CHAPTER ci.

An Act to make further provision for the extension enlargement maintenance and repair of the Wallasey Embankment and for other purposes. [20th July 1894.] A.D. 1894.

WHEREAS an Act (herein-after called "the Act of 1829") was passed in the tenth year of the reign of His late Majesty King George the Fourth intituled "An Act for making an Embankment "on the north-west side of the Leasowes in the townships of "Wallasey and Great Meols in the county of Chester to prevent the "further encroachment of the sea and the injury to arise therefrom "to the lowlands contiguous and to the port of Liverpool": 10 Geo. IV. c. xvi.

And whereas by the Wallasey Embankment Act 1864 (herein-after called "the Act of 1864") the constitution of the Commissioners for carrying into effect the Act of 1829 was altered and the area of assessment by that Act defined was enlarged and further provision was made and further powers were granted for enabling the Commissioners appointed in pursuance thereof to carry into effect the purposes of the Act of 1829 and of that Act in maintaining extending and keeping in repair the said Wallasey Embankment: 27 & 28 Vict. c. clx.

And whereas by reason of encroachments of the sea upon the sand-hills and Great Meolse Common in which respectively the north-east and south-west ends respectively of the said Wallasey Embankment terminated there is great danger that the said sand-hills and common (which now form the barrier between the sea and the lowlands intended by the Acts of 1829 and 1864 to be protected from inundation) will be swept away by the sea and it is doubtful whether the Commissioners have power to extend the said embankment until the said sand-hills and commons are entirely swept away from either end of such embankment:

And whereas it has become necessary in order to prevent such encroachments in the future and the consequent injury to the adjacent lands and the danger to the said lowlands of inundation that the said

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embankment should be extended and enlarged and that powers to make and maintain such extensions and enlargements should be granted as herein-after provided:

And whereas the owners of lands situate in the townships of Moreton Saughall Massie Newton-cum-Larton Grange Great Meolse and Wallasey above the level of a twenty-five foot tide derive benefit from the maintenance of the Wallasey Embankment and would suffer great damage by the inundation of the said lowlands by the sea:

And whereas with the view of providing the funds that may be required for constructing such extensions and enlargements of the existing embankment and the works connected therewith and thereafter for maintaining and keeping in repair the said embankment and the said extensions and enlargements thereof and the works connected therewith respectively it is expedient that such provision should be made as is herein-after contained:

And whereas there are no moneys outstanding due by the Commissioners in respect of moneys borrowed under the said recited Acts and it is expedient that the borrowing powers under those Acts should be repealed:

And whereas to meet the expense of repairing any injury to the existing embankment and the extensions and enlargements thereof and the works connected therewith respectively from violent storms or other contingencies it is expedient that the Commissioners should be authorised from time to time to borrow money to the extent herein-after provided:

And whereas it is expedient that such provision as is herein-after contained should be made for limiting and defining the amount of the sums to be contributed by the Mersey Docks and Harbour Board and their Birkenhead Estate to the cost of extending and maintaining the Wallasey Embankment:

And whereas it is expedient that the number of the Commissioners appointed by and in pursuance of the Act of 1864 should be increased and that their powers should be enlarged and that provision suitable to the altered circumstances should be made for raising the necessary funds for carrying into effect the purposes of this Act and that with this view a survey and valuation of the additional lands to be assessed for the purposes of this Act should be made and from time to time altered or revised as herein-after directed and that an assessment should be charged and levied on such lands (and on the lands already charged under the said Act) for such purposes as aforesaid:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference

containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and waters 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 herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas it is expedient that such other and further powers should be granted as are by this Act authorised:

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

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

Short title.

1. This Act may be cited as the Wallasey Embankment Act 1894 and the Act of 1829 the Act of 1864 and this Act may be cited together as the Wallasey Embankment Acts 1829 1864 and 1894.

Incorporating Acts.

2. The Lands Clauses Acts the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matter referred to justices are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act and in those provisions the expression "the Company" shall mean for the purposes of this Act the Commissioners and the expression "the railway" shall mean the embankments or sea-walls and works by this Act authorised And the provisions of the Commissioners' Clauses Act 1847 with respect to the mortgages to be executed by the Commissioners are so far as relates to the borrowing of money on mortgage (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act And in the said incorporated Acts or any of them or in any Acts incorporated therewith or with this Act unless there be something in the subject or context repugnant to the respective constructions herein-after defined the expression "the special Act" means this Act the expressions "the promoters" "the promoters of the undertaking" "the undertakers" and "the company" respectively mean the Commissioners and the word "secretary" means the clerk to the Commissioners.

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Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction:

The expression "the Act of 1829" means the Wallasey Embankment Act 1829;

The expression "the Act of 1864" means the Wallasey Embankment Act 1864;

The expression "the recited Acts" means the Act of 1829 and the Act of 1864;

The expression "the dock board" means the Mersey Docks and Harbour Board;

The expression "the Commissioners" means the Wallasey Embankment Commissioners acting in pursuance of the Act of 1864 and of this Act;

The expression "owner" or "landowner" means the person for the time being receiving the rack rent of the lands or premises in connexion with which the word is used whether on his own account or as agent or trustee for any other person or who would so receive the same if such lands or premises were let at a rack rent and includes all persons interested in lands within the limits of this Act (not being unenclosed common lands) who if the lands were let to a tenant would be entitled to demand and receive the rent from such tenant and whether such persons are so interested in the lands in their own right or in right of their wives or as trustees committees mortgagees or guardians of persons so interested;

The expression "court of summary jurisdiction" means any justice or justices of the peace or other magistrate or officer by whatever name called to whom jurisdiction is given by the Summary Jurisdiction Acts or any Act therein referred to and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Errors in plans &c. may be corrected by two justices who shall certify the same.

4. If any omission mis-statement or erroneous description shall be made of any works or lands or of the owners lessees or occupiers of any lands delineated on the deposited plans or described in the deposited book of reference the Commissioners after giving ten days' notice to the owners lessees and occupiers of the lands affected by such proposed correction may apply to two justices for the

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correction thereof and if it shall be proved to them that such omission mis-statement or erroneous description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of such omission mis-statement or erroneous description and such certificate shall along with the other documents to which it relates be lodged with the clerk of the peace for the county of Chester who shall keep the same with the said plans and book of reference and the same shall be amended or held to be amended in accordance with such certificate and the Commissioners may make the works in accordance with such certificate as if such omission mis-statement or erroneous description had not been made.

Limits of Act for purposes of assessment.

5. Subject to the provisions of this Act the limits of this Act within which rates may be levied by the Commissioners for the purposes of the construction or maintenance of the existing embankments or of the embankments or sea-walls herein-after authorised and the other purposes by this Act defined to which such rates shall be applied shall comprise the lands and grounds (other than the Birkenhead Dock Estate herein-after described) now liable to be rated under the recited Acts and included in and numbered on the valuation survey map or plan made in pursuance of the twenty-eighth section of the Act of 1864 and also all lands and grounds in the townships of Moreton Saughall Massie Newton-cum-Larton and Grange above the level of high water of a tide twenty-five feet above the sill of the Old Dock Gates at Liverpool as such level is marked and shown upon the said plan and those parts of the township of Wallasey which are above the same level and westward of a line drawn from the north-easterly end for the time being of the Embankments Nos. 1 and 3 and at right angles thereto to the said tide level and those parts of the township of Great Meolse which are above the same level and eastward of a line drawn from the south-westerly end for the time being of the Embankments Nos. 2 and 4 and at right angles thereto to the said tide level together with all docks wharves railways manufactories works warehouses yards for commercial or manufacturing purposes tenements houses and buildings and property of every description erected or being or which may be erected or be in or upon any of the lands grounds and parts of townships respectively mentioned in this section.

Number of Commissioners.

6. From and after the commencement of this Act the number of Commissioners for putting the Acts of 1829 and 1864 (so far as not inconsistent with this Act) and also this Act into force shall be thirteen and for this purpose the number of "Elective Commissioners" authorised by section seven of the Act of 1864 to be appointed shall be increased from three to seven and such additional Commissioners

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shall have all such and the same rights powers privileges and authorities and be subject to the same conditions and provisions in all respects as the elective Commissioners appointed in pursuance of the Act of 1864.

Qualification of Commissioners.

7. Section eight of the Act of 1864 is hereby repealed No qualification shall be required in the case of any of the elective Commissioners.

Provisions of Act of 1864 as to elective Commissioners to apply to additional elective Commissioners.

8. The provisions of sections ten to eighteen of the Act of 1864 shall so far as the same are applicable extend and apply to the additional elective Commissioners by this Act authorised to be appointed equally with the elective Commissioners appointed under the Act of 1864 except that no person entitled to vote shall vote for more candidates than are necessary to fill the vacancies then existing and for the purposes of this section the term "this Act" in the said sections of the Act of 1864 shall unless the context otherwise requires include this Act The first election of the additional elective Commissioners shall take place at the first meeting after the passing of this Act at which under section eleven of the Act of 1864 there will be an election under that Act.

Power to execute works and take lands.

9. Subject to the provisions of this Act the Commissioners may and shall forthwith make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described with all proper approaches works and conveniences connected therewith respectively and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for those purposes (that is to say) :—

(1.) An Embankment or Sea-wall No. 1 in continuation of the existing embankment on the north-west side of the Leasowes in the townships of Wallasey and Great Meolse in the county of Chester (herein-after called "the Wallasey Embankment") commencing at the north-east end of that embankment in the township and parish of Wallasey and thence extending in the same township in a north-easterly direction for a distance of two hundred yards or thereabouts and there terminating :

(2.) An Embankment or Sea-wall No. 2 in continuation of the Wallasey Embankment commencing at the south-west end of that embankment and thence extending in a south-westerly direction for a distance of eight hundred yards or thereabouts and there terminating.

Provisions as to construction of Works Nos. 3 and 4.

10. Subject to the provisions of this Act the Commissioners may at any time or from time to time after the completion of Works Nos. 1 and 2 make and maintain in the lines and according to the

levels shown on the deposited plans and sections the works hereinafter described or so much and such part or parts thereof as they shall for the time being think necessary and sufficient with all proper approaches works and conveniences connected therewith respectively and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for those purposes (that is to say) :—

(3.) An extension of Work No. 1 from time to time as occasion may require to a point five hundred yards or thereabouts eastward of the termination thereof above described :

(4.) An extension of Work No. 2 from time to time as occasion may require to a point four hundred yards or thereabouts westward of the termination thereof above described.

Incidental works.

11. For the purposes of the said embankments or sea-walls and the works appertaining thereto the Commissioners may make alter and maintain good and sufficient walls banks and fences waterways tunnels culverts sluices drains bridges and other works in or upon or over the lands delineated on the deposited plans and may turn the course of any stream drain or watercourse which does or shall flow in through over or upon the said lands.

Provision for roads and steps.

12. For the accommodation of the inhabitants of the parishes of Wallasey and West Kirby respectively the following provisions shall have effect (that is to say) :—

(A.) The Commissioners in constructing the Embankments or Sea-walls Nos. 2 and 4 hereby authorised shall provide slips or passages therein from the crown of the embankment to the foot thereof for continuing the road at the south-west end of the existing embankment and the road at or near Sea Bank Cottage to the sea-shore The position of the said slips or passages respectively to be fixed at points to be reasonably approved of by the surveyor of the Hoylake and West Kirby Local Board :

(B.) The width of the said slips or passages respectively shall be not less than twelve feet and the inclination not steeper than one in twenty-five :

(C.) In like manner the Commissioners shall construct on the face of the said Embankments or Sea-walls No. 1 and No. 2 respectively and the extensions thereof when made stairs steps or ladders at convenient distances to the reasonable satisfaction of the surveyors of the Wallasey Local Board and the Hoylake and West Kirby Local Board respectively.

Provisions as to payments &c. by Mersey

13. For the protection of the Dock Board and for limiting and defining the liability of the Dock Board and their Birkenhead Dock Estate (meaning thereby such parts of their docks basins quays sheds

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Docks and Harbour Board.

warehouses buildings railways lands and property of every description situate in the borough of Birkenhead and in the township of Poulton-cum-Seacombe in the county of Chester as are now assessed under and for the purposes of the Wallasey Embankment Act 1864) to contribute to the cost of extending the Wallasey Embankment and maintaining the same as so extended the following provisions shall apply and take effect:—

(1.) The Dock Board and their Birkenhead Dock Estate shall contribute in manner herein-after mentioned to the cost of constructing under the powers of this Act—

(A.) Such part of Work No 1 hereby authorised as lies between the commencement thereof as shown on the deposited plans and a point one hundred and eighty-five yards distant from such commencement;

(B.) Such part of Work No. 2 hereby authorised as lies between the commencement thereof as shown on the deposited plans and a point two hundred yards distant from such commencement:

(2.) The aforesaid parts of Works Nos. 1 and 2 hereby authorised shall be constructed on a principle and in accordance with plans and sections to be approved of by and shall be executed to the reasonable satisfaction of an engineer to be appointed by the Dock Board:

(3.) The Dock Board shall from time to time upon the requisition of the Commissioners contribute sums not exceeding in the whole four thousand five hundred pounds towards the cost of the construction of the works described in sub-sections (A) and (B) of this section and the remainder of the cost of constructing the same shall be raised by the Commissioners in manner herein-after mentioned:

(4.) The Dock Board shall contribute to the maintenance of the said works described in sub-sections (A) and (B) of this section in manner herein-after provided:

(5.) The Dock Board and their Birkenhead Dock Estate shall not except as herein-after provided by section 25 of this Act be rated for or in any manner charged with or made liable for any part of the cost of constructing or maintaining any works hereby authorised other than those described in sub-sections (A) and (B) of this section:

(6.) The Commissioners shall construct that part of Work No. 2 hereby authorised which will for a distance of thirty yards be in continuation of the aforesaid two hundred yards on a principle and in accordance with plans and sections to be approved of by and shall execute such works to the reasonable

satisfaction of an engineer to be appointed by the Dock Board:

(7) The Dock Board shall also pay to the Commissioners three-fourths of the costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto.

For the protection of the sewer of the Hoylake and West Kirby Local Board.

14. In carrying the Embankment or Sea-wall No. 4 (herein-after in this section called "the embankment") over the tank sewer at Dove Point (herein-after called "the sewer") belonging to the Hoylake and West Kirby Local Board the Commissioners shall construct the embankment so that its foundation shall be placed for the full width of the embankment and for a distance of not less than six feet on each side of the sewer at a depth of not less than one foot below the lowest part of the sewer and shall construct the embankment within the above-mentioned limits of such materials and in such a manner as shall be reasonably considered satisfactory by the engineer for the time being of the Hoylake and West Kirby Local Board and the Commissioners shall remove the entrance shaft to the southward of the embankment and shall continue the sewer to the altered position of the said entrance shaft and shall divert the eighteen-inch pipe sewer from the nearest manhole to the westward of the said entrance shaft to the altered position of such shaft and shall make such alterations and diversions to the reasonable satisfaction of the said engineer.

In case the line of the embankment shall be constructed southward of the position marked on the deposited plans the Commissioners shall execute such works for the protection of the sewer and of other sewers the property of the Hoylake and West Kirby Local Board which may be crossed by the embankment as may be reasonably considered necessary by the said engineer.

In constructing the embankment the same shall not be made to terminate at any point between fifty yards from the said tank sewer on the north-easterly side thereof and the termination of Work No. 4 on the south-westerly side thereof.

Lateral and vertical deviations.

15. In making the said embankments or sea-walls the Commissioners may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon and vertically from the levels thereof shown on the deposited sections to any extent not exceeding five feet save where a greater deviation is sanctioned by the Board of Trade as being necessary for avoiding interference with any sewer water main gas main or other work and then to such an extent only as is necessary for avoiding interferenco therewith:

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Provided that no deviation shall be made below high water mark from the lines and levels shown on the deposited plans and sections without the consent in writing of the Board of Trade.

Power to take sand &c. for purposes of embankments.

16. Subject to the provisions of this Act the Commissioners may for the construction of the said embankments or sea-walls and works respectively from time to time take and use free of charge and without any liability to make compensation therefor any sand or other materials within the limits of deviation shown upon the deposited plans subject to this condition always that in the taking of such sand or other materials the surface of the land immediately adjoining the said embankments or sea-walls or either of them on the landward side thereof shall not be made lower than the level thereat of the crest of such embankments or sea-walls and that no such sand or other materials may be taken from any land (on the landward side of the said embankments or sea-walls) the surface of which shall be below such level.

Power to vary or extinguish rights and privileges (if any).

17. For the purposes and subject to the provisions of this Act the Commissioners may vary extinguish exclude or modify upon or over the lands to be taken for the purposes of this Act all or any of the rights or privileges (if any) following (that is to say) All rights of foreshore or frontage and all rights of anchoring and beaching and other rights powers privileges franchises and jurisdictions which will impede or interfere with or are inconsistent with the purposes of this Act or any of them.

Repeal of existing borrowing powers.

18. The powers of the Commissioners to raise moneys by borrowing by the recited Acts are hereby repealed.

Power to borrow.

19. The Commissioners may at any time hereafter and from time to time for the purposes herein-after expressed borrow upon mortgage of the rates and assessment authorised to be levied by this Act the following sum or sums of money (that is to say) :—

(A.) For the purpose of paying one-fourth of the costs of this Act such sum as may be necessary for that purpose ;

(B.) For the purposes of the works authorised by this Act any sum or sums of money not exceeding in the whole twenty thousand pounds ;

(C.) For the purpose of defraying the expense of repairing and restoring any part of the Wallasey Embankment or of the extensions or enlargements thereof hereby authorised or any works connected therewith respectively damaged or swept away by any sudden contingency any sum or sums of money not exceeding in the whole six thousand pounds ;

at such rates of interest not exceeding five pounds per centum per annum and upon such terms as they may think fit and may apply

the same to the purposes to which they are by this Act directed to be applied or any of them. A.D. 1894.

Arrears may be enforced by appointment of a receiver.

20.—(1.) The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver The amount of principal in arrear to authorise the appointment of a receiver shall be not less than one thousand pounds in the whole.

(2.) The application for the appointment of a receiver shall be made to the High Court and the Court if it thinks fit may appoint a receiver on such terms as it thinks fit.

(3.) The Court may at any time discharge the receiver and shall have full jurisdiction over him and all persons interested in his acts.

Commissioners to ascertain expenses of Act and permanent works.

21. As soon as convenient after the passing of this Act the Commissioners shall ascertain the costs charges and expenses relative or incidental to the preparing for obtaining and passing of this Act and also the costs charges and expenses relative or incidental to the construction of the works hereby authorised or any part thereof with which they shall decide to proceed forthwith the interest upon the moneys borrowed for such purposes as aforesaid the expenses of the first survey map or plan and valuation hereinafter directed to be made the proportion of salaries of officers and all other costs charges and expenses incurred by them in the execution of this Act.

Application of money borrowed under the provisions of Act.

22. All moneys borrowed by the Commissioners under the provisions of this Act shall be applied respectively only to the purposes to which the same are by this Act authorised to be applied.

Sinking fund.

23. With respect to the repayment of moneys to be borrowed under the powers of this Act the following provisions shall have effect (that is to say) :—

The Commissioners shall repay or make provision for repaying all moneys borrowed under the powers of this Act for payment of the costs thereof in any period not exceeding five years from the date or dates of borrowing the same :

They shall also repay or make provision for repaying all moneys borrowed under the powers of this Act for repairing or restoring the embankment as herein-before provided in any period not exceeding ten years from the date of borrowing the same :

They shall appropriate and set apart annually out of the revenue coming into their hands under the provisions of this Act such

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a sum as will secure the repayment of such part of the sum of twenty thousand pounds which they are by this Act authorised to borrow as may have been actually borrowed by them together with the interest thereon by equal annual instalments in the course of thirty-one years from the date or dates at which the same shall have been borrowed and every sum so set apart may either be applied in paying off mortgages granted under the powers of this Act or may be invested and disposed of as provided by the Commissioners Clauses Act 1847 or partly in one way and partly in the other and the sums paid off by means of the sinking fund shall not be re-borrowed.

Provision as to cost of maintenance of portion of the Old Embankment.

24. The Commissioners shall once in every year estimate the moneys required for the following purposes (namely) :—

(1.) The cost of maintenance of the Wallasey Embankment as now existing and of the works herein-before described towards the construction of which the Dock Board are by this Act required to contribute all of which are herein-after called "the Old Embankment":

(2.) A fair proportion of the salaries of the officers employed by the Commissioners and of the casual and office expenses of the Commissioners such proportion in case of difference to be settled by an arbitrator to be appointed upon the application of either party by the Board of Trade and the costs of the reference shall be in the discretion of the arbitrator:

(3.) All other moneys required for the purposes of the Wallasey Embankment Acts 1829 1864 and 1894 attributable to the Old Embankment.

The sum so estimated shall be raised and paid as follows :—

(1.) One-half part thereof shall be paid by the Dock Board:

(2.) A proportionate part of the other half part thereof (to be ascertained and fixed by the proportion which the rateable value for the time being of the aforesaid Birkenhead Dock estate bears to the rateable value for the time being of the other lands valued assessed and charged under the provisions of the Act of 1864) shall also be paid by the Dock Board:

(3.) The remainder thereof (herein-after referred to as "the "remainder of the estimate for the Old Embankment") shall be comprised in the estimate next herein-after mentioned.

Provision as to cost of maintenance of the remainder of the Old Embankment &c.

25. The Commissioners shall also once in every year estimate the moneys required for the following purposes (namely) :—

(1.) The remainder of the estimate for the Old Embankment:

(2.) The cost of maintenance of the remainder of Work No. 1 hereby authorised and of the extension of Work No. 1 hereby

authorised (all of which are herein-after called "the East Extension"):

(3.) The cost of maintenance of the remainder of Work No 2 hereby authorised and of the extension of Work No 2 hereby authorised (all of which are herein-after called "the West Extension"):

(4.) A fair proportion (to be settled in case of difference by an arbitrator as herein-before provided) of the salaries of the officers employed by the Commissioners and of the casual and office expenses of the Commissioners:

(5.) The interest required for the moneys for the time being borrowed under this Act:

(6.) The annual sum required for the sinking fund herein-before provided:

(7.) All other moneys required for the purposes of the Wallasey Embankment Acts 1829 1864 and 1894 attributable to the East Extension and to the West Extension.

The sum so estimated shall be raised and paid as follows:—

(1.) One-ninth part thereof not exceeding one hundred pounds in any year shall be paid by the Mersey Docks and Harbour Board:

(2.) The residue thereof shall be assessed charged and levied upon the lands within the limits (as herein-before defined) of this Act (other than the aforesaid Birkenhead Dock Estate) in manner herein-after provided by this Act.

Commissioners to prepare survey and valuation of lands within the limits.

26. The Commissioners shall also direct a surveyor or other person whom they may deem competent to do so and not being interested in the lands and property within the limits of this Act or an agent of a person so interested to make or cause to be made a survey map or plan showing all docks wharves railways canals manufactories works warehouses yards for commercial and other purposes tenements houses buildings and other property whatsoever situate and being within and upon the lands within the limits of this Act as herein-before defined and the Commissioners shall also direct such surveyor or other person to make or cause to be made a fair valuation of such lands and property showing the clear annual value thereof to let which survey map or plan and valuation shall be and remain in the hands of the clerk to the Commissioners and all persons interested in the said lands and property shall and may at all reasonable times be permitted to inspect the same and take any copy or extract therefrom and at the expiration of five years from the passing of this Act and also at the expiration of every five years from time to time thereafter the Commissioners shall in like manner

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from time to time cause the said survey map or plan and valuation to be revised and corrected by adding to the same respectively all docks wharves railways manufactories works warehouses yards for commercial or other purposes tenements houses buildings and other property whatsoever which shall be erected built or set up in or upon the aforesaid lands and property:

Provided that the second survey map or plan and valuation under this Act shall be made in the same year and concurrently with the then next survey map or plan and valuation to be made under the Act of 1864 so that every subsequent period of five years may correspond with the similar period under the Act of 1864:

And the assessments to be from time to time made upon the said lands and property for the purposes of this Act shall be made and levied upon the basis of the said valuation as so made and from time to time revised and corrected And the assessments to be from time to time made upon the lands and property within the limits of the Act of 1864 for the purposes of this Act shall be made and levied upon the basis of the valuation made and from time to time revised and corrected under the provisions of the Act of 1864.

How assessment to be made.

27. The provisions contained in sections twenty-nine to forty of the Act of 1864 (as varied by this Act) shall so far as the same are applicable extend and apply to the survey valuation assessment appeal and recovery of rates under this Act And the lands and property within the limits of this Act and not within the limits of the Act of 1864 shall be assessed upon one-twelfth part of the clear annual value thereof.

Annual account to be prepared and transmitted to clerk of peace and open to inspection.

23. In lieu of the annual account which the Commissioners are by section forty-five of the Act of 1864 directed to prepare they shall every year cause an annual account in abstract to be prepared showing the total receipt and expenditure of all moneys borrowed and all rates and assessments levied by them by virtue of this Act for the year immediately preceding under the several distinct heads of receipt and expenditure with a statement of the balance of the account duly audited and certified by the auditor and shall send a copy of the account free of charge to the clerk of the peace for the county of Chester on or before the thirty-first day of January in every year which account shall be open to the inspection of the public at all reasonable hours on payment of the sum of one shilling for every such inspection and if the Commissioners shall omit to prepare and transmit any such account they shall be liable for every such omission to a penalty not exceeding twenty pounds.

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Annual return to Local Government Board with respect to sinking fund in respect of moneys borowed on mortgage.

29. The Commissioners shall within forty-two days after the first day of January of each year during which any sum is required to be set apart for a sinking fund or to be paid as an instalment in respect of moneys borrowed on mortgage under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereon have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the Commissioners shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner by parties aggrieved within the meaning of that Act:

If it appear to the Local Government Board by such return or otherwise that the Commissioners have failed to pay any instalment or to set aside the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court of Justice.

Restriction on taking houses of labouring class.

30. The Commissioners 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.

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

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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.

Works below high water-mark not to be commenced without consent of Board of Trade.

31. The Commissioners shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant-secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Commissioners shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Commissioners and the amount of such costs and charges shall be a debt due from the Commissioners to the Crown and shall be recoverable accordingly with costs.

Saving rights of the Crown in the foreshore.

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

Saving rights of Crown under Crown Lands Act.

33. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Expenses of Act.

34. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto (in this Act referred to as "the costs of this Act") as taxed and ascertained by the taxing officer of the House of

Lords or the taxing officer of the House of Commons shall be paid by the Commissioners as to three-fourths thereof by the moneys to be received from the Dock Board under the provisions of this Act for this purpose and as to the remaining one-fourth thereof out of any funds in the hands of the Commissioners to which the Dock Board have not contributed.

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