

**CHAPTER xv.**

An Act to authorise the Wallasey Urban District Council A.D. 1899.
to construct Tramways Street Improvements and
Promenades and for other purposes. [6th June 1899.]

WHEREAS the urban district of Wallasey in the county of Chester is under the government of the Wallasey Urban District Council (in this Act called "the Council"):

And whereas by the Wallasey Tramways Act 1878 the Wallasey Tramways Company were incorporated and empowered to construct the tramways therein described in the parish of Wallasey and by the Wallasey Tramways Act 1886 further provision was made in regard to their undertaking:

And whereas by section 43 of the Tramways Act 1870 which is incorporated with the said Act of 1878 the Council are empowered within six months after the expiration of the period of twenty-one years from the passing of the last-mentioned Act with the approval of the Board of Trade to purchase the undertaking authorised by that Act:

And whereas it is expedient to empower the Council to construct and maintain the additional tramways in this Act described to work such tramways and the existing tramways when purchased by them and to make further provision in regard to the tramways of the district:

And whereas it is expedient to empower the Council to construct the street improvements and new street authorised by this Act:

And whereas by the Wallasey Urban District Council (Promenade) Act 1896 the Council were empowered to construct the promenade and embankment or river wall therein described and it is expedient to empower them to construct further promenades in extension thereof:

And whereas by the Wallasey Electric Lighting Order 1897 the Council were empowered to supply electrical energy for public and

A.D. 1899. private purposes within the district and it is expedient to make further provision in regard to their electric lighting undertaking :

And whereas it is expedient that the borrowing powers of the Council be extended :

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

And whereas estimates have been prepared by the Council for the purchase of lands for and the execution of the various works authorised by this Act and such estimates are as follows :—

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For the construction of the tramways authorised by this Act the reconstruction of the existing tramways adapting the tramways for working by mechanical power and the provision of plant - - -	87,000
For the purchase of lands for and the construction of the street improvements and new street authorised by this Act - - - - -	92,000
For the purchase of the land for and the construction of the promenades authorised by this Act - - -	90,000

And whereas the several works included in such estimates respectively are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the Council at a meeting held on the nineteenth day of October one thousand eight hundred and ninety-eight after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the *Wallasey and Wirral Chronicle* a local newspaper published and circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate :

And whereas such resolution was published twice in the said *Wallasey and Wirral Chronicle* 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 the Council at a further special meeting held in pursuance of a similar notice on the eleventh day of January one thousand eight hundred and ninety-nine being not less than fourteen days after the deposit of the Bill for this Act in Parliament :

And whereas the owners and ratepayers of the district by resolution in the manner provided in the Third Schedule of the

Public Health Act 1875 consented to the promotion of the Bill for this Act: A.D. 1899.

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 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):—

PRELIMINARY.

1. This Act may be cited as the Wallasey Tramways and Improvements Act 1899. Short title.

2. The following Acts and parts of Acts so far as they are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act namely:— Incorporation of Acts.

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845);

Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870.

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. And in this Act unless the subject or context otherwise requires— Interpretation.

“The Council” means the Wallasey Urban District Council;

“The district” means the urban district of Wallasey;

“The Act of 1878” “the Act of 1886” and “the Act of 1896” mean respectively the Wallasey Tramways Act 1878 the Wallasey Tramways Act 1886 and the Wallasey Urban District Council (Promenade) Act 1896;

“The tramways” means the tramways authorised by the Act of 1878 when they shall have been acquired by the Council and the tramways authorised by this Act;

A.D. 1899.

“ Mechanical power ” includes steam electric and every other motive power not being animal power ;
“ Engine ” includes motor.

Execution
of Act.

4. This Act shall be carried into execution by the Council.

LANDS.

Power to
take lands.

5. Subject to the provisions and for the purposes of this Act the Council may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

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

6. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Council after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Chester for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Chester and a duplicate thereof shall also be deposited with the clerk to the Council and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerk to the Council respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with such certificate.

Period for
compulsory
purchase of
lands.

7. The powers of the Council for the compulsory purchase of lands under this Act shall not be exercised after the expiration of five years from the passing of this Act.

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

8.—(1) And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Council of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Council and that such portions or some other portions less than the whole can be severed from the

remainder of the said properties without material detriment thereto A.D. 1899.
Therefore the following provisions shall have effect:—

- (a) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule and whereof a portion only is required for the purposes of the Council or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":
- (b) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Council that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Council such portion only without the Council being obliged or compellable to purchase the whole the Council paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (c) If within such twenty-one days the owner shall by notice in writing to the Council allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (in this section referred to as "the tribunal") shall in addition to the other questions required to be determined by them determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Council have compulsory powers of purchase) can be so severed:
- (d) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Council the portion which the tribunal shall have determined to be so severable without the Council being obliged or compellable to purchase the whole the Council paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:
- (e) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder

A.D. 1899.

without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :

(f) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Council may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :

(g) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any other such portion as aforesaid can be so severed the Council in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

(2) The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

(3) The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Matters to
be taken
into account
by arbi-
trators.

9. In determining any question of disputed compensation to be paid by the Council for the acquisition of any land required for the construction of either of the promenades authorised by this Act the jury arbitrators or other authority to whom the question shall be referred shall take into account any public rights of way or other rights over or on the lands to be acquired and any permanent increase in value of any lands fronting or abutting upon the proposed promenade and retained by or belonging to the person claiming compensation which in the opinion of such authority will result from or be caused by the construction of the promenade and generally all the other circumstances of the case which it is equitable to consider.

10. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

A.D. 1899.
Persons under disability may grant easements &c.

11. The Council in addition to any other lands which they are by this Act authorised to acquire may by agreement purchase take on lease acquire and hold for the purposes of this Act any lands not exceeding in the whole five acres and with the consent of the Local Government Board may appropriate to such purposes lands vested in the Council and not wanted for the purposes for which they were acquired Provided that the Council shall not create or permit the creation or continuance of any nuisance on any lands acquired or appropriated in pursuance of this section nor erect any buildings thereon except for the purposes of this Act.

Power to purchase additional lands by agreement.

12.—(1) The Council 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.

Restriction on taking houses of labouring class.

(2) If the Council acquire or appropriate any house or houses under the powers by this Act granted in contravention of the provisions of this section 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.

(3) For the purposes 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.

Power to retain sell &c. lands.

13. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit or may 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 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.

Proceeds of sale of surplus lands.

14. So long as any lands remain to be acquired by the Council under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on resale or exchange or by leasing as aforesaid in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Council shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment by this Act provided except to such extent and upon such terms as may be approved by the Local Government Board Provided that the amount to be applied in the purchase of land under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act Provided further that the borrowing powers by this Act authorised shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

Saving rights of the Crown.

15. Nothing contained in this Act shall authorise the Council to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to 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. A.D. 1899.

TRAMWAYS.

16. Subject to the provisions of this Act the Council may make form lay down use and maintain 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 turnouts crossings passing places posts poles brackets wires waiting rooms stables carriage houses sheds buildings engines works and conveniences connected therewith.

Power to
make tram-
ways.

The tramways herein-before referred to and authorised by this Act will be situate within the district and are as follows:—

Tramway No. 1 (2 miles 5 furlongs 5·2 chains in length whereof 2 miles 1 furlong 5·1 chains will be single line and 4 furlongs 0·1 chain will be double line) commencing on the north side of Victoria Place Seacombe passing along Victoria Place Church Road Brighton Street King Street Trafalgar Road Seabank Road Rowson Street and Victoria Road New Brighton and terminating in the last-named road:

Tramway No. 2 (2 miles 4 furlongs 8·2 chains in length whereof 1 mile 5 furlongs 3·8 chains will be single line and 7 furlongs 4·4 chains will be double line) commencing in Church Road by a junction with Tramway No. 1 passing along Church Road St. Paul's Road Wheatland Lane intended new road between Wheatland Lane and Liscard Road in continuation of Wheatland Lane Liscard Road Liscard Village Rake Lane Mount Pleasant Road Upper Brighton and Rowson Street and terminating in the last-named street by a junction with Tramway No. 1:

Tramway No. 3 (1 mile 7 furlongs 5·9 chains in length whereof 1 mile 3 furlongs 1·8 chains will be single line and 4 furlongs 4·1 chains will be double line) commencing in Liscard Road by a junction with Tramway No. 2 passing along Liscard Road Seaview Road Hose Side Road Grove Road Warren Drive and Victoria Road New Brighton and terminating in the last-named road by a junction with Tramway No. 1:

Tramway No. 4 (single line 3 furlongs 2·3 chains in length) commencing on the north side of Victoria Place by a junction with Tramway No. 1 passing along Victoria Place Victoria Road Seacombe Demesne Street Brougham Road and Brighton

A. D. 1899.

Street and terminating in the last-named street by a junction with Tramway No. 1:

Tramway No. 5 (single line 2 furlongs 4·5 chains in length) commencing in Brighton Street by a junction with Tramway No. 1 passing along Brighton Street Church Street and Liscard Road and terminating in the last-named road by a junction with Tramway No. 2:

Tramway No. 6 (single line 3 furlongs 1·7 chains in length) commencing in Victoria Road New Brighton by a junction with Tramway No. 1 passing along Victoria Road New Brighton Virginia Road Waterloo Road Wellington Road and Rowson Street and terminating in the last-named street by a junction with Tramway No. 1:

Tramway No. 1A (single line 8·5 chains in length) commencing in Church Road by a junction with Tramway No. 1 passing along Church Road and Victoria Place and terminating on the north side of Victoria Place Seacombe by a junction with Tramway No. 1:

Tramway No. 3A (single line 0·9 chain in length) commencing in Seaview Road by a junction with Tramway No. 3 passing along Seaview Road and terminating at the western boundary of that road:

Tramway No. 3B (single line 0·9 chain in length) commencing in Seaview Road by a junction with Tramway No. 3 passing along Seaview Road and terminating at the western boundary of that road:

Tramway No. 6A (single line 1·4 chains in length) commencing in Rowson Street by a junction with Tramway No. 6 passing along Rowson Street and Victoria Road New Brighton and terminating in the last-named road by a junction with Tramway No. 3 at a point 0·5 chain west from the west side of Rowson Street.

For protection of certain owners in Seabank Road.

17. Notwithstanding anything shown upon the deposited plans and sections the following provisions for the benefit and protection of the owners of lands and property abutting upon Seabank Road shall apply (that is to say):—

(1) So much of Tramway No. 1 authorised by this Act as will be situate between the points marked respectively A. and B on the plan signed in triplicate by Sir Lewis M'Iver Baronet the chairman of the committee of the House of Commons to whom the Bill for this Act was referred shall not be constructed as double line unless and until the road shall have been widened on the easterly side thereof so that a space of not less

A.D. 1899.

than 9 feet 6 inches shall intervene between the outside of the footpath on that side of the road and the nearest rail of the tramway :

(2) Provided that the restriction contained in sub-section (1) of this section shall not apply unless the owners of and other persons interested in the land required for widening the road shall agree with the Council to convey such land to them at such prices as may be agreed upon or as in default of agreement may be determined by arbitration under the Arbitration Act 1889 :

(3) So much of the said Tramway No. 1 as will be situate between the points marked respectively B and C on the plan signed as aforesaid shall be laid as single line in such a situation that a space of not less than 9 feet 6 inches will intervene between the outside of the footpath on each side of the road and the nearest rail of the tramway :

(4) The plans signed as aforesaid shall respectively within six months after the passing of this Act be deposited in the Parliament Office of the House of Lords the Private Bill Office of the House of Commons and with the clerk to the Council.

18. The tramways authorised by this Act shall not be opened for public traffic until they have been inspected and certified to be fit for such traffic by the Board of Trade.

Inspection
by Board
of Trade.

19. If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the tramways is laid or authorised to be laid the Council may and shall 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.

Tramways
to be kept
on level of
surface of
road.

20. In addition to the requirements of section 26 of the Tramways Act 1870 the Council shall before they open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways 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 Council shall not commence the construction laying down maintenance and renewal of any of the tramways or part of any of the tramways respectively 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.

Plan of
proposed
mode of
construction.

A.D. 1899.

Gauge of
tramways.

21.—(1) The tramways authorised by this Act shall be constructed on a gauge of four feet and eight and a half inches or such other gauge as may from time to time be determined by the Council with the assent of the Board of Trade and the Council may alter the gauge of the existing tramways when acquired by them to such gauge as they may with the assent of the Board of Trade determine. Provided that when the gauge is less than four feet eight and a half inches so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on any tramways beyond the outer edge of the wheels of such carriages shall not apply to carriages used on the tramways but no engine or carriage used on the tramways shall exceed six feet six inches in width or such other width as may from time to time be prescribed by the Board of Trade.

(2) No carriages or trucks adapted for use upon railways shall be used upon the tramways.

Rails of
tramways.

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

Penalty
for not
maintaining
rails and
roads.

23.—(1) The Council shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the sub-structure upon which the same rest and if the Council at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds and to a further penalty not exceeding five pounds for every day on which such non-compliance continues after conviction thereof.

(2) In case it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the district that the Council have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Council to such penalty or penalties in respect thereof as is or are by this section imposed.

Additional
crossings,
&c.

24. The Council 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 or works of the Council 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 Council within three weeks after receiving from the Council notice in writing of their intention express their objection thereto.

A.D. 1899.
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25. The Council may with the consent of the Board of Trade lay down double lines in lieu of single lines or single lines in lieu of double lines or interlacing lines in lieu of double or single lines on any of the tramways and if at any time after the construction of any of the tramways the road in which the same or any part thereof is laid has been or shall be altered or widened the Council may take up and remove such tramway or part thereof and reconstruct the same in such position as they may think fit Provided that in the exercise of the powers of this section 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 Council within three weeks after receiving from the Council notice in writing of their intention express their objection thereto.

Alteration
of tramways.

26. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is laid it is in the opinion of the Council necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Council may construct in the same or any adjacent road and 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.

Temporary
tramways
may be
made where
necessary.

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

Application
of road
materials
excavated in
construction
of works.

A.D. 1899.
Period for
completion
of works.

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

Rates for
passengers.

29. The Council may demand and take for every passenger travelling upon the tramways or any part or parts thereof including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile and in computing the said rates and charges the fraction of a mile shall be deemed a mile but in no case shall the Council be bound to charge a less sum than twopence.

Passengers
luggage.

30. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof provided that such luggage be carried by hand and at the responsibility of the passenger and do not occupy any part of a seat nor be of a form or description to annoy or inconvenience other passengers.

Rates for
goods.

31. The Council may demand and take in respect of animals goods and parcels conveyed by them on the tramways including every expense incidental to the conveyance any rates or charges not exceeding those specified in the Second Schedule to this Act subject to the regulations in that behalf therein contained.

Council not
bound to
carry
animals and
goods.

32. The Council shall not be bound unless they think fit to carry on the tramways any goods animals or other things other than passengers and passengers luggage under and subject to the foregoing provisions of this Act.

As to fares
on Sundays
or holidays.

33. The Council shall not take or demand on Sunday or any public holiday any higher tolls or charges than those levied by them on ordinary week days.

Cheap fares
for labouring
class.

34. The Council at all times after the opening of the tramways for public traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning nor earlier than six in the evening respectively as the Council think most convenient for artisans mechanics and daily labourers at fares not exceeding one halfpenny per mile (the Council nevertheless not being required to take any fare less than one penny) Provided that in case of any complaint made to the Board of Trade of the hours

appointed by the Council for the running of such carriages the A.D. 1899.
said Board shall have power to fix and regulate the same.

35. If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the district or by the Council that under the circumstances then existing all or any of the rates and charges demanded and taken in respect of the traffic on the tramways or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to his satisfaction that all or any of the rates and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the rates and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the rates and charges prescribed by any such order shall not exceed in amount the rates and charges authorised by this Act.

Periodical
revision of
rates and
charges.

36. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations at which carriages are to be driven or propelled on the tramways under the authority of this Act but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

Amendment
of Tramways
Act 1870 as
to byelaws
by local
authority.

37. The carriages used on the tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say) :—

Motive
power.

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade :

(2) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing

A.D. 1899.
—

to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and for regulating the use of electrical power :

(3) The Council or any person using any mechanical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof :

(4) The Board of Trade if they are of opinion—

(a) That the Council or such person have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or

(b) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public ;

may by order either direct the Council or such person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Council or such person shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Alteration
of tramways
and con-
struction of
electric
works.

38. The Council may reconstruct any tramways for the time being belonging to them and make such alterations thereof as may be necessary or expedient for working the same by mechanical power and for the purpose of working any of the tramways by mechanical power the Council may erect construct maintain and use engines works buildings machinery and apparatus and may place construct erect lay down make and maintain on above or below the surface of any streets or roads posts brackets electric conductors wires apparatus conduits cables tubes and openings and may with the consent of the owners and occupiers of any houses or buildings affix to such houses or buildings and maintain posts brackets electric conductors wires and apparatus and may supply electrical energy from any generating station constructed under powers conferred or to be conferred upon the Council but the Council shall not construct a generating station under the powers of this Act.

39. The following provisions shall apply to the use of electrical power under this Act unless such power is entirely contained in and carried along with the carriages :—

A.D. 1899.
Special provisions as to use of electrical power.

(1) The Council shall employ either insulated returns or uninsulated metallic returns of low resistance :

(2) The Council shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

(3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

(4) The Council shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Council either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :

(5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent

A.D. 1899.

injurious interference therewith and with the currents therein by or from other electric currents :

- (6) If any difference arises between the Council and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :
- (7) The expression "Council" in this section shall include lessees licencees and any person owning working or running carriages over any tramway of the Council.

For protec-
tion of
Postmaster-
General.

40.—(1) Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General 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 such alteration.

(2) In the event of any tramways of the Council being worked by electricity the following provisions shall have effect:—

- (a) The Council shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Council have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Council shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator :
- (b) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Council of their electric lines and works or by the working of the undertaking of the Council the Council shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :
- (c) (i.) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards

of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Council or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Council and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work ;

(ii.) Any difference which arises between the Postmaster-General and the Council or their agents with respect to any requirements so made shall be determined by arbitration :

(d) In the event of any contravention of or wilful non-compliance with this section by the Council or their agents the Council shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :

(e) Provided that nothing in this section shall subject the Council or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

(f) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any way affected by such act or work or by any use made of such work :

(g) For the purposes of this section and subject as therein provided sections two ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :

A.D. 1899.

- (h) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:
- (i) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Council or their agents were a company within the meaning of that Act:
- (j) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Council by indictment action or otherwise in relation to any of the matters aforesaid:
- (k) In this section the expression "the Council" includes their lessees and any person owning working or running carriages on any of the tramways of the Council.

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

41. All works to be executed by the Council in any street or 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.

Byelaws.

42.—(1) Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say):—

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages;

For regulating the emission of smoke or steam from engines used on the tramways;

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety;

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages;

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to

the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere. A.D. 1899.

(2) Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

43. Notwithstanding anything in the Tramways Act 1870 to the contrary the Council may place and run carriages on and may work and may demand and take tolls and charges in respect of the tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the tramways by animal or mechanical power and may sell or dispose of such of the last-mentioned articles and things as from time to time may no longer be required. Power to work tramways.

44. The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Council be made by the Council alone. Regulations.

45. Notwithstanding anything contained in this Act the tramways thereby authorised shall not be opened for public traffic nor shall the tramways constructed under the powers of the Act of 1878 be interfered with in pursuance of this Act (except with the consent of the owners of such last-mentioned tramways) until such last-mentioned tramways have been acquired by the Council. Existing tramways not to be interfered with until acquired.

46. Upon the acquisition by the Council of the tramways constructed under the powers of the Act of 1878 the provisions of sections 8 10 to 17 and 37 to 48 of that Act and the schedule thereto and section 6 of the Act of 1886 shall be by virtue of this Act repealed. Repeal of certain provisions of Tramway Acts.

47. For the purpose of using mechanical power the Council may acquire hold and exercise patent and other rights or licences relating to motive power or otherwise but not so as to acquire any exclusive right therein. Power to acquire patent rights.

48. The Conveyance of Mails Act 1893 shall extend and apply to all the tramways of the Council 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. Application of Conveyance of Mails Act 1893.

A.D. 1899.

For pro-
tection of
Wirral
Railway
Company.

49. For the protection of the Wirral Railway Company (in this section called "the company") the following provisions shall have effect (that is to say):—

- (1) Before commencing to reconstruct the Tramway No. 1 in Church Road over the bridge of the company and before commencing to construct the Tramway No. 2 in Wheatland Lane over the bridge of the company the Council shall give 14 days previous notice in writing to the company of their intention to commence the same and such notice shall be accompanied by a plan and sections and all necessary particulars of the proposed works so far as they extend to the roadways over the said bridges and such works shall not be commenced until the company have signified their approval of the same but if the company do not signify their approval or disapproval thereof within fourteen days from the service of the said notice plan sections and particulars they shall be deemed to have approved of the same Provided that if there shall be any difference between the Council and the company with reference to the matters aforesaid the same shall be determined by the Board of Trade :
- (2) The Council shall comply with and conform to all reasonable directions and regulations of the company in the execution of the said works and shall provide by new altered or substituted works in such manner as the company shall reasonably require for the protection of and for preventing injury to the property and works of the company by reason of the said tramways and shall save harmless the company against all and every expense to be incurred thereby and any difference which may arise between the Council and the company as to the reasonableness of the requirements of the company shall be referred to the Board of Trade on the application of either party :
- (3) All such works shall be done under the inspection and to the reasonable satisfaction of the engineer of the company if after service upon the engineer of not less than forty-eight hours notice such engineer thinks fit to attend Provided that if any question arises between the company and the Council under this sub-section the same shall be determined by the Board of Trade :
- (4) In constructing Tramway No. 4 in Victoria Road between the junctions of that road with Victoria Place and Fell Street the Council shall not construct any works at a greater depth than two feet three inches from the upper surface of Victoria Road as altered in pursuance of the Wirral Railway Act 1898,

STREET IMPROVEMENTS.

A.D. 1899.

50. Subject to the provisions of this Act the Council may make and maintain in the lines and according to the levels shown on the deposited plans and sections the street works herein-after mentioned together with all necessary works and conveniences connected therewith or incident thereto.

Power to
make street
works.

The street works herein-before referred to and authorised by this Act will be situate in the district and are as follows:—

Work No. 11 A widening of Victoria Road Seacombe on the east side:

Work No. 12 A widening of Victoria Road Seacombe on the west side:

Work No. 13 A widening of Brougham Road on the south side:

Work No. 14 A widening of Brighton Street on the east side:

Work No. 15 A widening of Brighton Street on the west side:

Work No. 16 A widening of Brougham Road and Brighton Street on the north side of Brougham Road and on the east side of Brighton Street:

Work No. 17 A widening of King Street on the west side:

Work No. 18 A widening of King Street on the east side:

Work No. 19 A widening of Trafalgar Road and Seabank Road on the north side of Trafalgar Road and on the west side of Seabank Road:

Work No. 20 A further widening of Seabank Road on the west side:

Work No. 21 A widening of Wheatland Lane on the east side:

Work No. 22 A further widening of Wheatland Lane on the east side:

Work No. 23 A widening of Wheatland Lane on the west side:

Work No. 24 A widening of Poulton Road and Liscard Road on the north side of Poulton Road and on the west side of Liscard Road:

Work No. 25 A new road 180 yards in length between Poulton Road and Liscard Road commencing on the north side of Poulton Road at its junction with Wheatland Lane and terminating on the south-west side of Liscard Road at its junction with Rappart Road:

Work No. 26 A widening of Liscard Road on the north-east side:

Work No. 27 A widening of Liscard Road on the south-west side:

Work No. 28 A further widening of Liscard Road on the north-east side:

A.D. 1899.

- Work No. 29 A further widening of Liscard Road on the north-east side :
- Work No. 30 A further widening of Liscard Road on the north-east side :
- Work No. 31 A further widening of Liscard Road on the south-west side :
- Work No. 32 A widening of Liscard Village and Rake Lane on the north-west side of Liscard Village and on the west side of Rake Lane :
- Work No. 33 A widening of Liscard Village on the south-east side :
- Work No. 34 A widening of Rake Lane on the east side :
- Work No. 35 A further widening of Rake Lane on the east side :
- Work No. 36 A widening of Rake Lane on the west side :
- Work No. 37 A further widening of Rake Lane on the east side :
- Work No. 38 A widening of Upper Brighton on the south-west side :
- Work No. 39 A widening of Rowson Street and Seabank Road on the south side of Rowson Street and on the west side of Seabank Road :
- Work No. 40 A widening of Liscard Village and Seaview Road on the north-west side of Liscard Village and on the north-east side of Seaview Road :
- Work No. 41 A widening of Seaview Road on the south-west side :
- Work No. 42 A further widening of Seaview Road on the south-west side :
- Work No. 43 A widening of Seaview Road on the south-west and north-west sides :
- Work No. 44 A widening of Seaview Road on the north-east and south-east sides :
- Work No. 45 A widening of Hose Side Road on the north-east side :
- Work No. 46 A widening of Grove Road and Warren Drive on the north side of Grove Road and on the north-east side of Warren Drive :
- Work No. 47 A widening of Victoria Road New Brighton and Rowson Street on the north side of Victoria Road and on the west side of Rowson Street :

Work No. 48 A widening of Victoria Road New Brighton and Rowson Street on the south side of Victoria Road and on the west side of Rowson Street: A.D. 1899.

Work No. 49 A further widening of Victoria Road New Brighton on the south side:

Work No. 50 A further widening of Victoria Road New Brighton on the north side:

Work No. 51 A widening of Rowson Street and Wellington Road on the east side of Rowson Street and on the south side of Wellington Road.

51.—(1) Before the Council in connexion with the widening of Rake Lane use or apply any part of the Congregational churchyard there for any purpose other than as an open space or ornamental ground or garden they shall remove or cause to be removed the remains of any deceased person interred in the said churchyard Provided that a Secretary of State on the application of the Council and on being satisfied that such removal is not necessary or desirable may dispense with all or any of the requirements of this section on such conditions (if any) as he thinks fit. As to removal of human remains.

(2) Before proceeding to remove any such remains the Council shall publish a notice for two successive weeks in a local newspaper circulating in the urban district of Wallasey to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of the conditions of such removal provided in sub-sections (3) (4) (5) and (6) of this section.

(3) At any time within two months after the first publication of such notice any person who is an heir executor or administrator or relative of any such deceased person may give notice in writing to the Council of his intention to undertake the removal of the remains of such deceased person and thereupon he shall be at liberty to cause such remains to be removed to and re-interred in the Rake Lane Cemetery of the Council.

(4) If any person giving such notice as aforesaid shall fail to satisfy the Council that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the registrar of the Birkenhead county court who shall have power to make an order specifying who shall remove the remains.

(5) The expense of such removal and re-interment not exceeding in respect of remains removed from any one grave the sum of ten pounds shall be defrayed by the Council such sum to be apportioned equally if necessary according to the number of remains in such grave.

A.D. 1899.

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Council in respect of the remains in any grave or if after such notice has been given the person giving the same shall fail in any respect to comply with the provisions of this section the Council may remove the remains of the deceased person and cause them to be interred in the Rake Lane Cemetery of the Council.

(7) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the Council be removed and re-erected at the place of re-interment of such remains or at such places within the urban district of Wallasey as the registrar of the Birkenhead county court on the application (if any) of such heir or executor or administrator or relative as aforesaid of the deceased person may direct.

(8) The removal of the remains of any deceased person shall be carried out under the supervision and to the satisfaction of the medical officer of health for the said district.

Period for
completion
of works.

52. If the street works authorised by this Act are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Council for executing those works or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed.

Deviation.

53. In the construction of the street works by this Act authorised the Council 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.

Subsidiary
works.

54. Subject to the provisions of this Act and within the limits of deviation defined on the deposited plans the Council in connexion with the street improvements 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 improvements or any of them and may make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the street improvements or any of them 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 channel or gas or water main or pipe within the said limits the Council providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of

any gas or water in any main or pipe and making compensation for any damage done by them in the execution of the powers of this section. A.D. 1899.

PROMENADES.

55. Subject to the provisions of this Act the Council may make and maintain the following works in the lines and according to the levels shown upon the deposited plans and sections together with all such footways carriageways approaches landing-places slipways steps sewers drains works and conveniences as may be necessary or convenient (that is to say):— Power to construct promenades.

A promenade and embankment commencing at the north side of Seacombe Ferry Station and terminating at the junction of Sandon Road and the existing promenade:

A promenade and embankment commencing at the north-east side of Victoria Road New Brighton and terminating at Rowson Street.

56. The following sections of the Act of 1896 (that is to say):— Application of provisions of Act of 1896 as to promenade.
 Section 14 (Power to deviate);
 Section 15 (Period for completion of works);
 Section 16 (Power to make subsidiary works);
 Section 17 (Alteration of position of mains and pipes);
 Section 18 (Promenade to be a public highway and repairable as such);
 Section 19 (Byelaws for regulating promenade); and
 Section 20 (Power to erect shelters &c. on promenade);

shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the promenades authorised by this Act as if the same were re-enacted in this Act.

57. The Council shall not execute any works or conduct any operations under the powers of this Act within the jurisdiction of the Mersey Conservancy Commissioners except in accordance with plans and sections first submitted to and approved of in writing by the acting conservator for the time being appointed by the Mersey Conservancy Commissioners under the Mersey Conservancy Act 1842 and the provisions of that Act shall apply to the works under this Act. For protection of Mersey Conservancy Commissioners.

58. For the protection and benefit of John Edward Rayner or other the owner for the time being of the lands numbered 31 to 35 For protection of

A.D. 1899.
John
Edward
Rayner.

on the deposited plans (in this section called "the owner") the following provisions shall apply and have effect (that is to say):—

- (1) The promenade from Seacombe Ferry Station to Sandon Road authorised by this Act (in this section called "the promenade") so far as it will abut upon the lands numbered 31 on the deposited plans shall be completed within eighteen months from the passing of this Act:
- (2) The Council shall not without the consent of the owner acquire a greater part of the said land numbered 31 than they shall require for constructing the promenade of a width of 50 feet measured from the east side of the river wall together with such additional land as they shall require for constructing a fence in pursuance of this section and for providing retaining walls where necessary:
- (3) In constructing the promenade where the same will abut upon the said land numbered 31 the Council shall not deviate from the levels shown on the deposited sections and the Council shall where necessary raise the level of the said land numbered 31 to the level of the promenade when completed:
- (4) The Council shall construct on the westerly side of the promenade an unclimbable fence six feet six inches high above the level of the promenade founded upon a stone sill not less than two feet high but the owner shall at all times be at liberty to make gates and entrances for the use of persons resorting to any house or houses on the property facing the promenade:
- (5) The owner shall at all times hereafter have the right of access to the promenade from so much of the said land numbered 31 as shall be retained by him by not more than four roads of such width as the owner shall think fit not being less than the minimum width prescribed by the byelaws for the time being in force in the district:
- (6) The Council shall when constructing so much of the promenade as will abut upon the said lands of the owner lay a sewer longitudinally under the same so far as such sewer has not already been laid and the owner shall have the right to discharge sewage and drainage into the said sewer:
- (7) The provisions of the section of this Act whereof the marginal note is "Matters to be taken into account by arbitrators" shall not apply in determining any question of disputed compensation to be paid by the Council to the owner for the acquisition of the said lands numbered 31 to 35 or any part thereof.

59. For the protection of the New Brighton Pier Company (in this section referred to as "the pier company") the following provisions shall (unless otherwise agreed between the Council and the pier company) be observed and have effect (that is to say):—

A.D. 1899.
—
For protection of
New
Brighton
Pier
Company.

- (1) The Council shall before commencing to construct the New Brighton Promenade authorised by this Act make and complete subject to the consent of the Board of Trade Mersey Conservancy Commissioners and Mersey Docks and Harbour Board being obtained if and so far as such consent is necessary and to the reasonable satisfaction of the pier company's engineer or in case of dispute to the satisfaction of the President of the Institution of Civil Engineers or of an engineer to be nominated by him an alternative access to the company's pier from and on to the existing promenade at its nearest point to the said pier with the deck at the same level as that of the company's pier and of a width of at least 30 feet or of such greater width not exceeding 60 feet as the pier company may desire to a point not exceeding 73 feet from the western end of the company's pier and from that point by a sloping approach or steps to a point on the new promenade already constructed lineable with the western front of the proposed lavatories as shown on the plan signed by Walter Henry Travers on behalf of the Council and Albert Tomlinson Wright on behalf of the pier company such sloping approach or steps to be of a clear width of 18 feet inside measurement and the Council shall grant to the pier company a sub-lease of the ground covered by such extension for a period expiring at the same time as the term granted by the sub-lease of the ground on which the company's pier is constructed and at the same rent per superficial square yard and under the same conditions as the pier company now pay and are subject to under their present sub-lease and the pier company will in part consideration therefor grant and pay to the Council one-eighth of all tolls received by them for admission to the pier whether in cash or by sale of contract tickets :
- (2) The pier company shall pay to the Council the cost of the construction of the new access to and from their pier from and to the promenade :
- (3) No structure shall be erected by the pier company upon the new access except in accordance with plans and elevations submitted to and approved by the Council :
- (4) The Council shall at all reasonable times have access to the pier register and toll account books of the pier company to

A.D. 1899.

enable them to check the amount of the company's tolls whether in cash or contract tickets :

- (5) Before commencing the works provided for by this section the Council shall be entitled to require from the pier company a satisfactory guarantee for the payment of the cost thereof.

MISCELLANEOUS.

Power to borrow.

60.—(1) The Council may independently of any other borrowing power borrow at interest money for the following purposes (that is to say) :—

- (a) For the construction of the tramways authorised by this Act the reconstruction of the existing tramways adapting the tramways for working by mechanical power and for plant the sum of eighty-seven thousand pounds ;
- (b) For the purchase of lands for and the construction of the street improvements and new street authorised by this Act the sum of ninety-two thousand pounds ;
- (c) For the purchase of the land for and the construction of the promenades authorised by this Act the sum of ninety thousand pounds ;
- (d) For the payment of the costs charges and expenses of this Act as herein-after provided such sum as may be necessary for the purpose.

(2) The Council may with the consent of the Board of Trade borrow such further moneys as may be necessary for the purposes of the tramway undertaking of the Council and with the consent of the Local Government Board such further moneys as may be necessary for any of the other purposes of this Act.

(3) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may charge the district fund and general district rate of the district and as regards moneys borrowed for the purposes of the tramway undertaking of the Council the revenue of that undertaking.

Periods for repayment of money borrowed.

61. The Council shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say) :—

As to moneys borrowed for the purposes (a) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within forty years from the date or dates of the borrowing of the same ;

As to moneys borrowed for the purposes (b) and (c) in the said section mentioned within sixty years from the date or dates of the borrowing of the same; A.D. 1899.

As to money borrowed for the purpose (d) in the said section mentioned within ten years from the date or dates of the borrowing of the same;

As to moneys borrowed with the consent of the Board of Trade or the Local Government Board within such period as the respective Board may sanction.

62. The following provisions of the Act of 1896 shall apply to the exercise of the powers of this Act as if the same were re-enacted in this Act namely:— Application of financial provisions of Act of 1896.

Section 24 (Mode of raising money);

Section 25 (Certain regulations of Public Health Act not to apply);

Section 26 (Application of provisions of Public Health Act as to mortgages);

Section 28 (Mode of repayment of money borrowed on mortgage);

Section 29 (Regulations as to sinking fund);

Section 30 (Saving for existing charges);

Section 31 (Council not to regard trusts);

Section 32 (Appointment of receiver);

Section 33 (Power to re-borrow);

Section 34 (Annual return to Local Government Board);

Section 35 (Proceeds of sale of surplus lands to be treated as capital);

Section 36 (Application of money borrowed);

Section 37 (Protection of lender from inquiry);

Section 38 (Inquiries by Local Government Board);

Section 39 (Expenses of execution of Act);

Section 40 (Audit of Accounts):

Provided that the provisions contained in section 29 of the Act of 1896 shall apply to the formation of sinking funds for the repayment of moneys borrowed under the Local Loans Act 1875 instead of section 15 of the last-mentioned Act.

63.—(1) The Council shall apply all money received by them on account of revenue in respect of their tramway undertaking in manner and in the order following (that is to say):— Application of revenue of tramway undertaking and deficiency of receipts.

First In payment of the working and establishment expenses and cost of maintenance of the undertaking (including the maintenance of so much of the roads in which the tramways are laid as is required to be maintained and kept in good repair

A.D. 1899.

and condition by the promoters of tramways by section 28 of the Tramways Act 1870);

Secondly In payment of the interest on moneys borrowed by the Council for the purposes of the undertaking;

Thirdly In providing the requisite appropriations instalments or sinking fund payments for the purposes of the undertaking;

Fourthly In extending and improving (if the Council think fit) any works for the purposes of the undertaking;

Fifthly In providing a reserve fund (if the Council think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in securities in which the Council are authorised by the Act of 1896 to invest sinking funds and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council not exceeding a sum equal to one fifth of the aggregate capital expenditure for the time being by the Council upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Council from the undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of the undertaking or for payment of the cost of renewing any part of the tramways of the Council or of the works connected therewith and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum :

And the Council shall carry to the district fund so much of any balance remaining in any year of the income of their tramway undertaking (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Council not be required for carrying on the undertaking and paying the current expenses connected therewith.

(2) Any deficiency in the revenue of the tramway undertaking of the Council shall be from time to time made good out of the district fund.

Power to
supply
electric
fittings.

64. The Council may provide sell let for hire and fix set up alter repair and remove lamps meters electric lines fittings apparatus and things for lighting and motive power and for all other purposes for which electric energy can or may be used or otherwise necessary or proper for the supply distribution consumption or use of electric

energy and may provide all materials and do all works necessary or proper in that behalf and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale letting fixing setting up altering repairing or removing of such lamps meters electric lines fittings apparatus and things as aforesaid and for securing their safety and return to the Council as the Council may think fit or as may be agreed upon between them and the person to or for whom the same are sold supplied let fixed set up altered repaired or removed.

A.D. 1899.

65.—(1) Any wires apparatus and fittings in any building or premises supplied with electric energy by the Council shall be subject to such byelaws for securing the safety of the inhabitants and for the prevention of fire as the Council may reasonably require.

Byelaws
with respect
to electric
fittings.

(2) The provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875 (except so much thereof as relates exclusively to byelaws of a rural sanitary authority) shall apply to byelaws made by the Council under this section Provided that in the application of such provisions the Board of Trade shall be substituted for the Local Government Board.

66. Notwithstanding anything in section 9 of the Electric Lighting Act 1882 contained the annual statement of accounts of the electric lighting undertaking of the Council shall after the passing of this Act be filled up on or before the twenty-fourth day of June in every year and shall be made up to the thirty-first day of March next preceding and section 9 of the Electric Lighting Act 1882 shall as from the passing of this Act be read and have effect as regards the undertaking of the Council as if the twenty-fourth day of June and the thirty-first day of March were therein mentioned instead of the twenty-fifth day of March and the thirty-first day of December.

Altering the
date for
filling up
annual
accounts for
electric
lighting.

67. Where any notice summons or other document (except a conveyance contract or security) under this Act requires authentication by the Council the signature thereof by their clerk shall be a sufficient authentication and any notices summonses and other documents required or authorised to be served under this Act may be served in manner prescribed by section 267 of the Public Health Act 1875.

Authentica-
tion and
service of
notices.

68. All orders regulations and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

Orders &c.
of the Board
of Trade.

A.D. 1899.
Recovery of
penalties.

69. Any penalty under this Act or under any byelaws or regulations made under this Act may be recovered in manner provided by the Summary Jurisdiction Acts.

Incorporation
of s. 265 of
Public Health
Act 1875.

70. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 is hereby incorporated with and shall form part of this Act.

Costs of Act.

71. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the district fund or out of moneys to be borrowed under this Act.

SCHEDULES.

THE FIRST SCHEDULE.

PREMISES OF WHICH PORTIONS ONLY ARE REQUIRED.

Works for which Properties are authorised to be taken.	Number on deposited Plans.
Street improvements and new street referred to in the section of this Act whereof the marginal note is "Power to make street works."	8 to 12 22 48 to 66 68 to 78 120 136 144 145 153 229 to 231 233 240 248 249 252 to 258 267 280 283 287 to 289 291 294 to 316 321 to 327 352 354 355 360 368 to 371 375 to 378 381 388 390 to 394 401 to 403 417 to 422 440 441 443 444 457 to 462 464 465 467 to 470 472 to 475 560.
Promenade from Seacombe Ferry Station to Sandon Road referred to in the section of this Act whereof the marginal note is "Power to construct promenades."	5 to 16 29 36 to 39.

THE SECOND SCHEDULE.

A.D. 1899.

RATES FOR ANIMALS AND GOODS.

	<i>Animals.</i>	Per mile.	
		s.	d.
For every horse mule or other beast of draught or burden	-	0	4
For every ox cow bull or head of cattle	-	0	3
For every calf pig sheep or small animal	-	0	1½

Goods.

For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways	-	0	2
For all iron ironstone iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specially classed herein and for heavy iron castings including railway chairs	-	0	2½
For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings	-	0	3
For cotton wools drugs manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein	-	0	4
For every carriage of whatever description	-	1	0

*Parcels.*Any distance.
s. d.

For any parcel not exceeding 7 lbs. in weight	-	0	3
For any parcel exceeding 7 lbs. and not exceeding 14 lbs. in weight	-	0	5
For any parcel exceeding 14 lbs. and not exceeding 28 lbs. in weight	-	0	7
For any parcel exceeding 28 lbs. and not exceeding 56 lbs. in weight	-	0	9
For any parcel exceeding 56 lbs. such sum as the Council may think fit:	-		

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

A.D. 1899.

Per mile.

For the Carriage of Single Articles of great Weight.

s. d.

For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage shall exceed four tons but shall not exceed eight tons such sum as the Council may think fit not exceeding - - - per ton 2 0

For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage shall exceed eight tons such sum as the Council may think fit.

Regulations as to Rates.

For articles or animals conveyed on the tramways for a less distance than three miles the Council may demand rates and charges as for three miles ;
A fraction of a mile beyond an integral number of miles shall be deemed a mile ;

For the fraction of a ton the Council may demand rates according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton ;

With respect to all articles except stone and timber the weight shall be determined according to Imperial avoirdupois weight ;

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity.

In addition to the foregoing rates the Council may demand such charges as are reasonable for loading and unloading the animals and goods and if any difference shall arise as to the reasonableness of any such charge the matter in difference shall be settled by the Board of Trade.

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
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