CHAPTER liii.

An Act to confer further powers on the Corporation of the County Borough of Birkenhead in relation to Tramways and for other purposes. [20th June 1899.] A.D. 1899.

WHEREAS the mayor aldermen and burgesses of the borough of Birkenhead (in this Act called "the Corporation") are the owners of the tramway lines within the borough known as "the Birkenhead tramways" and also of the tramway lines within the borough known as "the Wirral tramways":

And whereas the Birkenhead tramways comprise all the lines within the borough other than the Wirral tramways and the Wirral tramways comprise the lines from Woodside Ferry Approach Road to the borough boundary at New Ferry and for a short distance beyond:

And whereas the Birkenhead tramways are now demised by a lease granted by the Corporation and dated the ninth day of July one thousand eight hundred and ninety-one to the Birkenhead United Tramways Omnibus and Carriage Company Limited for a period of ten years expiring on the thirty-first day of December one thousand nine hundred:

And whereas the Wirral tramways so far as the same are situate within the borough are demised by a lease granted by the Corporation and dated the twenty-eighth day of June one thousand eight hundred and ninety-five to the Wirral Tramway Company Limited for a period of twenty-one years expiring on the tenth day of March one thousand nine hundred and sixteen:

And whereas the Birkenhead tramways and the Wirral tramways are at present worked by horse power:

And whereas by Part V. of the Birkenhead Corporation Act 1897 the Corporation were empowered to place and run carriages on and work and use any tramways then or thereafter belonging to them within the borough and to provide such plant materials and things as might be requisite or convenient therefor Provided that the

A.D. 1899.

provisions of the said Part V. should not as respects any of such tramways as were then in existence come into operation till the expiration or sooner determination of the existing leases of those tramways respectively:

And whereas the Corporation were further empowered subject to the provisions of the said Part V. (among other things) to work the tramways by electrical or other mechanical power instead of horse power:

And whereas the Corporation are the owners of an electrical undertaking and they contemplate working the tramways by electrical power:

And whereas it would be of local and public benefit if the Corporation were authorised to acquire by agreement the interests of the respective lessees of the Birkenhead tramways and the Wirral tramways or either of them and to determine the said leases so as to enable them to take advantage of the provisions of the said Part V.:

And whereas it is expedient to empower the Corporation to construct new lines of tramways within the borough and in connexion therewith to execute the street improvement in this Act described:

And whereas the Corporation have caused to be prepared an estimate showing that they will or may require to borrow for the purpose of the said street improvement a sum not exceeding fourteen thousand three hundred pounds and the said street improvement is a permanent work within the meaning of section 234 of the Public Health Act 1875:

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

And whereas an absolute majority of the whole number of the council at a meeting held on the twenty-sixth day of October one thousand eight hundred and ninety-eight after ten clear days notice by public advertisement of the meeting and of the purpose thereof in the Birkenhead News and the Birkenhead Advertiser local newspapers published and circulating in the borough (such notice being in addition to the ordinary notices required for summoning that meeting) resolved that the costs and expenses of and in relation to promoting the Bill for this Act should be paid out of the borough fund 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 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 eighteenth day of January one thousand eight hundred and ninety-nine in pursuance of a similar notice being not less than fourteen days after the deposit of the Bill in Parliament: A.D. 1899.

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 plans and sections showing the lines and levels of the works by this Act authorised and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Chester and are in this Act respectively referred to as the deposited plans sections and book of reference:

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):—

Short title.

1. This Act may be cited as the Birkenhead Corporation Act 1899 and the Birkenhead Corporation Acts 1881 to 1897 may together with this Act be cited as the Birkenhead Corporation Acts 1881 to 1899.

Execution of Act.

2. This Act shall be carried into execution by the Corporation acting by the council in like manner as the Birkenhead Corporation Act 1897.

Incorporation of Acts.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

The Lands Clauses Acts:

Parts II. and III. of the Tramways Act 1870 and section 19 (Local authority may lease or take tolls) of that Act:

Provided that the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any alteration of or interference with any telegraphic line belonging to or used by the Postmaster-General The expression "telegraphic line" in this Act has the same meaning as in the Telegraph Act 1878.

Power to acquire

4. If at any time after the passing of this Act the Corporation acquire the interest of the Birkenhead United Tramways Omnibus

A.D. 1899.

interests of lessees of tramways.

and Carriage Company Limited in the Birkenhead tramways under the lease thereof granted by the Corporation and dated the ninth day of July one thousand eight hundred and ninety-one it shall also be lawful for the Corporation to acquire by agreement all or any of the lands buildings and other property of the said company and all necessary powers for entering into and carrying into effect any such agreement and for determining the said lease are hereby conferred on the Corporation and on the said company.

Saving for existing tramways of Birkenhead United Tramways Omnibus and Carriage Company Limited.

5. Notwithstanding anything in this Act contained the provisions of Part V. of the Birkenhead Corporation Act 1897 shall not as respects any of the tramways demised by the now existing lease dated the ninth day of July one thousand eight hundred and ninety-one to the Birkenhead United Tramways Omnibus and Carriage Company Limited come into operation till the expiration or sooner determination of the said existing lease:

But the Corporation shall be entitled in constructing relaying and reconstructing the Wirral tramways to construct relay or reconstruct those lines in Chester Street at the junction of that street and Bridge Street across the existing line now leased to the Birkenhead United Tramways Omnibus and Carriage Company Limited making proper provision for the due carrying on of the tramway traffic of the company and to run over and use the line so constructed relaid or reconstructed in connexion with and as part of the Wirral tramways.

Provisions for sale to Corporation of Wirral tramways.

6.—(1) The Corporation shall purchase and the Wirral Tramway Company Limited (in this section called "the company") shall sell before the 31st day of December one thousand eight hundred and ninety-nine the unexpired interest of the company in their lease of the Birkenhead lines together with their lines outside the borough of Birkenhead their stables car-sheds and other property used in connexion therewith but so that the company are to retain in their own possession their horses cars and loose effects and the compensation to be paid to the company shall be fixed in case the parties differ as in the case of a sale under the provisions of the Lands Clauses Consolidation Act 1845 relating to the purchase and taking of lands otherwise than by agreement by an arbitrator appointed by the Board of Trade Provided that the company shall be entitled to a sum equal to five per centum on the amount of compensation in respect of the compulsory purchase of the property.

(2) In assessing the value of the property acquired the arbitrator shall assume that but for the taking by the Corporation of the said property the net profits of the company would have continued without increase or diminution as in the year one thousand eight hundred and ninety-eight.

(3) The company shall after the purchase by the Corporation continue for a period which except by agreement shall not exceed twelve months from the purchase to work the tramways now worked by them and be entitled to use the said stables car-sheds and other property and to take the tolls rates and charges authorised by the Wirral Tramways Order 1874 confirmed by the Tramways Orders Confirmation Act 1874 rent free and the company shall throughout such working give as good a service in all respects as at present until the expiration of three months after notice from the Corporation to cease working the same and upon the expiry of such notice the company shall deliver up possession of the tramways stables and car-sheds as aforesaid So long as they shall work the tramways under the provisions of this section the company shall be entitled to take for their own benefit all receipts and shall discharge all outgoings other than rent connected with the said lines Provided that the company shall not be obliged to work the said tramways after the Corporation commence to work the Tramways Nos. 4 4A and 5 by this Act authorised Provided further that the Corporation shall not exercise any of their powers in regard to the relaying interfering with or electrical equipment of the tramways worked by the company until the expiration of the notice above provided for except by agreement with the company so nevertheless that the Corporation shall be entitled to take up and relay so much of the existing line now leased to the company as is laid in Chester Street between Bridge Street and the Woodside Ferry Approach Road making proper provision for the due carrying on of the tramway traffic of the company:

The rights and obligations of the company under this sub-section shall not be taken into account in any arbitration under the first sub-section of this section.

(4) After the purchase of the tramways of the company by the Corporation the company shall be entitled to the benefit of section 16 of the Birkenhead Corporation (Ferries) Act 1897 in respect of any period during which they shall continue to work the tramways.

For protection of Lower Bebington Urban District Council.

7. The following provisions for the protection of the Lower Bebington Urban District Council (herein-after referred to as "the district council") shall apply and have effect:—

(1) In constructing reconstructing and maintaining the tramways and works to be acquired by the Corporation from the Wirral Tramway Company Limited in New Chester Road within the district of the district council the same shall be constructed reconstructed and maintained by and at the expense of the Corporation and to the reasonable satisfaction of the district council and in case any question dispute or difference shall at

A.D. 1899.

any time arise under this section or in regard to any matter or thing done or required to be done under this section such question dispute or difference shall if not settled by agreement between the parties be determined by an engineer to be appointed by the Board of Trade on the application of the district council or the Corporation whose decision shall be final and binding and the costs and expenses of such reference and determination shall be borne and paid as such engineer directs:

(2) Nothing in this Act contained shall prejudice or take away the rights powers and privileges of the district council or the Corporation under the provisions of section 43 of the Tramways Act 1870 relating to the purchase of tramways or parts of tramways by a local authority other than the promoters of a tramway and the same rights powers and privileges of the district council or the Corporation shall attach to the tramways or to any portion thereof in the hands of the Corporation as would have attached if the tramways or any portion thereof had remained in the hands of the Wirral Tramway Company Limited and nothing in this Act contained shall prejudice or affect the rights of the district council as the local authority under the Electric Lighting Acts 1882 and 1888 within their district but the Corporation shall be at liberty in connexion with their tramways undertaking in the district to use for their own purposes the electrical energy generated by them:

(3) Provided that nothing in this section contained shall (as between the Corporation and the Wirral Tramway Company Limited) prejudice or affect the rights of that company under the section of this Act the marginal note of which is "Provisions for sale to Corporation of Wirral tramways."

Power to lay tramway lines.

8. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain in the borough the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates junctions turntables crossings passing places waiting-rooms stables carriage-houses engine-houses stations buildings works and conveniences connected therewith (that is to say):—

Tramway No. 1 a double line 5 furlongs 5·30 chains in length commencing in the Ferry Approach at a point twenty-four yards or thereabouts west-south-west of the northern entrance to the Woodside Ferry Buildings passing thence along the Ferry Approach to and along Hamilton Street Grange Road and Borough Road and terminating in the last-mentioned road

by a junction with the existing tramway of the Corporation at a point five yards or thereabouts east of Argyle Street;

The said Tramway No. 1 between Bridge Street and its termination is in substitution for an existing single line:

Tramway No. 1A a double line 2·84 chains in length commencing in Hamilton Street by a junction with Tramway No. 1 at a point forty-four yards or thereabouts east-north-east from the south-eastern corner of the Pier Hotel passing thence along Canning Street and terminating in the last-mentioned street by a junction with the existing tramway of the Corporation at a point twenty-five yards or thereabouts west of the west side of the southern entrance to the Mersey Railway Pumping Station:

Tramway No. 2 a double line 7·08 chains in length (in substitution for the existing single line) commencing in Chester Street by a junction with the existing tramway of the Corporation at a point sixteen yards or thereabouts measured in a southerly direction from the north-east corner of the Woodside Vaults thence passing along Bridge Street to and terminating in Hamilton Street by a junction with Tramway No. 1 at a point eight yards or thereabouts south-west from the south-west side of Bridge Street:

Tramway No. 3 a double line 3 furlongs 9·62 chains in length (in substitution for the existing single line) commencing in Argyle Street by a junction with the existing tramway of the Corporation at a point thirty-five yards or thereabouts north-east of Sidney Street thence passing along Argyle Street to and terminating in Borough Road by a junction with the existing tramway of the Corporation at a point twelve yards or thereabouts west-south-west of Argyle Street:

Tramway No. 3A a double line 1·36 chains in length commencing in Argyle Street by a junction with Tramway No. 3 at a point seventeen yards or thereabouts north-north-west of Cleveland Street passing thence to and terminating in Cleveland Street by a junction with Tramway No. 11 at a point ten yards or thereabouts west of the west side of Argyle Street:

Tramway No. 3B a double line 1·36 chains in length commencing in Argyle Street by a junction with Tramway No. 3 at a point thirty-one yards or thereabouts north-east of the south-west side of Conway Street thence passing into and terminating in Conway Street by a junction with Tramway No. 8 at a point nine yards or thereabouts west from the west side of Argyle Street:

Tramway No. 3C a double line 1·06 chains in length commencing in Borough Road by a junction with Tramway No. 3 at a

A.D. 1899.

point two yards or thereabouts south of the north side of Borough Road thence passing in a south-south-westerly direction across Borough Road and terminating by a junction with Tramway No. 4 at a point five yards or thereabouts north-east of the south side of Borough Road :

Tramway No. 4 a double line 2 furlongs 7 · 95 chains in length commencing in Borough Road by a junction with the existing tramway of the Corporation at a point five yards or thereabouts east of Argyle Street thence passing into and along Argyle Street South to and terminating in Whetstone Lane by a junction with Tramway No. 5 at a point fourteen yards or thereabouts south-east from Argyle Street South :

Tramway No. 4A a double line 1 furlong 2 · 60 chains in length commencing in Argyle Street South by a junction with Tramway No. 4 at a point eighty-five yards or thereabouts north-east of the north-eastern side of Holt Hill Terrace passing thence in a south-easterly direction into and along an intended new street to be constructed between Argyle Street South and the junction of Holt Hill with Whetstone Lane thence along Holt Hill to and terminating in Church Road by a junction with Tramway No. 5 at a point twenty-four yards or thereabouts south-west of the south-western side of Warrington Street :

Tramway No. 5 (1 mile 7 furlongs 0 · 35 chain in length whereof 1 mile 2 furlongs 5 · 48 chains is single line and 4 furlongs 4 · 87 chains is double line) commencing in Borough Road by a junction with the existing tramway of the Corporation at a point three yards or thereabouts east of a point opposite the west side of the fire station passing thence into and along Whetstone Lane Church Road and Bebington Road and terminating in Bebington Road at a point opposite the western side of Dacre Hill :

Tramway No. 6 a double line 3 furlongs 0 · 54 chain in length commencing in Borough Road by a junction with the existing tramway of the Corporation at a point about forty-eight yards north-north-west of the north side of Prenton Road West passing thence into and along Prenton Road West and terminating in Prenton Road West at the borough boundary :

Tramway No. 7 (2 miles 6 furlongs 1 · 27 chains in length whereof 1 mile 1 furlong 4 · 91 chains is single line and 1 mile 4 furlongs 6 · 36 chains is double line) commencing in Conway Street by a junction with the existing tramway of the Corporation opposite Craven Street passing thence along Conway Street Park Road North Upton Road Shrewsbury Road North Shrewsbury Road Balls Road Balls Road East

A.D. 1899.

and terminating in Borough Road by a junction with the existing tramway of the Corporation at a point about thirteen yards north of Willmer Road:

Tramway No. 7A a double line 1·28 chains in length commencing in Park Road North by a junction with Tramway No. 7 at a point twenty-one yards or thereabouts east of Duke Street passing thence to and terminating in Ashville Road by a junction with Tramway No. 12 at a point twenty yards or thereabouts south of Park Road North:

Tramway No. 8 a double line 1 furlong 0·9 chain in length (in substitution for the existing tramway) commencing in Hamilton Street by a junction with Tramway No. 1 at a point seven yards or thereabouts north-east of the north-eastern side of Conway Street thence passing into along and terminating in Conway Street by a junction with the existing tramway of the Corporation at a point twenty-seven yards or thereabouts north-west of Bank Street:

Tramway No. 8A a double line 1·36 chains in length commencing in Conway Street by a junction with Tramway No. 8 at a point nine yards or thereabouts south-east of the eastern side of Argyle Street passing thence to and terminating in Argyle Street by a junction with Tramway No. 3 at a point nine yards or thereabouts south-west of the south-west side of Conway Street:

Tramway No. 9 (5 furlongs 5·04 chains in length whereof 3 furlongs 5·82 chains are double line and 1 furlong 9·22 chains single line) commencing in Conway Street by a junction with Tramway No. 8 at a point ten yards or thereabouts east of Bank Street passing thence in a westerly direction into and along Claughton Road and terminating in Park Road South by a junction with the existing tramway of the Corporation at a point seventeen yards or thereabouts west of Alvanley Place:

Tramway No. 9A a single line 6·80 chains in length commencing in Claughton Road by a junction with Tramway No. 9 at a point twelve yards or thereabouts west of Wilson Street passing thence into and along Camden Street and terminating in Conway Street by a junction with the existing tramway of the Corporation at a point ten yards or thereabouts south-east of the south-east side of Camden Street:

Tramway No. 10 (3 furlongs 7·02 chains in length of which 2 furlongs 2·12 chains will be single line and 1 furlong 4·90 chains will be double line) commencing in Park Road South by a junction with the existing tramway of the

A.D. 1899.

Corporation at a point forty-seven yards or thereabouts east of Palm Grove passing thence into and along Egerton Road Tollemache Road and terminating in Shrewsbury Road North by a junction with Tramway No. 7 at a point thirty-seven yards or thereabouts south-east of the north side of Tollemache Road:

Tramway No. 10A a single line 1·86 chains in length commencing in Tollemache Road by a junction with Tramway No. 10 at a point twenty yards or thereabouts east of the east side of Shrewsbury Road North passing thence to and terminating in Shrewsbury Road North by a junction with Tramway No. 7 at a point five yards or thereabouts north of the north side of Tollemache Road:

Tramway No. 11 a double line 4 furlongs 3·49 chains in length commencing in Hamilton Street by a junction with Tramway No. 1 at a point seven yards or thereabouts north-east of the north side of Hamilton Square North thence passing into and along Hamilton Square North and Cleveland Street and terminating in Cleveland Street by a junction with the existing tramway of the Corporation opposite Pool Street:

Tramway No. 11A a double line 1·36 chains in length commencing in Hamilton Square North by a junction with Tramway No. 11 at a point thirty yards or thereabouts measured in a south-easterly direction from the north-western side of Argyle Street thence passing to and terminating in Argyle Street by a junction with Tramway No. 3 at a point eleven yards or thereabouts south-west of the south-western side of Cleveland Street:

Tramway No. 12 (7 furlongs 1·55 chains in length whereof 7 furlongs 0·25 chain will be double line and 1·30 chains will be single line) commencing in Cleveland Street by a junction with the existing tramway of the Corporation at a point eighteen yards or thereabouts measured in an east-south-easterly direction from Duke Street thence passing into and along Duke Street Ashville Road Manor Hill to and terminating in Egerton Road by a junction with Tramway No. 10 at a point twenty-seven yards or thereabouts east of the north-west side of Manor Hill:

And in order to provide through communication between the Wirral tramways and the intended new lines the Corporation may take up and relay and may run over work and use so much of the existing line now leased to the Wirral Tramway Company as is laid in Chester Street between Bridge Street and the Woodside Ferry Approach Road.

Conveyance of mails.

9. The Conveyance of Mails Act 1893 shall extend and apply to all the tramways of the Corporation as if the same had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three and to the Corporation as the body or person owning or working such tramways.

For the protection of the London and North Western and Great Western Railway Companies.

10. The following provisions for the protection of the London and North Western and Great Western Railway Companies hereinafter referred to as "the railway companies") shall apply and have effect:—

(1) The Corporation shall not in any way alter or interfere with the structure of any bridge or viaduct carrying any road over any railway of or maintained by the railway companies and they shall so construct and maintain the tramways and all works connected therewith over any such bridge or viaduct and the approaches thereto as not injuriously to affect the same or to cause any interruption to the passage or conduct of traffic along the said railways:

(2) In the event of any injury being caused to any such bridge or viaduct or the approaches thereto by the construction maintenance repairing use or removal of any of the said tramways and works the Corporation shall on notice being given to them forthwith make good or remove such injury at their own expense or the railway companies may in case of default at the reasonable expense of the Corporation restore such bridge and approaches or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Corporation shall indemnify the railway companies against all reasonable sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridge or viaduct and approaches as the Corporation are liable to maintain and repair under section 28 of the Tramways Act 1870 and the railway companies may recover from the Corporation all such sums costs and expenses:

(3) Whenever and so often as the railway companies shall require to strengthen reconstruct alter or repair any such bridge or viaduct and they shall find it necessary for effecting any of such purposes that the tramways laid thereon shall be diverted or removed and shall (except in case of emergency) give to the Corporation seven clear days notice in writing requiring such diversion or removal the Corporation shall divert or remove the same accordingly but only for so long as the railway companies may find such diversion or removal absolutely

A.D. 1899.

necessary for effecting such purposes or in case of default the railway companies may remove or divert the said tramways at the expense of the Corporation and the railway companies shall not be liable for any compensation claims demands damages costs and expenses for or in respect of such diversion or removal and the stoppage and delay in connexion with the working and user of the said tramways or in any way relating thereto Provided that except in case of absolute necessity the Corporation shall not be bound to divert or remove more than one set of tramway rails laid on such bridge or viaduct at one and the same time :

(4) In case any such strengthening shall be necessary owing to the carriages or other vehicles on any of the said tramways being or being intended to be moved by any mechanical power such strengthening shall be effected in all things at the reasonable expense of the Corporation who shall also pay to the railway companies all reasonable additional expenses which they may incur or be put to in effecting any such strengthening reconstruction alteration or repair by reason of the existence of the tramways so passing or any of the works connected therewith the amount of such expenditure to be recoverable as aforesaid by the railway companies from the Corporation :

(5) All works which may be necessary in constructing and maintaining any of the said tramways and works over any bridge viaduct works or property of the railway companies shall be constructed and maintained in all things at the expense of the Corporation and to the reasonable satisfaction of the principal engineer of the railway companies or in case of difference of an engineer to be appointed by the Board of Trade on the application of the railway companies or the Corporation :

(6) If any question dispute or difference shall at any time arise between the railway companies and the Corporation under this section or in regard to any matter or thing done or required to be done under this section such question dispute or difference shall if not settled by agreement between the parties be determined by an engineer to be appointed by the Board of Trade on the application of the railway companies or the Corporation whose decision shall be final and binding.

For protection of Mersey Railway Company.

11. For the protection of the Mersey Railway Company (hereinafter called "the Mersey Company") the provisions of the immediately preceding section of this Act the marginal reference whereof is "For the protection of the London and North Western and Great Western Railway Companies" shall so far as the same are applicable extend and apply to the Mersey Company as regards

the bridge carrying Duke Street over the railway of the Mersey Company and the approaches to such bridge and the Corporation shall not in the exercise of any of the powers of this Act or of Part V. of the Birkenhead Corporation Act 1897 injure or interfere with the tunnel and covered way through which the railway of the Mersey Company passes under Borough Road or the archway or girders of or works connected therewith.

Period for completion of new lines.

12. The tramways by this Act authorised shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much of the tramways respectively as shall then be completed.

As to rails of tramways.

13. The rails of the tramways shall be such as the Board of Trade may approve.

Inspection by Board of Trade.

14. No part of the tramways by this Act authorised to be constructed shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

Mechanical power works to be subject to section 30 of Tramways Act 1870.

15. All works to be executed by the Corporation in any road for working the tramways by mechanical power in pursuance of the powers of this Act shall be deemed to be works of a tramway subject in all respects to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned.

Tramways to be kept on level of surface of road.

16. If and whenever after the passing of this Act the Corporation alter the level of any road along or across which any part of the tramways is laid or authorised to be laid they may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered and any expenses incurred in carrying out any such alteration of the tramways consequent upon the alteration of any road shall in the first instance be defrayed out of the income derived from tramways.

Application of Part V. of Act of 1897.

17. Part V. of the Birkenhead Corporation Act 1897 (except the proviso to section 29) shall apply to the tramways authorised by this Act as well as to the existing tramways within the borough and section 38 of that Act shall extend to authorise the Corporation to borrow any sums of money necessary for acquiring the interests of the respective lessees of the Birkenhead tramways and of the Wirral tramways and any lands buildings or property belonging to those companies or either of them as well as to borrow any other

A.D. 1899.

sums of money necessary for defraying any expenses properly chargeable to capital which are incurred by the Corporation in carrying into effect the powers conferred on them with respect to tramways by this Act and Part V. of the Act of 1897 shall also apply to the tramways and property of the Wirral Tramway Company Limited outside the borough when acquired by the Corporation under the provisions of this Act as if those tramways and property were included within the borough.

Period for paying moneys borrowed by Corporation.

18. The period within which any money hereafter to be borrowed by the Corporation under the authority of the Birkenhead Corporation Act 1897 or this Act for the purposes of tramways or for the purchase of the property of the Wirral Tramway Company Limited is to be paid off by means of a sinking fund or otherwise shall be twenty-nine years reckoned from the expiration of one year from the passing of this Act anything in the same respective Acts to the contrary notwithstanding.

Power to utilise existing generating station.

19. The Corporation may utilise their existing electrical generating station in the borough and any lands which have been or may hereafter be acquired by them for the purposes of electrical generating stations for supplying traction power and for the purposes of their tramways undertaking.

Plan of proposed mode of construction of tramways.

20. In addition to the requirements of section 26 of the Tramways Act 1870 the Corporation shall before they proceed to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways (except for the purpose of making necessary repairs) lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Corporation shall not commence the construction laying down maintenance and renewal of any of the tramways or part of any of the tramways respectively (except for the purposes aforesaid) until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement.

Passing places to be constructed in certain cases.

21. Where in any road in which a double line of tramway is laid there shall be a less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Corporation shall construct a passing place or places connecting the one tramway with the other and by means of such passing place or places the traffic shall when necessary be diverted from one tramway to the other.

Power to make additional crossings &c.

22. The Corporation may subject to the provisions of this Act make maintain alter and remove such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables or carriage-houses depôts engine-houses generating stations or works of the Corporation :

And where any tramway belonging to the Corporation or any part thereof is laid as a single line the Corporation may at any time take up such tramway or part thereof and may reconstruct the same as a double line:

Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Corporation within three weeks after receiving from the Corporation notice in writing of their intention express their objection thereto.

Application of road materials excavated in construction of works.

23. Any paving metalling or material excavated by the Corporation in the construction of the tramways from any road under their jurisdiction or control shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they think fit.

Temporary tramway may be made where necessary.

24. Where by reason of the execution of any work affecting the surface and soil of any road along which any of the tramways is laid it is in the opinion of the Corporation necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Corporation may construct on the same or any adjacent road and subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Lands for carriage houses &c.

25. For the purpose of erecting and maintaining waiting rooms stables carriage-houses engine-houses stations sheds or other buildings and conveniences necessary or proper for the working of any tramways for the time being belonging to them the Corporation may appropriate and utilise any lands for the time being vested in them and not required for any other purpose and may acquire by agreement any additional lands not exceeding ten acres.

Power to make street improvement.

26. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the street improvement herein-after mentioned together with all necessary works and

A.D. 1899.

conveniences connected therewith or incident thereto and may for that purpose enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

The street improvement above referred to and authorised by this Act is—

The construction of a new street commencing by a junction with Argyle Street South and terminating at the junction of Holt Hill and Whetstone Lane.

Period for completion of street improvement.

27. If the street improvement authorised by this Act is not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Power to deviate.

28. In the construction of the street improvement authorised by this Act the Corporation may deviate vertically from the levels shown on the deposited sections to any extent not exceeding two feet upwards and two feet downwards and they may deviate laterally within the limits of deviation shown on the deposited plans.

Power to make subsidiary works.

29. Subject to the provisions of this Act and within the limits defined on the deposited plans the Corporation in connexion with the street improvement authorised by this Act and for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the street improvement and may make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the new street or of crossing under or over the same or otherwise and may alter divert or stop up all or any part of any drain sewer or channel within the said limits the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer:

Provided that the Corporation shall pay compensation to any person who may be injuriously affected by the powers conferred by this section and the amount of such compensation shall in case of difference be determined under the Arbitration Act 1889.

Temporary stoppage of streets.

30. The Corporation may during the execution and for the purposes of any works by this Act authorised from time to time stop up any street and prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along and using the same for any reasonable time but convenient access to the houses in such street shall be provided by the Corporation.

A.D. 1899.

Correction of errors &c. in deposited plans and book of reference.

31. If any omission mis-statement or erroneous 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.

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.

The certificate shall be kept by the clerk of the peace 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.

Period for compulsory purchase of lands.

32. The powers of the Corporation for the compulsory purchase of lands under this Act shall not be exercised after the expiration of two years from the passing of this Act.

Restriction on taking houses of labouring class.

33. The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

If the Corporation acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

For the purpose of this section the expression "labouring class" means mechanics artisans 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

A.D. 1899.

shillings a week and the families of any of such persons who may be residing with them.

Owners may be required to sell parts only of certain properties.

34. And whereas in the construction and execution of the street improvement by this Act authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the properties 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 notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the properties described in the Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the judgment of the jury arbitrator or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Corporation the portions only of the 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 or other parties interested therein by severance or otherwise.

Power to retain sell &c. lands.

35. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands within or outside the borough or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale exchange lease or disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Power to borrow for street improvement.

36. For the purposes of the street improvement authorised by this Act the Corporation may borrow such sums as they may require not exceeding in the aggregate fourteen thousand three hundred pounds and all sums so borrowed shall be repaid within twenty-five years from the time or respective times of borrowing the same.

A.D. 1899.

Subject as aforesaid the said sums may be borrowed on the like security and in the like manner as moneys authorised to be borrowed for street improvements under Part VI. of the Birkenhead Improvement Act 1884 and all moneys so borrowed shall be subject as to the repayment thereof and in all other respects to the provisions of sections 48 to 51 inclusive of the Birkenhead Corporation Act 1897.

Costs of Act.

37. 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) within five years from the time or respective times of borrowing the same.

A.D. 1899.

SCHEDULE.

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

Description of Work.	Parish and Township.	Number on deposited Plan.
Argyle Street South Improvement.	Birkenhead - -	5 and 7.

Printed by EYRE and SPOTTISWOODE,
FOR
T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and
90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.