tramways and to sell and dispose of the materials thereof :

And whereas it is expedient to amend in various particulars the Birkenhead Corporation Act 1881 and the Birkenhead Improvement Act 1884 and to confer further powers on the Corporation in relation to buildings streets and the local government of the borough :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

And whereas plans showing the lands which may be taken compulsorily for the purposes of this Act with a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands have been deposited with the clerk of the peace for the county of Chester and are in this Act respectively referred to as the deposited plans and book of reference :

And whereas an absolute majority of the whole number of the council at a meeting convened for the thirtieth day of October one thousand eight hundred and ninety 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 required 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: A.D. 1891.

And whereas such resolution was published twice in the said newspapers and has received the approval of the Local Government Board:

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 fourth day of February one thousand eight hundred and ninety-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:

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):—

PART I.—PRELIMINARY.

Short title and construction.

1. This Act may be cited as the Birkenhead Corporation Act 1891 and the Birkenhead Corporation Act 1881 and the Birkenhead Improvement Act 1884 (in this Act at times respectively referred to as the Act of 1881 and the Act of 1884) and this Act may be cited as the Birkenhead Corporation Acts 1881 to 1891.

Execution of Act.

2. This Act shall be carried into execution by the Corporation acting by the council in like manner as the Act of 1881 and the Act of 1884.

Division of Act into parts.

3. This Act is divided into parts as follows:—

Part I. Preliminary:
Part II. Extension of boundary:
Part III. Street Improvements:
Part IV. Public Libraries:
Part V. Ferries:
Part VI. Gas and Water:
Part VII. Markets:
Part VIII. Buildings Streets and Sewers:
Part IX. Tramways:
Part X. Miscellaneous.

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Incorporation of Acts.

4. The Lands Clauses Acts and Part II. (extension of time) of the Railways Clauses Act 1863 are hereby incorporated with this Act.

Interpretation.

5. In this Act—

The expression "new" applied to a street or building or structure designates a street or building or structure begun to be laid out made built rebuilt or constructed after the passing of this Act:

The expression "old" applied to a street or building or structure designates a street or building or structure laid out made built or constructed before the passing of this Act whether the same is completed or not:

The expression "public building" means a building used or constructed or adapted to be used either ordinarily or occasionally as a church chapel mission room or other place of public worship or as a hospital workhouse college school (not being merely a dwelling-house so used) theatre public hall public concert room public ball room public lecture room or public exhibition room or as a public place of assembly for persons admitted thereto by tickets or by payment or otherwise or used or constructed or adapted to be used either ordinarily or occasionally for any other public purpose but shall not include a private dwelling-house used occasionally or exceptionally for any of such purposes:

"Daily penalty" means a penalty for each day on which an offence is continued after conviction therefor:

And in this Act expressions to which meanings are assigned by the Act of 1881 have (save so far as they are varied by this Act or the context otherwise requires) the same respective meanings.

PART II.—EXTENSION OF BOUNDARY.

Extension of eastern boundary of borough.

6. The boundary of the borough where it abuts on the River Mersey is hereby extended to the centre of the bed of the said river and shall be the same for parochial and municipal purposes Provided always that this section shall not operate to impose any liability on the Mersey Railway Company to pay any other rates in respect of the portion of their tunnel under the River Mersey between the new boundary and the old boundary than they were liable to before the passing of this Act.

PART III.—STREET IMPROVEMENTS.

Power to acquire land for street improvements.

7. For the purpose of the execution of street improvements the Corporation may enter on take and use such of the lands delineated and described on the deposited plans and in the deposited book of reference as they may require.

Revival of powers for Hamilton Street improvement.

8. The powers of the Corporation for compulsory purchase of lands for the widening of Hamilton Street between Bridge Street and Canning Street being part of Improvement 1 described in the First Schedule to the Birkenhead Improvement Act 1884 are hereby revived and may be exercised at any time within three years from the passing of this Act.

Period for compulsory purchase of lands.

9. The powers for compulsory purchase of lands conferred by this Act shall cease after the expiration of three years from the passing of this Act.

Correction of errors omissions &c.

10. If any omission or mis-statement or erroreous description is found to have been made of any lands or of any owners lessees or occupiers of any lands shown or described or intended to be shown or described on the deposited plans or in the deposited book of reference the Corporation may apply to two justices for the correction thereof after giving ten days notice to the owners lessees and occupiers of the lands affected by the proposed correction and if it appears to the justices that the omission mis-statement or erroneous description arose from mistake they shall certify the same accordingly stating the particulars of the omission mis-statement or erroneous description and such certificate shall be deposited with the clerk of the peace for the county of Chester and shall be kept by him with the other documents to which it relates and subject and according to the same enactments and provisions as apply to those other documents and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate and the Corporation may enter on take hold and use those lands accordingly.

Power of persons under disability to grant easements.

11. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts 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.

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Owners may be required to sell parts only of certain lands and buildings.

12. And whereas in the exercise by the Corporation of the powers of this Act it may happen that portions only of the lands houses or other structures shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore the owners of and other persons interested in the lands and structures described or referred to in the Schedule A to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without such material detriment as aforesaid be required to sell and convey to the Corporation the portions only of their premises so required without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof the Corporation paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise If for twenty-one days after the service of notice to sell and convey any portion or portions of the said property any owner or other person shall fail to notify to the Corporation that he alleges that such portion or portions cannot be severed from the remainder of the property without causing the material detriment mentioned then the Corporation may proceed to take such portion or portions only but if within such twenty-one days he shall by notice to the Corporation allege that such portion or portions cannot be severed from the remainder without causing such material detriment as aforesaid then the tribunal to whom the question of disputed compensation shall be submitted shall determine the matter of the said allegation in addition to the other questions required to be determined by them Provided always that if in the opinion of the said tribunal any such portions cannot be severed from the remainder of such property without such material detriment the Corporation may withdraw their notices to treat for the portion or portions of the property required by them and thereupon they shall pay to the owners of and other persons interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by them in consequence of such notice Provided always that if in the opinion of such tribunal any such portions can notwithstanding the allegation of such owner or other person be severed from the remainder without such material detriment then such tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to the arbi-

tration or inquiry shall be borne and paid by such owner or person The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained The provisions of this section shall be stated in every notice given thereunder by the Corporation to sell and convey any premises.

Restriction on taking houses of labouring class.

13. The Corporation shall not under the powers of this Act or the Act of 1884 as extended by this Act without the consent of the Local Government Board take ten or more houses which after the passing of this Act have been or on the fifteenth day of December next before the passing of this Act or of the Act of 1884 as the case may be were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers:

For the purposes of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Corporation may sell exchange or lease lands not required.

14. The Corporation from time to time if and when they think fit may sell or exchange and absolutely dispose of or otherwise at their option demise or grant upon building or other leases for such estate term or interest and to such persons and on such terms and conditions as the Corporation think fit all or any part of the lands acquired by them under this Act and not required for the purposes of this Act Any purchase money received on any sale of lands or other property in the nature of capital acquired or sold under this Act and any money received as a fine on the granting of any lease of any such lands by the Corporation shall be distinguished as capital in the accounts of the Corporation and applied in discharge of any moneys borrowed under this Act but shall not be applicable to the payment of instalments or to payments into any sinking fund except to such extent and on such terms as may be approved by the Local Government Board Provided that any borrowed moneys so paid off or discharged shall not be re-borrowed.

Power to stop up streets &c.

15. For the purpose and execution of the street improvements for which land is by this Act authorised to be acquired the Corporation may stop up alter or interfere with temporarily any streets roads lanes ways courts and passages within the limits of lands to be acquired and limits of deviation respectively shown on the deposited plans and which they may from time to time find it expedient for those purposes so to stop up alter or interfere with.

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Land laid into streets to form part thereof.

16. All lands acquired by the Corporation under this Act and laid into or appropriated as part of any street shall form part of that street and shall be maintained and repaired in all respects as the rest of that street is for the time being by law maintained and repaired.

Application of borrowing powers of Act of 1884.

17. The unexhausted borrowing powers conferred on the Corporation by the Birkenhead Improvement Act 1884 shall be available and exercisable by the Corporation (subject and according to the provisions of that Act) for the purchase and acquisition of land for street improvements under this Act as if those powers and provisions had been expressly enacted in this Act.

PART IV.—PUBLIC LIBRARIES.

Power to establish lending and branch libraries and reading rooms.

18. It shall be lawful for the Corporation from time to time to establish and maintain lending libraries branch libraries and reading rooms within the borough and such establishment and maintenance shall be deemed to be within the powers conferred by the Public Libraries (England) Acts 1855 to 1890 for the establishment and maintenance of public libraries and all the provisions of those Acts shall so far as the same are applicable apply accordingly.

PART V.—FERRIES.

Confirming memorandum in Schedule B.

19. The memorandum of arrangement between the Corporation and the Mersey Docks and Harbour Board (a copy of which is set forth in Schedule B to this Act) is hereby confirmed and made binding upon the Corporation and board respectively and the agreement of the twenty-third day of April one thousand eight hundred and sixty (a copy of which is contained in Schedule B to the Mersey Docks (Ferry Accommodation) Act 1860) shall during the continuance of the arrangement embodied in the said memorandum be deemed to be modified in accordance with the said memorandum.

Powers of Corporation to perform services in respect of goods traffic.

20. The Corporation may by their authorised agents deliver within the borough any goods articles and things which have been conveyed by their ferry boats and which may not be removed or collected within a reasonable period by the owner or consignee of such goods articles and things and such agents may charge and recover reasonable sums for such delivery and the Corporation may load unload ship unship handle and perform other services in respect of all carriages carts and other vehicles goods packages (other than passengers luggage) horses cattle and other animals and things (in this Act referred to as goods traffic) conveyed by any of their ferry boats.

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Charges for services in respect of goods traffic.

21.—(1.) For the performance of any such services the Corporation may in addition to the charge made by them for conveyance of goods traffic from or to Birkenhead or to or from Liverpool make or permit to be made such reasonable charges as they may from time to time fix subject to the approval of the Board of Trade and such charges shall in addition to any other remedy be recoverable as a civil debt summarily or by action in any court of competent jurisdiction:

(2.) The moneys received by the Corporation in respect of any such services shall not be deemed or taken for the purpose of any existing agreement with the Mersey Docks and Harbour Board to be part of the revenue derived from conveyance of goods traffic:

(3.) The Corporation shall cause to be published a list of the scale of charges for the time being in force under this section by painting or printing and exhibiting the same conspicuously at or near the place where such charges are payable.

PART VI.—GAS AND WATER.

Saving for powers of Corporation to supply gas and water.

22. Nothing in section 73 of the Wallasey Local Board Act 1890 shall authorise the Wallasey Local Board without the sanction of the Corporation to supply gas or water within any district or place which was immediately before the passing of the said Act included in the gas limits or water limits respectively of the Corporation.

PART VII.—MARKETS.

Power of Corporation to close unnecessary markets.

23.—(1.) It shall be lawful for the Corporation from time to time by a resolution of the council to declare that it is desirable to close the whole or any portion of any public market within the borough vested in the Corporation as being unnecessary for public accommodation and after the expiration of twenty-eight days from the date on which public notice of such resolution has been given by posting a copy of the same on or near the principal entrances or approaches to such market the whole or the portion of the market specified in the resolution (as the case may be) shall from that date cease to be open to the public as a market:

(2.) Thereupon the site of the whole or of the portion of the market shall continue to be vested in the Corporation in fee simple but freed and discharged from all market rights and privileges and from all other rights and privileges (if any) of the public in or over the same:

(3.) No such resolution shall be passed unless notice of the intention to move such a resolution shall have been given in writing

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by the town clerk to each member of the council at least twenty-one days before the council meeting at which the resolution is moved:

(4.) The site of the old town hall adjoining Hamilton Street may be sold and disposed of by the Corporation at any time after the passing of this Act freed from all restrictions whatever relating to the use of the land for market or other purposes and the net proceeds of sale shall be applied by the Corporation in discharge of any moneys borrowed by them under the authority of this or any other Act.

Confirmation of existing byelaws with respect to markets.

24.—(1) For the removal of doubts it is hereby declared that the byelaws made by the Birkenhead Improvement Commissioners with respect to markets which were stated to come into operation on and after the thirteenth day of June one thousand eight hundred and seventy-three may be confirmed by the Local Government Board and shall on such confirmation have full force and effect with respect to all markets for the time being belonging to or under the control of the Corporation as if they had been lawfully made by the Corporation and duly confirmed:

(2) Any of the said byelaws may be altered or repealed by a bye-law made by the Corporation pursuant and subject to the provisions of the Public Health Act 1875 respecting bye-laws as if the markets had been provided under that Act.

Power to make bye-laws as to markets fairs and slaughter-houses.

25. With respect to all markets market places fairs and slaughter-houses for the time being belonging to them or under their control whether provided under the Public Health Act 1875 or otherwise the Corporation may from time to time make byelaws for all or any of the purposes mentioned in section forty-two of the Markets and Fairs Clauses Act 1847 and may also make byelaws for the general management of and the charges for the use of any such slaughter-house and the provisions of sections 134 to 137 (both included) of the Birkenhead Corporation Act 1881 shall apply to charges for the use of any slaughter-house.

Prohibition of blowing or stuffing carcases.

26. It shall not be lawful to blow inflate or stuff the carcase or any part of the carcase of any animal slaughtered in any slaughter-house within the borough and any person offending against this enactment shall be liable to a penalty not exceeding forty shillings.

Power to provide extended market accommodation by use of certain streets.

27. During the time when any market or fair is being held the Corporation or any duly authorised officer of the Corporation may if in their or his opinion the space or accommodation afforded by the market or fair is or is likely to prove inadequate appropriate and use or permit to be used as part of the market or fair all or

any of the following streets or any part or parts of such streets namely Albion Street Market Street West Oliver Street Back Oliver Street Market Street Market Place South and the Haymarket Square and the Corporation may demand take and recover market tolls and charges as if the streets or parts of streets so appropriated or used were a duly authorised market or fair of the Corporation or part thereof Provided that the powers contained in this section shall not be exercised unless and until the Corporation shall have posted in some conspicuous place on the market house and in such streets or parts of streets notice of their intention to use and appropriate for the purposes aforesaid the streets or parts of streets specified in such notice.

Market tolls.

28. Schedule D to the Birkenhead Corporation Act 1881 is hereby repealed and Schedule C to this Act is hereby substituted therefor as from the expiration of one month from the passing of this Act Such last-mentioned schedule shall have the same force and effect as if it had been enacted by and were the schedule referred to in the Act of 1881 but not so as to give this enactment any retrospective effect.

Repeal of Provisional Order of 1888.

29. From and after the confirmation of byelaws under section 25 of this Act the Provisional Order for altering the Act of 1881 which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1888 shall be repealed.

Saving for Acts relating to animals &c.

30. Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts 1878 to 1890 or of any Act amending the same or of any order license or act of the Board of Agriculture made granted or done or to be made granted or done thereunder or of any order regulation license or act of a local authority made granted or done or to be made granted or done under any such order of the Board of Agriculture or exempt the markets or fairs or slaughter-houses to which this Act relates or any building or thing whatsoever or any body or person from the provisions of any general Act relating to animals already passed or to be passed in this or any future session of Parliament.

PART VIII.—BUILDINGS STREETS AND SEWERS.

Amendment of section 22 of Act of 1881.

31. Section 22 of the Act of 1881 shall be read as if the words "to the extent of not less than one half thereof" (wherever they occur) were omitted therefrom and the provisions of that section shall apply in every case of erection of any building or wall abutting on any street and in every case of re-erection in part or whole or

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bringing forward or otherwise extending any building or wall abutting on any street as well as in the case of pulling down and re-erection of any external wall or front of any building abutting on any street.

Provision as to buildings used as public buildings after passing of Act.

32. The use of any building as a public building after the passing of this Act which was not used as a public building before the passing of this Act shall be deemed to be the erection of a new public building so as to make such building subject to all enactments byelaws and regulations to which new public buildings in the borough are from time to time subject.

Regulations for support of walls over openings left in external walls.

33. Whenever any opening is made or left in any external wall of any building constructed of brick stone or concrete the wall or portion of wall over such opening shall be supported in accordance with the following regulations (that is to say):—

(1.) When such opening does not exceed ten feet in width (A) by a sufficient and properly constructed arch of brick or stone with sufficient abutments or (B) by a beam girder or bressummer of wood or (C) by a beam girder or bressummer of wood trussed or flitched with iron or (D) by a beam girder or bressummer of iron in each case of sufficient strength:

(2.) When such opening exceeds ten feet and does not exceed fifteen feet in width (A) by a sufficient and properly constructed arch of brick or stone with sufficient abutments or (B) by a beam girder or bressummer of wood partly supported by sufficient iron storey-posts not more than ten feet apart from each other or from the sides of the opening or (C) by a beam girder or bressummer of wood trussed or flitched with iron or (D) by beam girder or bressummer of iron in each case of sufficient st ength:

(3.) When such opening exceeds fifteen feet in width (A) by a beam girder or bressummer of wood partly supported by sufficient iron storey-posts not more than ten feet apart from each other or from the sides of the opening or (B) by a beam girder or bressummer of wood trussed or flitched with iron and partly supported by sufficient iron storey-posts not more than fifteen feet apart from each other or from the sides of the opening or (C) by a beam girder or bressummer of iron in each case of sufficient strength:

(4.) Provided that where the wall to be supported over an opening exceeding ten feet in width is not an external wall of any building but only a fence parapet or balustrade wall then such beam girder or bressummer of wood aforesaid need not be partly supported by iron storey-posts as aforesaid:

(5.) Every arch lintel beam girder or bressummer and the external wall or portion thereof over the same shall be and shall be constructed placed and supported to the satisfaction of the surveyor:

Every person who builds or causes to be built a wall over any such opening without being so supported to the satisfaction of the surveyor shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding twenty shillings.

Alterations to old buildings.

34. Any alteration addition or other work made or done for any purpose except that of necessary repair not affecting the construction of any external or party wall in to or upon any old building or in to or upon any new building after the roof has been covered in shall to the extent of such alteration addition or work be subject to all enactments byelaws and regulations that new buildings in the borough are from time to time subject to.

Provisions as to hoards and other structures used for advertising purposes.

35.—(1.) After the passing of this Act every hoard or similar structure to be used for advertising purposes in or abutting on or adjoining any street shall be securely erected to the satisfaction of the Corporation or the borough surveyor:

(2.) It shall not be lawful after the passing of this Act to erect any hoard or similar structure to be used for advertising purposes in or abutting on or adjoining any street to a greater height than twenty feet above the level of such street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoard as the Corporation may determine:

(3.) The owner or other person using any hoard or similar structure for advertising purposes whether erected before or after the passing of this Act shall at all times hereafter keep and maintain the same in proper and safe repair and condition to the satisfaction of the Corporation or the borough surveyor and in the event of any nuisance being created in any street by reason of the falling off of any papers affixed for advertising purposes to such hoard shall forthwith remove and clear away such nuisance:

(4.) Any person who acts in contravention of any of the provisions of this section or who violates any condition or the terms of any consent given in pursuance of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings:

(5.) Any consent or condition under this section may be under the hand of the town clerk or borough surveyor:

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Provided always that this section shall not apply to any hoard or similar structure affixed to any railway station or premises of any railway company for the purposes of any such company.

Power to vary position or direction of new street.

36. The Corporation may by order vary or alter the intended position or direction of any intended new street for the purpose of causing it to communicate in a direct line with any other street adjoining or leading thereto The Corporation shall make compensation to all persons injuriously affected by the exercise of the powers of this section.

Injury to streets by excavation to be made good.

37. If the footway or carriageway of any street belonging to or under the management of the Corporation is injured by or in consequence of any excavation on such footway or carriageway or on lands adjoining thereto the Corporation may repair or replace the footway or carriageway so injured and may recover as a civil debt summarily or in any court of competent jurisdiction from the owner of the land on which the excavation has been made or from the person causing the injury all damages arising from such injury and all expenses incurred in such repair or replacement.

Naming and numbering of streets and houses.

38. The Corporation may name any street or part of a street which is without a name or which bears two names and may from time to time alter the name of any street or any part of a street and may from time to time paint engrave or otherwise describe and place the name of any street or part of a street on a conspicuous part of any building or other erection at or near each end corner or entrance of the street:

The Corporation may also number re-number and alter the number of every building or other erection in any street on the door of such building or erection or otherwise as they think proper:

If any person wilfully or without sufficient reason destroys obliterates defaces removes or without the consent of the Corporation alters any such name or number or any part thereof he shall be liable to a penalty not exceeding forty shillings.

Reconstruction of drains to require approval of surveyor.

39.—(1.) If any person intends to reconstruct or alter the course of any drain communicating with any sewer of the Corporation he shall give notice of his intention to the surveyor and shall supply to him such plan and short description of the intended drain or work as the surveyor may require:

(2.) It shall not be lawful for any person to reconstruct or alter the course of any drain as aforesaid except in accordance with the provisions of the byelaws relating to the drainage of new buildings:

(3.) Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five shillings.

Repeal of section 37 of Act of 1881.

40. Section 37 of the Birkenhead Corporation Act 1881 is hereby repealed except as regards any sums for payment of which application has been deferred in pursuance of a requisition made by an owner or of a resolution passed by the council before the passing of this Act.

Exemption of Government property from building regulations.

41. There shall be exempted from so much of the provisions of this Act as relates to buildings and structures every building structure or work vested in or in occupation of Her Majesty Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service.

London and North-western and Great Western Railway Companies not to be liable in respect of private improvement expenses.

42. Neither the London and North-western Railway Company nor the Great Western Railway Company nor both or either of those companies shall be deemed to be an owner or occupier for the purposes of private street works in respect of any land of such companies or Company upon which any street shall wholly or partially front or abut and which shall be used by such companies or company solely as part of their line of railway or railway sidings and shall have no direct communication with such street and the expenses incurred by the Corporation in respect of private improvement expenses incurred in such street which but for this provision such companies or company would be liable to pay shall be repaid to the Corporation by the other owners having frontages abutting on such street and in such proportions as shall be settled by the surveyor and in the event of such companies or company subsequently making a communication with such street they shall notwithstanding such repayment as last aforesaid pay to the Corporation the expenses which but for the foregoing provision such companies or company would in the first instance be liable to pay and the Corporation shall divide among the other owners for the time being having frontages abutting on such street the amount so paid by such companies or company to the Corporation less the cost and expense attendant upon such division in such proportion as shall in case of difference be settled by the stipendiary magistrate of the borough whose decision shall be final and conclusive.

This part of Act not to apply to buildings of railway companies not used as dwelling-houses.

43. The provisions of this part of this Act shall not extend or apply to any building of a railway company which is not used or intended to be used as a dwelling-house.

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PART IX.—TRAMWAYS.

Power for Corporation to discontinue parts of tramways.

44. It shall be lawful for the Corporation at any time subject to the provisions of any then existing lease or agreement to remove their tramways or any part thereof and to sell and dispose of the materials of any tramway or part of any tramway so removed by public auction or private sale for such sum or sums and to such person or persons as the Corporation think fit.

PART X.—MISCELLANEOUS.

Power to make rates leviable by instalments.

45. Any rates which the Corporation are authorised to make may if the Corporation so resolve be levied and collected by quarterly or half-yearly instalments of such amounts and be paid at such times within the financial year as the Corporation shall determine and all powers rights and remedies for levying collecting and recovering rates shall extend and apply to each instalment as if the same were a separate rate.

Restriction on advertising vehicles &c.

46. It shall not be lawful in any street to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Corporation in writing under the hand of the town clerk and such consent may contain such terms and conditions as the Corporation think fit Any person acting in contravention of the provisions of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds.

Trees or shrubs overhanging streets.

47. Where any tree hedge or shrub overhangs any public street so as to obstruct or interfere with the light from any public lamp or otherwise to interfere with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub so as to prevent such obstruction or interference and in default of compliance with the notice may themselves carry out its requisitions doing no unnecessary damage.

Expenses of execution of Act.

48. All expenses of the execution by the Corporation of this Act with respect to which no other provision is made may be defrayed by the Corporation out of the borough fund and rate or district fund and general district rate as the Corporation may in their discretion having regard to the object of the expenditure deem just

Recovery of penalties &c.

49. Offences against this Act and penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner.

Appeal from decisions of Corporation and convictions &c. by court of summary jurisdiction.

50. Any person deeming himself aggrieved by any order judgment determination or requirement or the making or withholding of any certificate license or consent or approval of or by the Corporation or of or by any officer or valuer of the Corporation under any provision of this Act or by any conviction or order made by a court of summary jurisdiction under any provision of this Act (including section 22 of the Act of 1881 as amended by this Act) may appeal to the next practicable court of quarter sessions for the borough under and according to the provisions of the Summary Jurisdiction Acts.

General provisions as to byelaws.

51. All the provisions with respect to byelaws contained in sections 182 to 185 (both included) of the Public Health Act 1875 shall apply to all byelaws from time to time made by the Corporation under the powers of this Act.

Costs of Act.

52. All the costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund and rate or out of moneys to be borrowed on the security of that fund and rate which moneys the Corporation are hereby authorised to borrow and required to repay (if borrowed) in accordance with the provisions of the Public Health Acts within ten years from the time or respective times of borrowing the same.

The SCHEDULES referred to in the foregoing Act.

SCHEDULE (A).

DESCRIBING PROPERTIES PORTIONS ONLY OF WHICH ARE PROPOSED TO BE TAKEN FOR THE PURPOSES OF THE ACT.

Description of Work.	Parish.	Number on deposited Plan.
Street Improvement Number 2	Township of Birkenhead -	2
Street Improvement Number 3	Ditto - - -	2
Street Improvement Number 4	Ditto - - -	2
Street Improvement Number 5	Ditto - - -	3
Street Improvement Number 6	Bebington (township of Tranmere)	2, 3, 4, 5

SCHEDULE (B).

MEMORANDUM OF ARRANGEMENT between the Corporation of Birkenhead and the Mersey Docks and Harbour Board (hereinafter called "the Dock Board").

1. The Dock Board shall accept for the term under-mentioned 25 per cent. of the gross receipts from Woodside Ferry goods traffic up to 3,500*l*. Should such 25 per cent. in any year ending the 25th day of March during the said term exceed 3,500*l*. the Dock Board to have no claim to such surplus.

2. This arrangement shall come into operation as from the 25th day of March 1891 and continue in operation for five years from that day and thereafter unless and until six months notice shall be given at any time after the 25th day of March 1896 by either party to the other determining the arrangement.

3. No application shall be made to Parliament for any provisions similar to clauses 23 and 24 of the present Bill pending the continuance of this arrangement.

4. On the expiration or determination of this arrangement both the parties are to be restored to their present position and rights which are not to be affected or prejudiced in any respect by this arrangement.

Dated this 12th day of May 1891.

For the Corporation of Birkenhead,
CHARLES WILLMER.
For the Mersey Docks and Harbour Board,
A. T. SQUAREY.

SCHEDULE (C).

List of Tolls for Markets.

	In covered Market not exceeding	In open Market not exceeding
	s. *d.*	*s.* *d.*
HAY, STRAW, FODDER, &c.		
Hay, Straw, Clover, Grass, Vetches or Fodder—		
For every waggon-load of - - - - -	1 6	1 0
For every cart-load of - - - - -	1 0	0 6
Carrots, Turnips or Mangold Wurtzel—		
For every waggon-load of - - - - -	1 6	1 0
For every cart-load of - - - - -	1 0	0 6
Any other thing not enumerated—		
As per agreement.		
FRUIT, VEGETABLES, &c.		
Potatoes—		
For every waggon-load not in hampers of - - -	2 6	2 0
For every cart-load not in hampers of - - -	1 6	1 0
For every waggon or cart-load of not exceeding six hampers of	1 0	0 6
And for every hamper exceeding six containing of the above - - - - - - -	0 2	0 1
Fruit and Vegetables of every Description (including potatoes and other edible roots)—		
For every waggon-load of in the body - - -	3 0	2 0
For every waggon loaded on the wings or higher than the body with - - - - - -	4 6	3 0
For every waggon loaded with the gearing above the body with - - - - - -	6 0	4 0
For every cart loaded in the body with - - -	1 6	1 0
For every cart loaded on the wings or higher than the body with - - - - -	2 0	1 6
For every cart loaded with the gearing above the body with	3 0	2 0
For every barrow truck or handcart-load of - - -	0 9	0 6
For every stall for the sale of per week - - - -	10 0	4 0
For every small basket, bag or sack of - - -	0 2	0 1
For every medium sized basket, bag or sack of - -	0 2	0 2
For every large basket, bag or sack of - - -	0 3	0 2
For every hamper of - - - -	0 3	0 2
For every large crate of - - - - - - -	0 6	0 3
For every hogshead of - - - - - -	0 9	0 6
For every cask of - - - - - - - -	0 4	0 3
For every box of - - - - - -	0 3	0 2
For every sieve of - - - - - -	0 2	0 1
Privet, Quick, Mistletoe, Holly, Flowers, Plants, Trees and Shrubs—		
For every waggon-load of - - - - - -	4 0	2 6
For every cart-load of - - - - -	2 6	1 6
For every barrow, truck, or handcart-load of - -	1 6	1 0

	In covered Market not exceeding	In open Market not exceeding
	s. d.	*s. d.*
PROVISIONS AND GENERAL GOODS.		
Butter, Cheese, Poultry, Eggs, Ham, Bacon, Glass, Earthenware and General Merchandise—		
For each stall, standing or bench raised above the ground per superficial foot per day used for the sale of -	0 3	0 1
For each small basket of - - - - -	0 2	0 2
For each large basket of - - - -	0 4	0 3
For each hamper, box, pannier, cask, bag, or other receptacle or package of - - - - - -	0 6	0 6
Fish and Tripe—		
For every stall or stand used for the sale of per week -	5 0	4 0
For every large basket of - - - - -	0 6	0 3
For every small basket of - - - -	0 3	0 2
For every hamper, pannier, box, cask, or other package of -	0 6	0 3
POULTRY, GAME, &c.		
Fowls, Rabbits, Hares, Pigeons, Ducks and Game—		
For every couple or brace of - - - -	0 2	0 1
Small Birds—		
For every large basket of - - - -	0 4	0 2
For every small basket of - - - - -	0 2	0 1
Geese and Turkeys—		
For every drove of not more than 20 of -	0 9	0 6
For every additional 10 or any less number of - -	0 4	0 3
Ducks—		
For every drove of not more than 20 of - -	0 6	0 4
For every additional 10 or any less number of - -	0 3	0 2
BEEF, MUTTON, LAMB, &c.		
Butchers Meat—		
For every stall or stand for the sale of per week - -	10 0	
For every carcase of beef - - - - -	3 0	
For less than a whole carcase of beef per quarter or less than a quarter - - - -	0 9	
For the carcase of every calf or part thereof - -	0 9	
For the carcase of every pig or part thereof being 100 lbs. in weight or upwards - - - -	0 9	
For the carcase of every pig or part thereof being under 100 lbs. in weight - - - - -	0 6	
For the carcase of every sheep, lamb or goat or part thereof	0 6	
STOCK AND WOOL.		
Horses and Cattle—		
For every stallion per day - - - -	5 0	2 6
For every horse, mare, gelding, colt, filly or foal - -	1 0	0 6
For every mule or ass per day - - -	0 6	0 4
For every bull, cow, stirk, steer, or heifer per day - -	0 9	0 6
For every calf per day - - - -	0 6	0 3
For every sheep, lamb, goat, or pig per day - - -	0 3	0 3

	In covered Market not exceeding	In open Market not exceeding
STOCK AND WOOL—*continued.*	*s. d.*	*s. d.*
WOOL—		
For every pack of per day - - - -	2 6	2 0
For every hundredweight of when not in pack per day -	2 0	1 6
GENERAL.		
ARTICLES AND THINGS NOT BEFORE SPECIFIED—		
For fruit, vegetables and produce, articles and things of any description not above particularly specified such reasonable sum or sums as the Corporation may see fit.		
For exhibitions, machines or other things, stalls, stands, benches, and floor spaces whether on or above the ground and however occupied and used at the rate of per superficial foot per day - - - - -	0 2	0 1

	Not exceeding
	s. d.
WEIGHING AND MEASURING IN OR AT A MARKET.	
For every article, matter or thing of whatever description weighing not more than 28 lbs. avoirdupois - - - -	0 0½
For every article, matter or thing of whatever description weighing more than 28 lbs. but not exceeding 112 lbs. avoirdupois -	0 1
For every additional 56 lbs. or any portion thereof - -	0 0½
For measuring any quantity of goods, articles, matter or thing sold by measure not exceeding 1 bushel - - - - - -	0 0½
For measuring every quantity more than 1 bushel and not exceeding 2 bushels - - - - - - -	0 1
And for every bushel or part of a bushel beyond 2 bushels - -	0 0½
WEIGHING AT MACHINES ELSEWHERE THAN IN OR AT A MARKET.	
For the weighing of each load of hay, straw, bran, turnips, mangold wurtzel, carrots, potatoes, onions, manure, cement, guano, fleshings, salt, coal, coke, tar, wood, stones, mortar, gravel, slate, sand and materials not exceeding 5 tons - - - - -	0 6
For each load of iron, lead, brass turnings and borings, copper, spelter, ropes, nitrate, rags, wool, fat, hides, machine castings, blood, wheat, oats, beans and barley, and furniture not exceeding 5 tons -	0 6
For each load of vetches, grass and clover not exceeding 5 tons -	0 6
And for every load exceeding 5 tons and not exceeding 10 tons -	1 0
And sixpence per ton for each ton exceeding 10 tons.	

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