



## CHAPTER cxv.

An Act to extend and enlarge the powers of the Liverpool and Birkenhead Subway Company. [24th July 1888.] A.D. 1888.

**W**HEREAS by the Liverpool and Birkenhead Subway Act, 1880 (hereinafter called "the Act of 1880"), the Liverpool and Birkenhead Subway Company (hereinafter called "the Company") were incorporated and authorised to make and maintain the tunnels, subways, roadways and works described in that Act, for the purpose of establishing an uninterrupted means of transit for passengers and carriages under the River Mersey, between Liverpool and Birkenhead, with power to raise five hundred thousand pounds by shares, and one hundred and sixty-five thousand pounds by borrowing :

And whereas by the Liverpool and Birkenhead Subway (Extension of Time) Act, 1885 (hereinafter called "the Act of 1885"), the periods limited by the Act of 1880, for the compulsory purchase of lands, and for the completion of works, were extended :

And whereas the Company have expended considerable sums of money in relation to the undertaking, and have proceeded with the execution of the works at Birkenhead required for carrying out the same :

And whereas the period limited by the Act of 1885, for the compulsory purchase of lands, will expire on the sixth day of August, one thousand eight hundred and eighty-eight, and it is expedient that the same should be further extended and enlarged, as hereinafter provided :

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) :—

1. This Act may be cited as the Liverpool and Birkenhead Subway Act, 1888. Short title.

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Incorporation of Part II. of Railways Clauses Act, 1863.

2. Part II. of the Railways Clauses Act, 1863 (relating to extension of time), is incorporated with and forms part of this Act; and for the purposes of this Act the word railways shall apply and extend to the tunnels, subways and roadways authorised by the Act of 1880.

Extension of time for compulsory purchase of lands.

3. The time limited by the Act of 1885 for the compulsory purchase of lands, for the purposes of the tunnels, subways, roadways and works authorised by the Act of 1880 is hereby extended and enlarged, and shall continue in force until the expiration of one year from the sixth day of August, one thousand eight hundred and eighty-eight.

Restriction as to houses of labouring classes.

4. The Company shall not, under the powers of the Act of 1885, as extended by this Act, purchase or acquire in any city, borough, or other urban sanitary district, or any parish or part of a parish not being within an urban sanitary district, ten or more houses which, after the passing of this Act, have been, or on the fifteenth day of December 1884, were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(a.) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last, or for such number of persons as the Local Government Board shall, after inquiry, deem necessary, having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom, and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses, or to the place of employment of such persons, and to all the circumstances of the case; and

(b.) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally, and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out, and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:



Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions, if any, as they may see fit. A.D. 1888.

(4.) Any conditions, subject to which the Local Government Board may have approved of any scheme under this section or of any modifications of any scheme, or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus, to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act, in contravention of the foregoing provisions, or displace or cause to be displaced the persons residing in any house or houses, in contravention of the requirements of the scheme, 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 of Justice, 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.

(6.) For the purpose of carrying out any such scheme under this section, such scheme shall, for all purposes, be deemed to be an undertaking of the Company, and the Company may appropriate any lands for the time being belonging to them, or which they have power to acquire, and may purchase such further lands as they may require, and for the purpose of any such purchase sections 176 and 297 of the Public Health Act, 1875, shall be incorporated with this Act, and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act, 1875, and the scheme were one of the purposes of that Act.

(7.) The Company may, on any lands belonging to them, or purchased or acquired under this section, or any Provisional Order issued in pursuance of this section, erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section, and may sell, demise or let, or otherwise dispose of such dwellings, and any lands purchased or acquired as aforesaid, and may apply for the purposes of this section to which capital is properly applicable or any of such purposes, any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

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Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall, for a period of twenty-five years from the passing of this Act, be appropriated for the purpose of dwellings, and every conveyance, demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also, that the Local Government Board may, at any time, dispense with all or any of the requirements of this subsection, subject to such conditions, if any, as they may see fit.

(8.) So much of section 157 of the Public Health Act, 1875, as provides that the provisions of that section and of sections 155 and 156 of the same Act, shall not apply to buildings belonging to any railway company, and used for the purposes of such railway under any Act of Parliament, shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section, and for giving effect to any of the provisions of this section, and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by the Local Government Board under the Public Health Act, 1875.

(10.) The Company shall pay to the Local Government Board a sum to be fixed by that board in respect of the preparation and issue of any provisional order in pursuance of this section, and any expenses incurred by that board in relation to any inquiries under this section, including the expenses of any witnesses summoned by the inspector, and a sum to be fixed by that board not exceeding three guineas a day for the services of such inspector.

(11.) For the purposes of this section the expression "labouring class" includes 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 shillings a week, and the families of any of such persons who may be residing with them.

Tolls.

5. On and after the passing of this Act the schedule to the Act of 1880 shall be, and the same is, cancelled and repealed, and the schedule to this Act shall be, and the same is, hereby substituted in place of the schedule so cancelled and repealed.



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6. Except as by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, prejudice or alter any of the estates, rights, interests, powers, privileges or authorities of the Mersey Railway Company.

For the protection of the Mersey Railway Company.

7. Nothing in this Act contained shall exempt the Company or the tunnels or subways from the provisions of any general Act relating to tunnels or subways, or the better and more impartial audit of the accounts of tunnel or subway companies now in force, or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration under the authority of Parliament of the rates of fares and charges authorised to be taken by the Company.

Provision as to general Acts.

8. All costs, charges and expenses of and incident to the preparing for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

Expenses of Act.

## SCHEDULE referred to in the foregoing Act.

### TOLLS FOR ALL TRAFFIC PASSING THROUGH THE TUNNELS, SUBWAYS AND ROADWAYS OTHER THAN PASSENGER TRAFFIC.

	Not exceeding
For every omnibus, coach, chariot, phaeton or other such like carriage drawn by two horses, including the occupants thereof, not exceeding twelve - - - -	One shilling.
For every additional occupant - - - -	One penny.
For every gig or carriage drawn by one horse, mule or ass, including the occupants thereof, not exceeding nine - -	Ninepence.
For every additional occupant - - - -	One penny.
For every four-wheeled cart, van or other such like carriage, not weighing more than three tons, laden or empty, drawn by two horses, mules or asses - - - -	One shilling and sixpence.
For every additional ton - - - -	
For every four-wheeled cart, van or other such like carriage, not weighing more than two tons, laden or empty, drawn by one horse, mule or ass - - - -	One shilling.
For every additional ton - - - -	Sixpence.
For every two-wheeled cart, van or other such like carriage, laden or empty, drawn by two horses, mules or asses -	One shilling.
For every two-wheeled cart, van or other such like carriage, laden or empty, drawn by one horse, mule or ass -	Sixpence.

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—	For each horse, mule or ass, not drawing	-	-	-	Sixpence.
	For each bicycle, tricycle or velocipede	-	-	-	Sixpence.
	For each boat or canoe, if conveyed by hand, including the persons carrying the same	-	-	-	One shilling.
	For each boat or canoe, if conveyed on wheels, including the persons drawing the same	-	-	-	Two shillings.
	For every hand-cart, laden or empty, including one man	-	-	-	Threepence.
	For every wheelbarrow, laden or empty, including one man	-	-	-	Twopence.
	For every case, bale, bag, sack, barrel or other package not conveyed by cart or barrow	-	-	-	Twopence.
	(Except personal luggage, carried in the hand, not exceeding twenty-eight pounds in weight.)				
	For every ox, bull, cow or bullock	-	-	-	Sixpence.
	For every calf, sheep, lamb, goat or pig	-	-	-	Twopence.
	For every goose, duck, turkey or other fowl, if driven along the tunnels, &c.	-	-	-	One halfpenny.
	For every locomotive engine not weighing more than ten tons	-	-	-	Ten shillings.
	For traffic not specially enumerated in the foregoing schedule the Company may demand and take such tolls as shall, as nearly as may be, be equiva- lent to the tolls for the nearest similar description of traffic authorised by this schedule.				

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