CHAPTER xcii.

An Act for declaring the boundary of the Borough of Bootle-cum-Linacre, in the County of Lancaster, and for other purposes. A.D. 1873. [7th July 1873.]

WHEREAS in 1858 an Act (local and personal) was passed to consolidate and amend the provisions of the several Acts relating to the Liverpool and Birkenhead docks, and the port and harbour of Liverpool, and for other purposes connected therewith (which Act has the short title of the Mersey Dock Acts Consolidation Act, 1858, and is in this Act referred to as the Mersey Dock Act of 1858):

And whereas the Mersey Dock Act of 1858 enacts to the effect (section three) that in the construction of that Act the there following words and expressions shall have the several meanings thereby assigned to them, unless there be something in the subject or context repugnant to such construction, which interpretations include the following; (that is to say,)

"The board" shall mean the Mersey Docks and Harbour Board established by the Mersey Docks and Harbour Act, 1857:

"The borough" shall mean the borough of Liverpool as the same may for the time being exist for municipal purposes:

The word "docks" shall mean the present or future docks, basins, locks, cuts, entrances, graving docks, quays, piers, warehouses, sheds, roads, lands, and other works belonging to or under the management of the board, including the Great Float, and when attached to the word Liverpool shall mean such of the said docks, lands, and works in the county of Lancaster as may be on the east side of the River Mersey, and when attached to the word Birkenhead shall mean such of the said docks, lands, and works in the county of Chester as may be on the west side of the said river:

A.D. 1873.

And whereas the Mersey Dock Act of 1858 further enacts (section three hundred and forty-four) as follows; (that is to say,)

All lands and docks which may for the time being form part of the Liverpool Docks shall, for all the purposes of this Act, and of the Act for the regulation of municipal corporations in England and Wales, and of the Act therein referred to of the second and third years of the reign of His late Majesty King William the Fourth, chapter sixty-four, and of other Acts in any way relating to or affecting the borough, be and be deemed and taken to be within and shall be part of the borough; provided that nothing herein contained shall extend to confer any elective or other franchise in respect of any such lands:

And whereas by a charter of incorporation dated the 30th day of December 1868 Her Majesty the Queen, as well by virtue of the powers and authorities vested in her by virtue of Her Royal Prerogative as by virtue of the powers and authorities given to Her by the Act of the first year of Her reign to amend an Act for the regulation of municipal corporations in England and Wales, or any other Act of Parliament, and all other powers and authorities enabling Her in this behalf, by the advice of Her Privy Council did grant and declare that the inhabitants of the town of Bootle-cum-Linacre, in the county of Lancaster, embracing the whole of the township of Bootle-cum-Linacre, and their successors, should be for ever thereafter one body politic and corporate in deed, fact, and name, and that the said body corporate should be called the mayor, aldermen, and burgesses of the borough of Bootle-cum-Linacre: And Her Majesty did thereby grant to the said body corporate and politic that by the same name they should have perpetual succession, and be for ever thereafter persons able and capable in the law to have and exercise, and do and suffer, and that they should have and exercise, and do and suffer all the acts, powers, authorities, immunities, and privileges which were then held and enjoyed, done, and suffered by the several boroughs named in the schedules to the Act passed in the session of Parliament held in the fifth and sixth years of the reign of His late Majesty King William the Fourth, to provide for the regulation of municipal corporations in England and Wales, and in like manner and subject to the same provisions as fully and amply to all intents and purposes whatsoever as if the said town of Bootle-cum-Linacre, embracing the whole of the township of Bootle-cum-Linacre, had been one of the boroughs named and included in the second section of Schedule (B.) to that Act annexed: And Her Majesty did thereby extend to the inhabitants

of the said town of Bootle-cum-Linacre, embracing the whole of the said township, all the powers and provisions of the last-mentioned Act, and of all and every other Acts or Act of Parliament made and passed for altering, amending, or enlarging the said Act, and the powers and provisions thereof, or in anywise relating thereto:

And whereas by the said charter Her Majesty did further will, grant, and declare that the said borough of Bootle-cum-Linacre should be divided into three wards, to be respectively called Derby Ward, Stanley Ward, and Knowsley Ward, and that the said wards should be bounded and described as therein mentioned, Stanley Ward being therein described as follows; (that is to say,)

Stanley Ward shall comprise so much of the township of Bootle-cum-Linacre as lies within the following boundary (namely): an imaginary line drawn from a point in the centre of Kirkdale Road on the northern boundary of the borough of Liverpool along the said boundary in a westerly direction, and on the south side of the North Dock warehouses across Regent Road to the south-east corner of Canada Dock Basin, along the south side of the said basin to low-water mark, thence in a northwardly direction along low-water mark for about 1,080 lineal yards, thence turning eastwardly in a straight line to a point in the centre of Church Street West where the same meets Regent Road, thence along the centre of Church Street West, Church Street, Irlam Lane, and Merton Road to a point in the centre of Kirkdale Road, thence in a southerly direction along the centre of Kirkdale Road to the starting point in the centre of Kirkdale Road aforesaid:

And Knowsley Ward being therein described as follows; (that is to say,)

Knowsley Ward shall comprise so much of the township of Bootle-cum-Linacre as lies within the following boundary (namely): an imaginary line drawn from the north-west corner of Stanley Ward at low-water mark in an eastwardly direction along the northern boundary of Stanley Ward to a point in the centre of Church Street West where the same meets Regent Road, thence in an eastwardly direction along the centre of Church Street West, Church Street, and Irlam Lane, and Merton Road to a point where the said Liverpool, Crosby, and Southport Railway crosses the last-mentioned road, thence in a northwardly direction along the centre of the said railway to a point where the same crosses Marsh Lane, thence in a north-eastwardly direction along the centre of Marsh Lane and in a northwardly direction along Linacre Lane to the northern boundary of the township, thence along the centre

A.D. 1873.

of the Rimrose Brook, being the northern boundary of the said township to the Rimrose Bridge, thence in a westwardly direction to low-water mark at a point about 1,325 lineal yards in a north-westwardly direction from the starting point at the north-west corner of Stanley Ward, thence in a southwardly direction along low-water mark to the starting point aforesaid:

And whereas for brevity in this Act the township of Bootle-cum-Linacre is called the township of Bootle, and the borough of Bootle-cum-Linacre is called the borough of Bootle, and the mayor, aldermen, and burgesses of that borough are called the corporation of Bootle, and the mayor, aldermen, and burgesses of the borough of Liverpool are called the corporation of Liverpool:

And whereas the lands and docks now forming part of the Liverpool Docks comprise land which is part of the township of Bootle, and consequently is or but for the operation of section three hundred and forty-four of the Mersey Dock Act of 1858 would have been by force of the said charter part of the borough of Bootle:

And whereas it has been decided by a court of law that so much of the township of Bootle as forms part of the Liverpool Docks within the meaning of section three hundred and forty-four of the Mersey Dock Act of 1858 is part of the borough of Liverpool, for the purposes and subject only to the restriction in that section expressed and contained:

And whereas it is right and expedient that in conformity with the said charter the whole of the township of Bootle should be for all purposes comprised in the borough of Bootle, and that no part thereof should be for any purpose comprised in the borough of Liverpool:

And whereas it is expedient that the boundaries of Stanley Ward and Knowsley Ward in the borough of Bootle be extended riverwards, so that the whole of the township of Bootle may be comprised within the several wards of the borough (according to their legal descriptions), as well as within the borough itself:

And whereas it is expedient that provision be made for the settlement and improvement of part of the boundary line between the townships of Kirkdale and Bootle, and between the boroughs of Liverpool and Bootle:

And whereas a map has been made by the corporations of Liverpool and Bootle showing an improvement of part of that boundary line, which improvement has been agreed on between those corporations, and that map has been signed by John Bonham-Carter, Esquire, the Chairman of the Committees of the House of Commons, and deposited in the Private Bill Office of the House

of Commons, and duplicates of that map have been signed by Edward Samuelson, Esquire, mayor of Liverpool, and William Molyneux, Esquire, mayor of Bootle, and the improved boundary line shown thereon is further described in the schedule to this Act for convenience, but not so as to affect the boundary line as shown on the said map:

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

And whereas at a meeting of the council of the borough of Bootle held after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Liverpool Daily Albion" newspaper (a local newspaper published or circulating in that borough), such notice being in addition to the ordinary notices required for summoning such meeting, a resolution was passed by an absolute majority of the whole number of the council to the effect that the expenses relating to the promotion of the Bill for this Act shall be charged on the borough fund and borough rate of that borough:

And whereas that resolution was published twice in the "Liverpool Daily Albion" newspaper (a newspaper circulating in that borough), and received the approval of one of Her Majesty's Secretaries of State:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by such an absolute majority as aforesaid at a further special meeting of the council held in pursuance of a similar notice as aforesaid, on a day not less than fourteen days after the deposit in Parliament of the Bill for this Act:

And whereas the promotion in Parliament of the Bill for this Act had the consent of the owners and ratepayers of the borough of Bootle expressed by resolution in the manner provided in The Local Government Act, 1858, for the adoption of that Act:

And whereas in manner aforesaid and otherwise all the requisitions of the Act of the last Session of Parliament (chapter ninety-one, public general) intituled "An Act to authorise the application "of funds of municipal corporations and other governing bodies "in certain cases," have been in all respects duly complied with, and all other things have been done and all events have happened necessary to entitle the corporation of Bootle to obtain payment out of the borough fund and borough rate of that borough of the costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of 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

A.D. 1873.

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 Bootle-cum-Linacre (Borough Boundary) Act, 1873.

Commencement of Act.

2. This Act shall commence and have effect from and immediately after the thirty-first day of December one thousand eight hundred and seventy-three.

No part of the township of Bootle to be in borough of Liverpool, and township to be wholly in borough of Bootle.

3. Notwithstanding anything in section three hundred and forty-four, or in any other provision of the Mersey Dock Act of 1858, no part of the township of Bootle shall for any purpose whatever be or be deemed or taken to be within or be part of the borough of Liverpool, but the same township and every part thereof shall be and be deemed and taken to be within and shall be part of the borough of Bootle for all purposes, subject nevertheless to the provisions of this Act for altering the boundary line between the townships of Kirkdale and Bootle, and between the boroughs of Liverpool and Bootle.

Improvement of part of the boundary of the two boroughs and townships, &c.

4. With respect to the boundary line between the townships of Kirkdale and Bootle, and between the boroughs of Liverpool and Bootle, the following provisions shall have effect:

(1.) The corporation of Liverpool shall keep one of the said duplicate maps, and the corporation of Bootle shall keep the other duplicate map, and they respectively shall at all reasonable times permit all persons interested to inspect during a reasonable time, and make extracts from or copies of the same respectively, on payment by each person for each inspection (including extracting or copying) of such sum not exceeding one shilling as the respective corporation from time to time direct:

(2.) The boundary line between the townships of Kirkdale and Bootle, and between the boroughs of Liverpool and Bootle, shall for parliamentary, municipal, and all other purposes as far as the same is shown on the said map be the line drawn thereon and coloured blue:

(3.) All lands shown on the said map lying south of the said boundary line, and coloured green on the said map, shall be for all purposes part of the township of Kirkdale and of the borough of Liverpool, and of the ward thereof called No. 1 or Everton and Kirkdale Ward:

(4.) All lands shown on the said map lying north of the said boundary line, and coloured red on the said map, shall

for all purposes be part of the township and borough of Bootle, and so much of the last-mentioned lands as lies east of the centre line of Kirkdale Road shall be part of the ward of that borough, called No. 1 or Derby Ward, and the residue thereof shall be part of the ward of that borough called No. 2 or Stanley Ward.

Collection of rates made before commencement of Act.

5. Nothing in this Act shall affect the collection, after the commencement of this Act, of poor rates made or assessed before the commencement of this Act, in the respective townships of Kirkdale and Bootle, or the collection of rates made or assessed before the commencement of this Act by the corporation of Liverpool or the corporation of Bootle on any lands having been before the commencement of this Act rateable by that respective corporation, but ceasing to be so on the commencement of this Act, and the same may after the commencement of this Act be collected, enforced, and recovered in like manner, and by the like officers and persons, and shall be applicable and be applied in like manner, and the like courts and justices shall have jurisdiction for all the purposes of this section as if this Act had not been passed.

Saving as to port of Liverpool.

6. Nothing in this Act shall affect the boundaries of the port of Liverpool as for the time being existing, and all such lands as are at the commencement of this Act within the port of Liverpool shall remain and be within that port to all intents as if this Act had not been passed.

Saving for jurisdiction of Liverpool and county magistrates over docks in Bootle.

7. Nothing in this Act shall affect section three hundred and forty-five or section three hundred and forty-six of the Mersey Dock Act of 1858, and any lands, docks, and works which for the time being belong to or are under the management of the Mersy Docks and Harbour Board, and which are within the township of Bootle, shall continue and be exempt from the jurisdiction and authority of the justices of the peace for the borough of Bootle for the purposes of—

(*a.*) Any matters in regard to which such lands, docks, and works are for the time being, by the provisions of the Mersey Dock Act of 1858, subject to the jurisdiction of the justices of the peace or of the court of quarter sessions of the borough of Liverpool; and

(*b.*) The appointment and control of inspectors of weights and measures, until a separate court of quarter sessions shall have been granted to the borough of Bootle.

Watching of docks in Bootle.

8. If and as long as the lands, docks, and works which for the time being belong to or are under the management of the Mersey

A.D. 1873.

Docks and Harbour Board, and which are within the township of Bootle, continue to be watched by the corporation of Liverpool, or by the Mersey Docks and Harbour Board, then and so long a watch rate shall not be levied by the corporation of Bootle on any part of those docks, lands, or works.

Extent of Stanley and Knowsley wards.

9. Stanley Ward and Knowsley Ward in the borough of Bootle shall respectively be extended to the western boundary of the township of Bootle.

Protection of borough of Liverpool.

10. The following provisions shall be enacted for the protection of the borough of Liverpool in respect of the transfer of the lands, docks, works, and matters transferred by this Act, (which lands, docks, works, and matters are herein-after in this section referred to as "lands,") viz.:

(1.) Nothing in this Act shall affect:

(*a.*) The right of the corporation of Liverpool to recover any sums under the Mersey Dock Act of 1858, or any other Act, in respect of the provision of constables and superintendents or officers of police from time to time required by the Mersey Docks and Harbour Board for the protection of such of the said lands as for the time being belong to or are under the management of the said board, or any powers or jurisdiction of the said corporation or recorder or justices of Liverpool or of any other court in respect of the matters herein referred to, so long as the said corporation continue to watch such lands or to make such provision; or

(*b.*) The validity of any mortgage or security made or given by the corporation of Liverpool on the credit of the borough fund or rate or of any other rate, notwithstanding that by reason of this Act such rate may cease to be leviable in respect of any transferred lands; or

(*c.*) The validity of any election; or

(*d.*) The jurisdiction of the court of passage in respect of lands for the time being belonging to or under the management of the Mersey Docks and Harbour Board:

(2.) Any sum or damages which but for this Act might be recovered, or any action or proceeding which but for this Act might be maintained by or against the corporation of Liverpool or the overseers of the township of Kirkdale in respect of anything done or suffered, or agreed to be done or suffered, before the commencement of this Act, shall be recoverable and maintainable in all respects as if this Act had not passed:

A.D. 1873.

(3.) Any lands transferred by this Act to the borough of Liverpool shall become subject to all the like provisions of any local Act to which the parts of the present borough of Liverpool which they immediately adjoin are subject.

Saving rights of Earl of Derby.

11. Nothing in this Act contained shall in anywise alter, impair, prejudice, or affect the rights, estates, powers, authorities, privileges, or immunities of the Right Honourable The Earl of Derby or his heirs or other the person or persons for the time being entitled under the last will and testament of the late Right Honourable Edward Geoffrey Earl of Derby deceased as lords of the manor of Bootle-cum-Linacre or otherwise, all which shall be held and enjoyed by him and them as fully and amply in all respects as the same might have been held or enjoyed by them if this Act had not been passed.

Expenses of Act.

12. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for, and the obtaining and passing of this Act shall be paid by the corporation of Bootle out of the borough fund or borough rate of that borough.

A.D. 1873.

SCHEDULE to which the foregoing Act refers.

DESCRIPTION OF IMPROVED BOUNDARY LINE BETWEEN THE TWO BOROUGHS AND TOWNSHIPS.

The improved boundary line shall commence at the boundary stone at the south-eastern extremity of the borough and township of Bootle-cum-Linacre, and proceed thence in a westerly direction to a point on the west side of the Lancashire and Yorkshire Railway fifty yards south of the Walton Tunnel of that railway, thence in a westerly direction along the north boundary wall of No. 356, Grosvenor Terrace, and across Westminster Road to a point on the west side of that road sixty-five yards north of Braemar Street, Liverpool, thence in a westerly direction to a point on the east side of Stanley Road where the ancient township boundary crosses the east side of that road, thence across that road to a point on the west side of it half way between Orlando Street, Bootle, and Wolsey Street, Liverpool, thence in a westerly direction to the centre of Pembroke Road eighteen yards south of the ancient township boundary, thence in a southerly direction along the centre of Pembroke Road for a distance of fifteen yards, thence in a south-westerly direction to a point on the east side of the Liverpool, Crosby, and Southport Branch of the Lancashire and Yorkshire Railway seventy-seven yards south of the point where the ancient township boundary crosses the east side of that railway, thence along the east side of that railway for a distance of eighty-three yards, thence across that railway at right angles and along the northern boundary wall of St. Alexander's Schools, to the centre of St. John's Road, thence in a northerly direction along the centre of that road for a distance of thirty yards, thence at right angles in a south-westerly direction to and along the centre of the passage between the houses Nos. 97 and 99, St. John's Road to the passage between the backs of the houses in the last-mentioned road and Brasenose Road, along the centre of that passage in a northerly direction for a distance of five yards, thence at right angles in a south-westerly direction along the passage on the northern side of No. 122, Brasenose Road, across that road to the south-east angle of the boundary wall of the Welsh Baptist Chapel, thence along the south boundary wall of that chapel, across the Leeds and Liverpool Canal to the west side of the towing path of that canal, at a point sixty-eight yards south of the point at which the ancient township boundary crosses the west side of that towing path, along the west side of that towing path in a northerly direction for a distance of one hundred and nine yards, thence in a south-westerly direction along the centre of the passage running across the south end of Brook Terrace to the south-east angle of the front garden of the house No. 33, Ensor Street, thence in a westerly direction along the north side of Ensor Street to the east side of Derby Road, thence along the east side of Derby Road in a northerly direction for a distance of thirteen yards, thence across that road at right angles, thence along the

western side of that road in a northerly direction to the division wall between the houses No. 155, Derby Road, Liverpool, and No. 324, Derby Road, Bootle, thence in a westerly direction along the said division wall and along the rear of the warehouses on the south side of Dacre Street to the point on the east side of Regent Road where the ancient township boundary touches that road, thence in a northerly direction along the east side of Regent Road for a distance of thirty-one yards, thence in a westerly direction across Regent Road and along the north side of the timber storage sheds to the north-west corner of the counting house now occupied by Messrs. William Williams and Son, thence in a south-westerly direction to the south-east corner of the Canada Dock Basin, thence in a westerly direction along the south side of that basin and across the northern entrance to the Canada Lock to a point on the west side of the river wall fifty-eight yards south of the southern pier head of the Canada Dock Basin, and thence in a westerly direction to and terminating at the western boundary of the said boroughs and townships. A.D. 1873.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1873.