



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cxvii.

An Act to confer further Powers on the *Wallasey* Local Board; and for other Purposes.

[23d June 1864.]

WHEREAS under the Provisions of "The *Wallasey* Improvement Act, 1858," (in this Act called "the Act of 1858,") and of "The *Wallasey* Improvement Act, 1861," (in this Act called "the Act of 1861,") certain Ferries, called respectively *New Brighton* Ferry, *Egremont* Ferry, and *Seacombe* Ferry, with the Landing Stages, Piers, Jetties, Slips, and Accommodations connected therewith, are vested in and worked and managed by the *Wallasey* Local Board (in this Act called "the Local Board"): And whereas it is expedient that the Local Board be empowered to construct a Pier or Landing Stage at *New Brighton* in the Township of *Liscard* and Parish of *Wallasey* in the County of *Chester*, in connexion with their existing Ferry at *New Brighton*, and that further Powers should be conferred upon them in relation to their Ferries, Landing Stages, and Steamboats, and with respect to the Tolls and Rates leviabie in respect thereof: And whereas by the Act of 1858 the Local Board are empowered to supply the District of *Wallasey* with Water, and it is expedient that they should be empowered to construct an additional Reservoir and other Works

21 & 22 Vict. c. lxiii.

24 & 25 Vict. c. iv.

[Local.]

16 T

connected

The Wallasey Improvement Act, 1864.

connected therewith: And whereas Plans and Sections of the proposed Pier or Landing Stage and Reservoir, and showing the Lands on which the same respectively are to be constructed, and a Book of Reference to such Plans, have been deposited with the Clerk of the Peace for the County of *Chester*: And whereas it is expedient that the Local Board should be empowered to raise a further Sum in connexion with and for the Purposes of their Ferries, Landing Stages, and Piers, and that further Provision should be made with reference to the borrowing, re-borrowing, and paying off of Monies borrowed by the Local Board: And whereas it is also expedient to alter the Qualification of Persons entitled to vote in the Election of Members of the Local Board: And whereas it is also expedient to make Provision for Superannuation, or other Allowances, to Officers, Servants, Workmen, and other Persons appointed or employed by the Local Board: And whereas it is also expedient to confer further Powers on the Local Board, in relation to the good Government and sanitary Condition of the District and otherwise: And whereas the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Wallasey Improvement Act, 1864.*"

Act to be
executed by
Local Board.

2. This Act shall be executed by the Local Board, subject to the Powers and Provisions of "The Public Health Act, 1848," and of the several Acts supplemental thereto, and of "The Local Government Act, 1858," and of any other Act relating to the Public Health, and from Time to Time in force within the District of *Wallasey*.

8 & 9 Vict.
c. 18.,
10 & 11 Vict.
c. 17., and
23 & 24 Vict.
c. 106. in-
corporated.

3. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Waterworks Clauses Act, 1847," and "The Waterworks Clauses Act, 1863," shall, so far as the same respectively are applicable to the Purposes of this Act, and are not expressly altered or varied by this Act, be incorporated with this Act.

Same Mean-
ings to
Words in
incorporated
Acts as in
this Act.

4. The several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are respectively assigned shall have in this Act the same respective Meanings, unless there be something in the Subject or Context repugnant to or inconsistent with such Construction.

5. The

The Wallasey Improvement Act, 1864.

5. The Expression "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression, when used in this Act, or in any Act incorporated herewith, shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Interpre-
tation of
Terms.

6. The Local Board (subject to the Provisions of this Act, and of the Acts wholly or partially incorporated with this Act,) may enter upon, take, use, and hold, and appropriate to the Purposes of this Act all or any of the Lands defined on the deposited Plans and described in the Books of Reference thereto, or any Estate, or Interest, or Easement in or over all or any of the said Lands.

Power to
take Lands.

7. The Local Board, subject to the Provisions in this Act and in the Acts wholly or partially incorporated with this Act, may make and maintain, in the Line or Situation, and according to the Levels defined on the deposited Plans and Sections, and upon the Lands delineated on the said Plans and described in the Books of Reference thereto, the following Works; (that is to say,)

Power to
construct
Works.

A Pier or Landing Stage at *New Brighton* aforesaid, from a Point at or near the East End of *Victoria Road*, together with all such Jetties, Esplanades, Landing Places, Toll Gates or Bars, and other Works and Conveniences in connexion therewith, as the Local Board shall from Time to Time think fit:

A Reservoir in the said Township of *Liscard*, together with all such Mains, Pipes, and other Apparatus in connexion therewith, as the Local Board shall from Time to Time think fit; and the said Reservoir and Works shall for all Purposes be deemed Part of the Waterworks of the Local Board.

8. Previously to commencing the Pier or Landing Stage or the Works connected therewith, the Local Board shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Pier or Landing Stage and Works connected therewith for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Pier or Landing Stage and Works shall be constructed only in accordance with such Approval; and when any such Pier or Landing Stage or Works shall have been commenced or constructed it shall not be lawful for the Local Board at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if any such Pier or Landing Stage or Works shall be commenced or completed, or be altered,

Before Pier
or Landing
Stage com-
menced
Plans, &c.
to be depo-
sited at
Admiralty.

The Wallasey Improvement Act, 1864.

altered, extended, or constructed contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Local Board, and the Amount thereof shall be a Debt due from the Local Board to the Crown, and be recoverable accordingly with Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Local Board.

Lights to be exhibited during Execution of Works.

9. During the Construction of the Pier or Landing Stage, and Works connected therewith, the Local Board shall cause to be hung out or exhibited every Night from Sunset to Sunrise Lights to be kept burning by and at the Expense of the Local Board for the Navigation and safe Guidance of Vessels, and for ever after the Completion of the Pier or Landing Stage the Local Board shall cause to be hung out or exhibited thereon every Night from Sunset to Sunrise good and sufficient Lights to be kept burning by and at the Expense of the Local Board, for the Navigation and safe Guidance of Vessels, and which Lights shall be from Time to Time altered by the Local Board in such Manner, and be of such Description, and be so used and placed, as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall by Writing under the Hand of the Secretary of the Admiralty approve of; and in case the Local Board shall neglect to exhibit and keep either of such Lights burning as aforesaid, they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

Exemption from Rates in certain Cases.

10. Nothing in this Act contained shall extend to charge with Rates or Duties, or to regulate or subject to any Control, any Vessel or Boat belonging to or employed in the Service of Her Majesty, Her Heirs and Successors, or any Member of the Royal Family, or in the Service of the Admiralty, Coast Guard, Customs, or Excise, or of the Corporation of *Trinity House of Deptford Strond*, or the Commissioners of Northern Lights, using the Pier or Landing Stage, and not conveying Goods for Hire; or any Packet Boat or Post Office Packet, being a Packet Boat or Post Office Packet, as defined under the Provisions of any Act relating to the Post Office, or any Post Office Bag of Letters conveyed by any such Packet Boat or Packet, or by any other Vessel whatsoever, or any of the Officers or Persons belonging to Her Majesty's Navy, or employed in the Service of the Admiralty, Coast Guard, Ordnance, Customs, Excise, or Post Office, or their Baggage, or any Vessel or Goods being under Seizure by the Officers of the Revenue, or any Naval, Victualling, or Ordnance Stores, or other Stores, Goods, or Supplies for the Service of or being the Property of Her Majesty, or any Marines or Troops landed upon, or delivered,

or

The Wallasey Improvement Act, 1864.

or disembarked from the Pier or Landing Stage, or their Baggage; but all such Vessels, Officers, or Persons aforesaid shall have the free Use of the Pier or Landing Stage without any Charge or Rate being made for using the same: Provided always, that if any Person claim and take the Benefit of any such Exemption as aforesaid, without being entitled thereto, he shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

11. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a Local Survey and Examination of any Works of the Local Board, in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Local Board shall defray the Costs of every such Local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Local Board; and if not paid upon Demand, may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Local Board.

Power to Admiralty to order Local Survey at Expense of Local Board.

12. If any Work to be constructed by the Local Board in, under, over, through, or across any Tidal Water or navigable River, or if any Portion of any Work which affects or may affect any such Water or River, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Local Board; and the Amount thereof shall be a Debt due from the Local Board to the Crown, and if not paid upon Demand may be recovered as a Debt due to the Crown with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Local Board.

Works affecting tidal Waters abandoned, &c., may be removed by Admiralty at Expense of Local Board.

13. The Powers of the Local Board for the Purchase of Lands by Compulsion, for the Purposes of this Act, shall not be exercised after the Expiration of Three Years from the passing of this Act.

Powers for compulsory Purchases limited.

14. The Pier or Landing Stage and Reservoir by this Act authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of that Period the Powers granted to the Local Board for making those respective Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Period for Completion of Works.

[Local.]

16 U

15. The

The Wallasey Improvement Act, 1864.

Power to deviate.

15. The Local Board in the Construction of the Pier or Landing Stage and Reservoir may deviate laterally from the Line or Situation thereof shown on the deposited Plans to the Extent of the Limits of Deviation shown on those Plans, and may deviate from the Levels shown on the deposited Sections to the Extent following; (that is to say,) as regards the Pier or Landing Stage, not exceeding Five Feet; and as regards the Reservoir, not exceeding Three Feet.

Power to alter Ferry Rates.

16. Notwithstanding anything in the Act of 1858 contained, the Local Board may from Time to Time exercise the following Powers in relation to the Tolls or Rates receivable at their Ferries, Piers, and Landing Stages, and in respect of their Steamboats:

They may contract for any shorter Period than Six Months with any Person or Family, provided that no Preference be shown to any particular Person or Family:

They may contract for the Conveyance at reduced Tolls or Rates of any Body of Persons, such as Schools, Charitable Institutions, Benefit Societies, Pleasure Parties, and the like:

They may charge increased Tolls or Rates (not in any Case exceeding Sixpence) in respect of every Person, whether a Contractor or Non-contractor, conveyed to or from their Ferries, or any of them, between Half-past Eleven o'Clock in the Evening and Five o'Clock in the Morning, but they shall not be compellable to run Steam Vessels to or from their Ferries, or any of them, between those Hours:

They may demand and receive such reasonable Tolls or Rates as they may from Time to Time think fit from Persons using their Piers and Landing Stages, or any of them, for Purposes of Exercise or Recreation, but not desiring to embark or disembark thereat, and may compound with any Person or Family for the Payment of such Tolls or Rates for such Period as may be mutually agreed upon; but such Tolls and Rates shall be charged equally to all Persons and Families under the like Circumstances:

They may permit Persons to land at or depart from their Piers and Landing Stages, or any of them, from or into any Steam Vessels or other Boats or Vessels not belonging to the Local Board upon Payment of such Tolls or Rates as the Local Board shall from Time to Time prescribe.

Power to sell or let Steam Vessels.

17. The Local Board may from Time to Time, as they think fit, sell and dispose of any of their Steamboats, and provide others in lieu thereof, if required for the Purposes of their Ferries, or any of them; and the Local Board may also from Time to Time, as they think fit, let to Hire for any special Purpose, or by the Day, or for a longer Term, all or any of their Steamboats which may not for the Time being be required for the efficient Management and Working of their Ferries,

The Wallasey Improvement Act, 1864.

Ferries, and may demand and receive for the Hire thereof such Sums of Money or other Consideration as may be agreed upon between the Local Board and the Company or Person hiring the same.

18. From and after the passing of this Act so much of the Eleventh Section of the Act of 1858 as prescribes the Rents at which the Local Board shall supply Water for domestic Purposes shall be repealed, and in lieu thereof the Local Board may demand for a Supply of Water for domestic Purposes:

Alterations as to Supply of Water for domestic Purposes.

An annual Rent not exceeding Six Pounds *per Centum* on the annual Value of the House in respect of which such Supply of Water is afforded:

And the Act of 1858 shall henceforth be read and construed accordingly.

19. The Local Board may from Time to Time contract with any Person, or with any Company or Body, for providing such Person, Company, or Body with Pipes, Meters, Burners, Lamps, Cisterns, Fittings, and Apparatus connected with the Supply of Gas or Water, and for the Repair thereof, in such Manner and upon such Terms as may be agreed upon between the Local Board and any such Person, Company, or Body.

Power to Local Board to contract for Supply of Fittings for Gas and Water.

20. And whereas by the Sixty-eighth Section of the Act of 1858 Provision is made for enabling the Local Board to sell or grant on Lease or Exchange a certain Piece or Parcel of Land in the said Section mentioned, and being situate on the North Side of *Mill Lane* in the Township of *Liscard*: And whereas under and by virtue of an Act passed in the Forty-ninth Year of the Reign of King *George the Third*, intituled *An Act for inclosing Waste Lands in the Township of Liscard in the Parish of Wallasey in the County Palatine of Chester*; and of another Act passed in the Fifty-fourth Year of the Reign of His said Majesty, intituled *An Act for inclosing Waste Lands in the Parishes of Wallasey and West Kirby in the County of Chester*, several Parcels of Land respectively situate in the said Townships of *Liscard* and *Wallasey* were allotted for the Purpose of getting Stone or Marl therefrom, and of a Watering Pit for the Use of the Landowners within the said Townships, and the Stone, Marl, and Water respectively in such Parcels of Land are or may become exhausted, and it is expedient that Provision be made in relation thereto: Therefore, the Sixty-eighth Section of the Act of 1858 shall extend and apply to and shall be in Force and Effect in relation to the said Parcels of Land to the same Extent and in the same Manner as the said Section extends and applies to the said Parcel of Land therein mentioned situate on the North Side of *Mill Lane* in the Township of *Liscard*, and the Local Board may sell, lease,

Sec. 68. of 21 & 22 Vict. c. lxiii. extended to other Lands herein specified.

49 G. 3. c. ciii.

54 G. 3. c. lxxxvii.

The Wallasey Improvement Act, 1864.

lease, or exchange, and otherwise deal with the said Parcels of Land accordingly.

Power to raise further Money on Mortgage of "The Wallasey Ferries Account."

21. In addition to the Monies which the Local Board are empowered to borrow under the Provisions of the Act of 1858 and the Act of 1861, or either of them, in connexion with and for the Purposes of their Ferries, they may from Time to Time borrow on Mortgage of "The *Wallasey* Ferries Account," and of the Ferries for the Time being belonging to or leased by the Local Board, and the Steam and other Boats, Materials, and Things connected therewith, and also (as a collateral Security) of the General District Rate authorized by "The Public Health Act, 1848," to be made and levied, any Sums not exceeding in the whole Forty-five thousand Pounds, of which the Board may apply a Sum not exceeding Fifteen thousand Pounds in and towards the Erection and Construction of the Pier or Landing Stage at *New Brighton* by this Act authorized, and the Jetties, Esplanades, Toll Gates, Toll Houses, Works, and Conveniences connected therewith; and a Sum not exceeding Twelve thousand Pounds, for the Purchase of or otherwise in connexion with their Steamboats; and if any Surplus of the said Sums of Fifteen thousand Pounds and Twelve thousand Pounds respectively remains after fulfilling the Purposes to which they are made specially applicable, such Surplus of the One of such Sums may be in the first instance applied in making good the Deficiency (if any) which may exist in the other of such Sums; and the Residue of the said Sum of Forty-five thousand Pounds, and also any Surplus of the aggregate of the said Sums of Fifteen thousand Pounds and Twelve thousand Pounds respectively, which may remain after fulfilling the Purposes to which they are specially made applicable, shall from Time to Time be applied for the Purposes of the Ferries of *Seacombe* and *Egremont* respectively: Provided always, that the Monies which the Local Board are by this Act expressly authorized to borrow shall be in addition to the Monies which they are authorized to borrow by "The Public Health Act, 1848," or any Act supplemental thereto, or otherwise relating to the public Health.

Certain Parts of 11 & 12 Vict. c. 63. and 21 & 22 Vict. c. 98. to apply to Mortgages. Saving Priority of existing Mortgages.

22. The Sections of "The Public Health Act, 1848," 111, 112, and 114, and the Schedules (B.) and (C.) to that Act, and Section 57 of "The Local Government Act, 1858," shall be applicable to the Mortgages to be executed by the Local Board under this Act.

23. Provided that all Mortgages granted by the Local Board on the Security of "The *Wallasey* Ferries Account," and subsisting at the Time of the passing of this Act, shall have Priority of any Mortgage granted under this Act on the Security of that Account, and all Mortgages then subsisting or to be hereafter granted on the Security of

The Wallasey Improvement Act, 1864.

of "The General District Rate," shall respectively have Priority over all Mortgages which may be granted under the Authority of this Act on the collateral Security of "the General District Rate," so far as relates to such collateral Security.

24. The Local Board may from Time to Time apply to the Construction and Maintenance of the Reservoir and the Works connected therewith by this Act authorized any of the Monies applicable to Waterworks Purposes which from Time to Time may be in their Hands.

Power to apply to Purposes of Reservoir, &c., Funds applicable to Waterwork Purposes.

25. The Local Board may from Time to Time re-borrow, at such Rate of Interest as may be necessary, such Sums of Money as may be necessary for paying off the whole or any Part of any principal Monies from Time to Time outstanding on Mortgage, on whatever Account such Monies may have been borrowed; and if, having re-borrowed any such Sums, they pay off the same, they may again re-borrow the Amount so paid off, and so from Time to Time; provided that all Mortgages granted by the Local Board for the Purpose of paying off any Principal Monies from Time to Time outstanding on Mortgage shall be granted, and be chargeable on the same Securities as the Principal Monies for the paying off of which such Mortgages are granted were secured.

Power to re-borrow.

26. The Local Board may at any Time after the passing of this Act, by Agreement with the Holders of any outstanding Mortgages, accept and take a Surrender of such Mortgages, and grant other Mortgages on the like Securities in lieu thereof, at such Rate of Interest as may be agreed upon, and the Mortgages so granted shall be subject to the same Provisions as if the Sums thereby secured were re-borrowed under the Authority of this Act.

Power to accept Surrender of Mortgages.

27. Notwithstanding anything in "The Public Health Act, 1848," or "The Local Government Act, 1858," the Act of 1858, the Act of 1861, or in any other Act authorizing the Local Board to raise Money to the contrary contained, the whole of the Sums to be borrowed by the Local Board under the Powers of any such Act or of this Act shall be repaid within Fifty Years from the Time of borrowing the same; and in the Case of Monies already borrowed by the Local Board, the Period limited by "The Public Health Act, 1848," or "The Local Government Act, 1858," or any such other Act as aforesaid, for the Repayment of the same may, with the Consent of the Mortgagees, but not otherwise, be extended to the like Period of Fifty Years from the Time of borrowing the same.

Time within which borrowed Money shall be paid off.

The Wallasey Improvement Act, 1864.

Power to Board to mortgage Works as well as Rates for raising Money under a Provisional Order.

28. And whereas by "The Local Government Supplemental Act, 1863 (No. 2)," a Provisional Order for extending the borrowing Powers of the Board was confirmed, by which Provisional Order the Board are empowered to borrow and re-borrow for the Execution and Completion of the Works of a permanent Nature in the said Provisional Order mentioned, a further Sum, not exceeding Thirteen thousand Pounds, on Mortgage of the Rates leviable by them under the Acts in the said Provisional Order mentioned, but the said Provisional Order does not empower the Board to mortgage the Works in respect of which such Rates are leviable, and the Rents for Supply of Water, and it would facilitate the borrowing of the said Money if the Board were empowered to mortgage the said Works and Rents: Therefore, in addition to the Rates which, by the said Provisional Order, the Board may mortgage for raising the said Sum of Thirteen thousand Pounds, the Board may also mortgage the Works in respect of which the said Rates are leviable, and the said Rents.

Courts and Passages to be flagged and channelled.

29. Every Court and Passage within the District shall be well and sufficiently paved or flagged, channelled, and sewered, and (except as herein-after mentioned, and unless the same shall be a public Thoroughfare) shall be kept in good Repair to the Satisfaction of the Local Board, by the Owners of the Houses, Buildings, and Lands abutting thereon, and having the Right to the Use thereof; and if at any Time any such Court or Passage shall not be well and sufficiently paved or flagged, channelled, and sewered, and kept in good Repair to their Satisfaction, the Local Board may cause the same to be paved, flagged, channelled, and sewered to their Satisfaction; and the whole of the Costs, Charges, and Expenses attending the same shall be paid and reimbursed to the Local Board by, and may be recovered in any Court of competent Jurisdiction from the Owners of the Houses, Buildings, and Lands abutting on such Court or Passage, and having the Use thereof, in such Proportions as the Local Board or their Surveyor shall determine; and any Court or Passage, being sufficiently paved, flagged, channelled, and sewered, and in good Repair, to the Satisfaction of the Local Board, may be dedicated to the public Use by the Owners thereof; and after Notice in Writing under the Hands of such Owners given to the Local Board, the Court or Passage, being then also in such good Repair as aforesaid, shall, if the Local Board shall be of Opinion that the same can be beneficially used as a public Thoroughfare, be kept in repair by the Local Board.

Vaults under Streets to be repaired by Owners.

30. The Owner of any Vault, Arch, or Cellar, at any Time existing under any Street within the District, shall keep the same in substantial Repair, so as not to occasion any Injury to the Street; and in default of his so doing, the Local Board may cause such Vault, Arch, or Cellar to be substantially repaired, and may recover the Expenses

The Wallasey Improvement Act, 1864.

Expenses thereof as Damages from the Owner of such Vault, Arch, or Cellar.

31. When and so soon as a main or other Sewer shall have been constructed by the Local Board for the general Sewerage or Drainage of the Houses, Privies, Ashpits, Cesspools, and other Premises in any Street within the District (whether or not the same shall be a Highway), it shall be lawful for the Local Board or their Surveyor to construct and lay Branch Drains of such Size, at such Level, and with such Fall as they or he shall think proper, from such Houses, Privies, Ashpits, Cesspools, and other Premises, into the main or other Sewer of such Street, or to divert any present Drain so that the same may discharge its Contents into such main or other Sewer for the Drainage of such Houses, Privies, Ashpits, Cesspools, and other Premises; and the Owners of such Houses, Privies, Ashpits, Cesspools, and other Premises shall repay to the Local Board such Expenses as they shall incur, each Owner contributing in proportion to the Length of Drain laid down for him, such Proportion to be ascertained by the Surveyor of the Local Board, and the Expenses aforesaid shall be recovered from the Owner or Occupier of such Premises as Damages.

Local Board
to put in
Branch
Drains at
the Expense
of Owners
of Houses.

32. The Local Board may from Time to Time, by Notice in Writing under the Hand of their Clerk, order the Owner or Occupier of any Inn, Public House, or Beershop within the District to remove any Urinal now or hereafter adjoining such Inn, Public House, Beershop, or Place, and may from Time to Time order the Owner or Occupier of any Inn, Public House, or Beershop to construct or Place adjoining such Inn, Public House, or Beershop an Urinal, in such Position and according to such Plan as the Local Board or their Surveyor may approve; and if any such Owner or Occupier fail for Fourteen Days after the Time allowed by the Local Board for the Removal, or the Construction, or placing of any such Urinal, to remove, or construct, or place the same according to such Order, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Five Shillings for every Day after the Expiration of Fourteen Days during which such Order is not complied with.

Power to
Local Board
to order Re-
moval and
Construction
of Urinals
by Inn-
keepers and
Beer-sellers.

33. In every Case in which the Local Board shall deem it expedient that the whole or any Part of any House or Building projecting beyond the regular Line of any House or Street, or beyond the Front of the House or Building on either Side thereof, in any Street, or at the Corner of any Street, or opposite to or projecting across the End of any Street, should be taken down, for the Purpose of straightening the Line of any Street, or of rounding off the Corner of any Street,

Power to
Local Board
to agree
with Owners
of projecting
Buildings,
and of
Houses at
Corners of
Streets, to

or

The Wallasey Improvement Act, 1864.

alter and
round off
same.

or improving the Entrance or Approach thereto, or to any adjoining Street, it shall be lawful for the Local Board to agree with the Owner and Occupier of such House or Building to pull down, set back, or alter the same in such Manner as the Local Board shall require, and to pay to such Owner and Occupier such Compensation as shall be agreed upon between them and the Local Board; and it shall be lawful for the Local Board to add to the Street so much of the Site of any House or Building so pulled down, set back, or altered, as shall be agreed upon between the Local Board and such Owner and Occupier.

As to Pur-
chase of
Lands for
opening new
Streets.

34. The Local Board may agree with the Owners of any Houses or Lands within the District for the absolute Purchase thereof or of any Part thereof, for the Purpose of opening new Streets or Passages or making any other convenient Communications, or of straightening, widening, or diverting any existing Streets, Ways, or Passages.

For pre-
venting the
filling up or
Embankment
upon Ground
with offen-
sive or un-
wholesome
Matter.

35. It shall not be lawful to raise, fill up, or embank upon any Ground within the District with any offensive, noxious, or unwholesome Matter, and every Person who shall offend contrary to this Enactment shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds, and a further Sum not exceeding Forty Shillings, for every Day during which such offensive or unwholesome Matter shall continue unremoved, after Notice shall have been given by the Surveyor of the Local Board for the Removal thereof.

As to Quali-
fication of
Voters at
Elections of
Local Board.

36. After the passing of this Act no Person shall be qualified to vote at any Election of Members of the Local Board, unless he shall for at least Twelve Months prior to the Day of Election have been rated to the Amount of at least Ten Pounds to the Rate for the Relief of the Poor within the District, or to some Rate leviable by the Local Board, and unless he shall prior to the Day of Election have paid all Rates then due from him to the Local Board, except such as shall have been made or become due within Six Months immediately preceding the Day of tendering his Vote.

Power to
repeal Bye-
laws.

37. The Local Board from Time to Time, as they shall think fit, may repeal any Byelaws, Rules, or Orders made by them, without its being obligatory on them to make others in lieu thereof.

Power to
grant Super-
annuation
Allowances.

38. The Local Board may from Time to Time grant such Superannuation or other Allowances to Officers, Servants, Workmen, and other Persons appointed or employed by them, as they shall think fit.

39. All

The Wallasey Improvement Act, 1864.

39. All Damages and Penalties by or under this Act, the Recovery whereof is not otherwise expressly provided for, may be recovered in manner provided for the Recovery of Penalties by "The Public Health Act, 1848," and the Justices by whom any Penalty or Forfeiture for any Offence under this Act shall be imposed shall, where the Application thereof is not otherwise provided for, award the same to be paid to the Local Board.

Recovery of Penalties.

40. It shall be lawful for the Local Board, except as is by this Act otherwise expressly provided, to direct any Prosecution for any public Nuisance whatever which shall be committed or suffered within the Limits of this Act, and to order Proceedings to be taken for the Recovery of any Penalties, and for the Punishment of any Persons offending against the Provisions of this Act or any other Act relating to the District, and to direct and order the Expenses of such Prosecution or other Proceedings to be paid and borne by and out of the General District Rate.

Power to Local Board to order Costs of Prosecutions.

41. The Local Board may include in One Rate Book the Assessments to all or any of the Rates which they are authorized to levy.

Assessments to different Rates may be in One Rate Book.

42. The Local Board may from Time to Time, as they think fit, direct to what particular or special Account the Salaries or Wages of all or any of their Officers or Servants shall be charged, and may, if they think fit, direct that the Salary or Wages of any Officer or Servant may be charged partly to one Account and partly to another Account; and such Salaries and Wages shall be charged to and paid out of such Accounts accordingly.

Power to charge Salaries to particular Account.

43. The Agreement between the Local Board of the First Part, the Honourable *Charles Alexander Gore*, a Commissioner of Her Majesty's Woods, Forests, and Land Revenues, of the Second Part, and the Queen's most Excellent Majesty of the Third Part, a Copy whereof is contained in the Schedule to this Act, is hereby confirmed.

Agreement set forth in Schedule confirmed.

44. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorize the said Local Board to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate,

Saving Rights of the Crown.

The Wallasey Improvement Act, 1864.

Right, Privilege, Power, or Authority vested in or enjoyed or exercisable by the Queen's Majesty, Her Heirs or Successors.

Expenses of Act.

45. All the Costs, Charges, and Expenses of and incident to the preparing, obtaining, and passing this Act, or incident thereto, shall be paid by the Local Board.

The SCHEDULE referred to in the foregoing Act.

AN AGREEMENT made the Twenty-seventh Day of May One thousand eight hundred and sixty-four, between the Wallasey Local Board, of the First Part; the Honourable Charles Alexander Gore, the Commissioner of Her Majesty's Woods, Forests, and Land Revenues in charge of the Land Revenues of the Crown in the County of Chester, of the Second Part; and the Queen's most Excellent Majesty of the Third Part.

WHEREAS the said Wallasey Local Board are promoting a Bill in Parliament to enable them to erect a Pier or Landing Stage, in substitution of the present Pier or Landing Stage, on certain Lands, including a Portion of the Foreshore of the River Mersey, at New Brighton, in the County of Chester, belonging to Her Majesty in right of Her Crown: And whereas the said Board have applied to the said Charles Alexander Gore, as such Commissioner as aforesaid, for the Grant of a new Lease of a Part of the Foreshore aforesaid, for the Purposes contemplated by the said Bill: Now, therefore, it is hereby agreed between the Wallasey Local Board and the Queen's most Excellent Majesty, and between the said Charles Alexander Gore, as such Commissioner as aforesaid, and the Wallasey Local Board, as follows:

1. The said Wallasey Local Board, in consideration of the Grant of a Lease by the Crown, as in this Agreement provided, shall with the Consent of the Commissioners of Her Majesty's Treasury surrender to Her Majesty on or before the Tenth Day of October next the Crown Lease of the Pier at New Brighton in the County of Chester, granted to Messieurs William Rushton Coulborn and Edward Warburton Coulborn, and dated the Twenty-ninth Day of December One thousand eight hundred and fifty-one, and the Entirety of the Hereditaments comprised in such Lease; and also such Part or Parts of the several Pieces of Land, Parts of the Foreshore of the said River Mersey, held by the Board under an Agreement between the Crown and the said William Rushton Coulborn and Edward Warburton Coulborn, and dated the Fourth Day of October One thousand eight hundred and fifty-nine, and under a Lease from
the

The Wallasey Improvement Act, 1864.

the Crown, dated the Third Day of July One thousand eight hundred and sixty-two, as may be wanted for the Purpose of being included in the Lease herein-after agreed to be granted to the Wallasey Local Board.

2. The said Charles Alexander Gore, as such Commissioner as aforesaid, or other the Commissioner or Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being in charge of the Land Revenues of the Crown in Chester, herein-after called the said Commissioner or Commissioners, with the Consent of the Commissioners of Her Majesty's Treasury will grant, and the Wallasey Local Board will accept, a Lease from the Crown of such Part of the Foreshore of the River Mersey as may in the Opinion of the said Commissioner or Commissioners be necessary for the Purpose of enabling the said Board to construct the Pier or Landing Stage aforesaid wherever the same may be placed, within the Limits of Deviation as set down in the Plans deposited by the said Board in connexion with the said Bill, and which Limits of Deviation are shown by the dotted Lines in the Plan drawn in the Margin of this Agreement, and also such Portion of the said Foreshore between High-water to Low-water Mark on the South Side of the proposed Pier or Landing Stage as shall measure Fifty Yards in Breadth therefrom, and also such Portion of the said Foreshore between High and Low Water Mark on the North Side of the said proposed Pier or Landing Stage as shall measure Fifty Yards in Breadth therefrom, the last-mentioned Piece of Land to be limited however by the Southern Boundary of that Part of the said Foreshore which is under Lease from the Crown to William Rowson, now deceased; the said Lease shall also include the Rights of Ferry or Passage between New Brighton and the Lancashire Shore now enjoyed by the Local Board.

3. The said Lease so to be granted by the said Commissioner or Commissioners as aforesaid shall be for a Term of Seventy-five Years from the Tenth Day of October next at an annual Rent of Fifty-four Pounds: Provided always, that if the Land included in the said Lease shall be larger in Quantity than what is included in the Area bounded by the Limits of Deviation, a corresponding and proportionate Addition shall be made in the Rent to be reserved under the said Lease, the Amount of such proportionate Addition to be settled by John Stewart, Esquire, of Liverpool, if he shall then be alive and willing to act, or otherwise by a Surveyor to be named by the said Commissioner or Commissioners.

4. The said Board shall be allowed Five Years from the Commencement of the said Term to remove the present Pier and Landing Stage at New Brighton, and shall enter into a Covenant to construct, after such Removal, and within the same Period, a new Pier or Landing Stage, according to Plans to be previously approved of by the said Commissioner or Commissioners.

5. The Lease shall contain Covenants binding the Lessees to maintain the Pier or Landing Stage, and such other Covenants and Clauses as are usually inserted in Crown Leases of a similar Nature.

6. The Rents reserved by the Agreement of the Fourth October One thousand eight hundred and fifty-nine and the Lease of the Third July One thousand eight hundred and sixty-two are not to be reduced, nor are the Covenants, Provisions, or Agreements therein respectively contained to be affected, although Portions of the Land demised by them respectively may be surrendered.

7. The Surrenders and new Lease are to be prepared by the Solicitor to the said Commissioner or Commissioners, at the Expense of the said Wallasey Local Board, who are also to pay the Costs of this Agreement.

8. The

The Wallasey Improvement Act, 1864.

8. The Local Board shall not call for the Production of any Title to the Land to be included in the said Lease.

9. This Agreement to be subject to the said Bill so promoted by the said Local Board passing into an Act, otherwise to be void and of no Effect: And the said Charles Alexander Gore doth hereby direct that this Deed shall be deemed to be fully and sufficiently enrolled by the Deposit of a Duplicate thereof in the Office of the Land Revenue Records and Enrolments, and the filing or making an Entry of such Deposit by the Keeper of the said Records and Enrolments. In witness, &c.

The Common Seal of the said Board was affixed } (L.S.)
in the Presence of }

H. A. EWER,

Law Clerk to the said Board, pro tem.

CHARLES A. GORE. (L.S.)

Signed, sealed, and delivered by the within-named }
Charles Alexander Gore, in the presence of }

HORACE WATSON,

Office of Woods, London.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1864.