

**CHAPTER cli.**

An Act to authorise the Corporation of Birkenhead to construct additional waterworks and extend their gasworks and for other purposes in relation to their water and gas undertakings. [18th July 1881.]

A.D. 1881.

WHEREAS by an Act passed in the session of Parliament held in the 4th and 5th years of the reign of Her present Majesty intituled "Act for supplying Birkenhead and other townships in the "hundred of Wirral in the county of Chester with gas and for "supplying Birkenhead aforesaid with water" the Birkenhead and Claughton Gas and Water Company were incorporated and powers were conferred upon them for supplying water within the limits of the township of Birkenhead and gas within the limits of that township and the townships of Tranmere Lower Bebington Higher Bebington Bromborough Great Neston Little Neston Poulton-cum-Spittal Thornton Hough Upton Bidston Oxton Claughton Prenton Poulton-cum-Seacombe Liscard and Wallasey.

4 & 5 Vict.
c. lxxii.

And whereas by or under the Birkenhead Commissioners Gas and Water Act 1858 the Birkenhead Improvement Commissioners (in this Act called "the commissioners") whose district comprised the townships of Birkenhead and Claughton-cum-Grange and part of the township of Oxton acquired the undertaking of the Company and further powers for supplying their district with water:

21 & 22 Vict.
c. cxxi.

And whereas by the Birkenhead Improvement Act 186 the commissioners were empowered to make the waterworks therein and in this Act described but the same have not been made and the powers for making them have lapsed and the commissioners were (section 6) restricted from charging a higher price for gas supplied in the township of Tranmere to persons burning the same by meter than they were for the time being charging to persons burning the same by meter within their district except under the circumstances

30 & 31 Vict.
c. xcii.

A.D. 1881. — therein mentioned when the differential rate was limited to sixpence per thousand cubic feet and other provisions were enacted with reference to water and gas :

And whereas by royal charter dated the thirteenth day of August one thousand eight hundred and seventy-seven (in this Act called "the charter") the several townships or places of Birkenhead Claughton-cum-Grange Oxton Tranmere and part of Higher Bebington in the county of Chester were constituted the municipal borough of Birkenhead (in this Act called "the borough") :

And whereas at the time when the charter came into operation the township of Oxton (except the part comprised within the limits of the commissioners) and the township of Tranmere constituted the districts of the local boards for Oxton and Tranmere respectively and so much of the township of Higher Bebington as is within the borough formed part of the district of the local board for Higher Bebington and the local board for Tranmere supplied their district with water and the part of Oxton not included in the district of the commissioners and the township of Higher Bebington were within the limits for the supply of water of the Wirral Waterworks Company :

And whereas it is expedient that the Corporation should be empowered to acquire all or part of the undertaking of the Wirral Waterworks Company and to construct the waterworks described in this Act and to appropriate and acquire certain lands adjoining or near to the site of their existing gasworks for the manufacture and storing of gas and that further provision should be made in relation to their water and gas undertakings and the rates and revenues in respect thereof respectively :

And whereas part of the land which may be appropriated under the powers of this Act for the manufacture and storing of gas is occupied by public slaughter-houses belonging to the Corporation and it is expedient that they should be removed to a more convenient situation :

And whereas the following Acts relate to the Corporation and are in this Act referred to as "The Improvement Acts" that is to say Local and Personal Acts 3 Wm. IV. cap. 68 ; 1 Vict. cap. 33 ; 4 & 5 Vict. cap. 62 ; 5 Vict. sess. 2 cap. 5 ; 5 & 6 Vict. cap. 13 ; 7 Vict. cap. 32 ; 9 Vict. cap. 28 ; 13 Vict. cap. 3 ; 21 & 22 Vict. caps. 85 and 121 ; 25 and 26 Vict. cap. 26 ; 26 and 27 Vict. cap. 106 ; and 30 Vict. cap. 92 and a Bill is now pending in Parliament for consolidating and amending the provisions thereof :

And whereas plans and sections of the proposed waterworks and plans showing the lands which may be taken under the authority

of this Act for the purposes thereof and for gas purposes and books of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands have been 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 books of reference :

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And whereas the estimates for the works by this Act authorised (which are permanent works within the meaning of section 234 of the Public Health Act 1875) amount to the sum of one hundred and twenty-five thousand pounds :

38 & 39 Vict.
c. 55.

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

And whereas an absolute majority of the whole number of the council at a meeting convened for the first day of December 1880 after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the "Birkenhead News" and "Birkenhead Advertiser" local newspapers published or circulating in the borough (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 paid out of the borough fund or borough rate or other the public funds or rates now under the control of or hereafter to accrue to the Corporation :

And whereas such resolution was published twice in the said newspapers 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 members of the council at a further special meeting held on the twenty-sixth day of January one thousand eight hundred and eighty-one in pursuance of a similar notice being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough in manner provided by schedule III. annexed to the Public Health Act 1875 consented to the promotion of the Bill for this Act :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and 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) :

1. This Act may be cited as the Birkenhead Corporation (Gas and Water) Act 1881 and shall come into operation on the first day

Short title.

A.D. 1881. of January 1882 which date is herein-after referred to as the commencement of this Act.

Incorporation of Acts.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 13.
10 & 11 Vict. c. 15.
34 & 35 Vict. c. 41.
10 & 11 Vict. c. 17.
26 & 27 Vict. c. 93.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 the Gasworks Clauses Acts 1847 (except the provisions with respect to the amount of profit to be received by the undertakers) and the Gasworks Clauses Act 1871 and the Waterworks Clauses Act 1847 (except the provisions with respect to the amount of profit to be received by the undertakers) and the Waterworks Clauses Act 1863 are (except where expressly varied or otherwise provided for by this Act) incorporated with and form part of this Act and are in this Act referred to as "the incorporated Acts."

Interpretation of terms in the incorporated Acts and this Act.

3. In construing the incorporated Acts for the purposes of this Act and in construing this Act the following expressions shall have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction (that is to say) :

In the incorporated Acts

The expressions "the undertakers" and "the promoters of the undertaking" shall mean the Corporation ;

In this Act

The several words and expressions to which meanings are assigned by the incorporated Acts shall have the same respective meanings ;

The council.
The town clerk.

The expressions "the council" and "the town clerk" shall mean respectively the council and the town clerk including any deputy town clerk for the time being of the borough ;

General district rate.

The expression "the general district rate" shall mean the general district rate for the borough ;

District fund.

The expression "the district fund" shall mean the district fund of the borough ;

Borough rate.

The expression "the borough rate" shall mean the borough rate of the borough ;

Borough fund.

The expression "the borough fund" shall mean the borough fund of the borough ;

Municipal Corporation Acts.

The expressions "the Municipal Corporation Act" shall mean the Act of the session of the fifth and sixth years of King William the Fourth chapter seventy-six "to provide for the regulation of municipal corporations in England and Wales" and "Municipal Corporation Acts" shall mean that Act and all Acts for the time being in force amending the same or otherwise relating to municipal corporations in England ;

The expression "the Public Health Acts" shall mean the Public Health Act 1875 and all Acts for the time being in force for amending or extending the same ;

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Public
Health Acts.

The word "person" shall include company and also corporation whether aggregate or sole ;

Person.

The expression "the water undertaking" or "gas undertaking" shall mean the waterworks or gasworks (as the case may be) lands easements undertaking real and personal property rights powers privileges and authorities belonging to the Corporation in reference to such undertakings respectively or acquired or constructed by the Corporation under the powers of this Act ;

Water or
gas under-
taking.

The expression "water revenue" or "gas revenue" shall mean all income received by the Corporation for or in respect of the water undertaking or gas undertaking as the case may be ;

Water or gas
revenue.

The expression "the joint companies" shall mean the London and North-western Railway Company and the Great Western Railway Company or either of them ;

In the incorporated Acts and this Act the expression "superior court" or "court of competent jurisdiction" or any other like expression 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.

Superior
court and
court of
competent
jurisdiction.

4. This Act shall (subject to the provisions herein contained) be carried into execution by the Corporation acting by the council and in accordance with the public general statutes and local Acts and laws from time to time in force and relating to the Corporation and the council their committees agents officers and servants and applicable for the purposes of this Act and as nearly as possible as if the purposes of this Act were purposes of the Public Health Acts.

Execution
of Act by
Corporation.

5. Where under the authority of the Municipal Corporation Acts or of the Public Health Acts the council appoint out of their own body any committee for the execution of any of the purposes of this Act they may delegate to each such committee such of the powers and duties of the Corporation under this Act except any power of making a rate or borrowing money as the council think fit for the purpose of carrying into effect any specific orders of the council and the acts and proceedings of every such committee within the limits of such delegation shall be deemed the acts and pro-

Regulation
as to com-
mittees of
council.

A.D. 1881. — proceedings of the council or the council may appoint any committee for any purpose of this Act (except making any rate or borrowing money) so that the acts of every such last-mentioned committee shall if the council so order but not otherwise be submitted to the council for approval and the quorum of any such committee as in this section provided for shall be such as the council direct and the council may from time to time make such regulations as they think fit for the guidance of any such committee and the council may from time to time remove any members of any such committee and appoint in the stead of them or any of them other members of the council.

Power to purchase lands for new works.

6. Subject to the provisions and for the purposes of this Act the Corporation may from time to time enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited books of reference and may stop up so much of any street as is within the limits of deviation as soon as they have acquired the land on both sides of it and all rights of way through or over the same shall as and when the same respectively are stopped up cease and be extinguished.

Period for compulsory purchase of land.

7. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the commencement of this Act.

Owners may grant easements.

8. The persons empowered by the Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 respectively to sell or convey or lease lands may if they think fit subject to the provisions of those Acts and of this Act respectively grant to the Corporation in fee either absolutely or in consideration of any yearly or other rent any easement right privilege power or authority in over or affecting any lands by this Act authorised to be purchased by the Corporation compulsorily (not being an easement of water) which the Corporation may from time to time think requisite for any of the purposes of this Act.

Application of Lands Clauses Act 1860 to easements.

9. For the purposes of this Act the provisions of the Lands Clauses Consolidation Acts Amendment Act 1860 with respect to lands and rentcharges shall extend and apply to easements and rentcharges granted or reserved by grants of easements under this Act.

Notice to be given of taking houses of labouring classes.

10. The Corporation shall not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers make known their intention to take the same by placards handbills or other general notice placed in public view upon or

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within a reasonable distance from such houses and the Corporation shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

11. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of a house which the Corporation are by this Act authorised to acquire the Corporation shall (unless they and such person otherwise agree) procure sufficient accommodation elsewhere for such person provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice and the Corporation may for the purpose of providing such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase lands by agreement and may on any such lands erect labouring class dwellings and may let or otherwise dispose of such lands. Provided that all dwellings erected by the Corporation under this section shall be sold by the Corporation within ten years after their erection respectively unless the Local Government Board on the application of the Corporation otherwise direct.

Corporation to procure accommodation for persons of labouring classes displaced.

12. The Corporation may upon such of the lands delineated upon the deposited plans and described in the deposited books of reference as are also described in Part II. of the schedule to this Act and belong to or have been purchased by them under the powers of this Act manufacture and store gas and residual products and erect and construct such buildings and works as may be necessary or proper for those purposes.

Power to construct gas works &c.

13. Nothing in this Act contained shall authorise the Corporation to manufacture gas or residual products elsewhere than on the lands described in Parts I. and II. of the schedule to this Act.

Site for manufacture of gas.

14. The maximum price to be charged by the Corporation for the supply of gas to persons burning the same by meter shall not exceed the rate of four shillings and threepence per thousand cubic feet where the premises supplied are within the borough and four shillings and ninepence per thousand cubic feet where the premises supplied are beyond the borough. But the price charged for gas supplied to premises beyond the borough shall never exceed sixpence per one thousand cubic feet more than the price per one thousand cubic feet for the time being charged for gas supplied to premises within the borough.

Price of gas.

15. The Corporation may take hold and use patent rights or licenses or authorities (not being exclusive) and any letters patent

Power to hold licenses under letters patent.

A.D. 1881. — for the use of any invention relative to the manufacture production conversion utilisation or distribution of gas or inflammable air or residual products.

Electric and
other light-
ing, &c.

16. With respect to the production and supply of light heat and motive power by means of electricity or other like agency the following provisions shall have effect (that is to say) :—

(1.) During a period of five years from the commencement of this Act the Corporation may for the purposes of lighting streets and places of public resort belonging to them or under their control within their gas limits but for no other purpose produce and supply light heat and motive power by means of electricity or other like agency and for that purpose may exercise any of the powers herein-after in this section mentioned and subject to the provisions herein-after in this section contained (that is to say) :—

(a.) For any of the purposes of this section they may use any lands for the time being belonging to or held on lease by them or may purchase by agreement and take on lease any lands ;

(b.) They may upon such lands erect and maintain any necessary workshops engine houses store houses (including places for storing electricity or other like agent for producing light heat or motive power) or other buildings necessary for any of the purposes of this section ;

(c.) They may manufacture buy or hire and may use and may supply sell or let any machinery steam engines gas engines or other apparatus (including meters and fittings) necessary for the purposes of this section ;

(d.) Subject to the provisions of this section they may buy any gas or fuel or buy or rent any other motive power and may buy or rent and sell or let any materials or articles necessary for the purposes of this section ;

(e.) They may acquire licenses (not being exclusive) for themselves or for any persons companies or corporations licensed or supplied by them for the use of any patented or protected processes inventions machinery apparatus methods materials or other things ;

(f.) They may exercise for the purposes of this section in the whole or any part of the borough as to electric lighting any of the powers which are vested in or exercisable by a corporation or sanitary authority under the Acts relating to municipal corporations or the Public Health Acts for lighting by oil or gas ;

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- (g.) They may exercise for the purposes of this section as to electric lighting any of the powers which under the provisions of any Act incorporating the Gasworks Clauses Act 1847 or the Gasworks Clauses Act 1871 might for the purposes of any gas undertaking be exercised by the undertakers;
- (h.) They may supply by agreement heat and motive power produced by electricity or like agency and meters or other fittings or may let meters or other fittings for any of the purposes of this section;
- (i.) They may charge in advance or otherwise for any light heat motive power engines machines apparatus meters fittings or other things supplied or let under the powers of this section such rents or sums as may from time to time be agreed on and may recover any such rent or sum as a debt in any court of competent jurisdiction;
- (k.) Generally they may do all things necessary and incidental to the purposes of this section.
- (2.) The provisions of this section shall extend to and in relation to the production and supply by the Corporation of heat or motive power by application of electricity or other like agency and such application is included in the expression electric lighting:
- (3.) Nothing in this Act shall exempt the Corporation or their undertaking under this Act from the provisions of any general Act relating to lighting by electricity or other similar means, which may be passed in this or any future session of Parliament:
- (4.) Nothing in this Act shall exonerate the Corporation from any indictment, action, or other proceeding for nuisance in the event of any nuisance being caused by them in the exercise of the powers contained in this section;

17. With respect to any work for the purpose of the production or supply of light heat or motive power by means of electricity done in pursuance of this Act the following provisions shall have effect—

Provision for
protection
of the Post-
master
General.

1. It shall not be lawful for the Corporation to do any such work whereby any telegraphic line of the Postmaster-General is or may be injuriously affected and before any such work is done within ten yards of any part of a telegraphic line of the Postmaster-General the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing such work shall give written

A.D. 1881. notice to the Postmaster-General specifying the course and nature of the work including the gauge of any wire and the Corporation 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 work.

31 & 32 Vict.
c. 119.

2. Any difference which arises between the Postmaster-General and the Corporation or their agents with respect to any requirements so made shall be determined by the Board of Trade 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 Corporation or their agents were a company.

3. In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation 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.

4. Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate 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 work was done a notice of the execution thereof stating the reason for executing the same without previous notice.

5. For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such work or by any use made of such work.

41 & 42 Vict.
c. 76.

6. For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Corporation were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

Water limits.

18. The limits of this Act for the supply of water by the Corporation in this Act called "the water limits" (being the limits

defined for the purposes of water supply by the Birkenhead Corporation Act 1881) shall be the borough except those parts which for the time being the Wirrall Waterworks Company and not the Corporation are entitled to supply with water and they shall include any place or places beyond the borough which the Corporation may for the time being be authorised to supply with water.

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44 & 45 Vict.
c. cliii.

19. Subject to the provisions of section thirty-five of the Waterworks Clauses Act 1847 the Corporation may supply the water raised at any of their wells to any places within the water limits.

Supply of
water from
wells.

20. Subject to the provisions of this Act the Corporation may make and maintain in the line and according to the levels shown on the deposited plans and sections the waterworks herein-after described with all proper wells tunnels drifts adits pipes embankments approaches tanks basins engines pumps and other works and conveniences connected therewith respectively and may deviate laterally from the lines shown on the said plans to any extent not exceeding the limits of deviation described thereon and may deviate vertically from the levels shown upon the said sections to any extent not exceeding five feet upwards or downwards. The waterworks herein-before referred to and authorised by this Act are—

Power to
make water-
works and
take lands.

(1.) A shaft or well (to be sunk to an uncertain depth) and pumping station in the township of Upton in the parish of Overchurch or in the township of Bidston-cum-Ford in the parish of Bidston near the bridge carrying the road leading from Birkenhead to Upton over the stream known as the Fender :

(2.) An aqueduct or line of pipes from the said intended pumping station to the reservoir of the Corporation at Flaybrick Hill :

(3.) A reservoir in the township of Bidston upon Bidston Hill near and to the south of the windmill on the said hill :

(4.) An aqueduct or line of pipes commencing near the Bidston toll bar by a junction with the intended line of pipes herein-before described and terminating at the intended reservoir on Bidston Hill.

21. For the protection of the trustees acting in execution of an Act passed in the seventh year of the reign of King George the Fourth intituled "An Act for making and maintaining a turnpike road commencing at or near a certain house called the Shrewsbury Arms situate at Hinderton in the township of Little Neston by way of Upton and terminating in the township of Hoose

Construction
of works
across and
along the
Hinderton
and Birken-
head turn-
pike roads.
7 Geo. 4.
c. xix.

A.D. 1881. “ and from Upton aforesaid to the township of Birkenhead and
“ also certain branches of road to communicate therewith all
“ in the county palatine of Chester” the following provisions
shall have effect and shall be observed and performed by the Corporation :

(a.) In the construction of the waterworks herein-before secondly and fourthly described where the mains or pipes according to the deposited plans are proposed to be carried within or along the roads under the jurisdiction of the said trustees the same shall only be laid in such part of the said roads and in such manner as shall have been previously approved by the said trustees or their surveyor for the time being or in case of any difference in such part and in such manner as shall be determined by two justices not being trustees under the said Act :

(b.) No works within or upon the roads under the charge and jurisdiction of the said trustees shall in any manner be commenced until the expiration of five days from the date of notice in writing of the intention to commence such works having been left at the office of the clerk of the said trustees except in cases of emergency and the opening of the said roads or any of them for the purpose of laying down or constructing such works or of laying any pipe and the making of such roads and all other works of every description connected with the same respectively at any time hereafter to be performed by the Corporation or by any person authorised by them shall be carried on and executed under the direction and superintendence and to the reasonable satisfaction of the surveyor of the said trustees and in case in the laying down or construction of the works or any of them the Corporation shall do or cause any damage to the said roads or any of them or to any brick or other drain water channel or other convenience connected therewith or any of them and shall not forthwith proceed to repair and make good such damage to the satisfaction of the said surveyor or if by reason of the laying down or construction of any of the works hereby authorised any alteration of the said roads or any of them or of the drains and water channels connected therewith shall be rendered necessary then and in any of such cases it shall be lawful for the surveyor of such trustees to cause all such necessary repairs and alterations to be made and all costs and expenses of such repairs and alterations shall be paid on demand by the Corporation or in default of payment for

twenty-one days after demand may be recovered by the said trustees from the Corporation with full costs of action in the High Court of Justice.

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- (c.) The Corporation shall not at any time during the progress of laying down or constructing the works hereby authorised or of performing any other works connected with the said roads shut up or in any way impede the public traffic along more than one half in width any of the said roads at any one and the same time and if it should happen that the half of any part of the said roads should not be wide enough to allow two carriages to pass each other then and in such case not more than fifty yards in length of the other half of such roads shall be occupied by the Corporation works at the same time unless by special permission of the said trustees or their surveyor.
- (d.) The Corporation shall at their own expense do and perform all such acts and things in the way of watching lighting and fencing and all such other precautionary measures during the progress of the works hereby authorised or of any other works connected with the said roads under the powers of this Act as shall be necessary and requisite for public safety convenience and protection.
- (e.) The above provisions shall not in any way release the Corporation from the conditions and duties incumbent on them under the provisions of the Waterworks Clauses Act 1847 in so far as the provisions of that Act are not inconsistent herewith.
- (f.) The above provisions shall apply mutatis mutandis to the said roads after and notwithstanding their transfer to any highway or highway authorities on the expiration of the powers of the said trustees.

22. For the protection of the Bidston estate of Henry Frederic Clare Vyner of Bidston Hall and his heirs and assigns (all of whom are in this enactment included in the term Henry Frederic Clare Vyner) be it enacted as follows:—

Protection
of Henry
Frederic
Clare Vyner.

1. The Corporation shall on completion of the intended new works within and upon the said Bidston estate or any part thereof provide a sufficient supply of water for the use of the estate of Henry Frederic Clare Vyner so far as the same is situate in the township of Bidston south of the existing Hoylake railway and all the present and future inhabitants thereof from and out of the said intended reservoir on Bidston Hill or from some other existing reservoir of the Corporation capable so far as the levels will admit of effectually supplying the same at the same rates at which the Corporation shall for the

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time being supply water to the inhabitants of the borough of Birkenhead and in the same manner and upon the same terms and conditions in all respects.

2. Until the supply of water in pursuance of the immediately preceding provision shall be effectually provided the Corporation shall continue to supply the present and future inhabitants of the said estate of Henry Frederic Clare Vyner with water as heretofore and it shall be lawful for Henry Frederic Clare Vyner at any time (during the continuance of the supply of water) pursuant to this clause to lead or conduct the water from the present point of delivery on the borough boundary to any part of his said estate by a line or lines of pipes to be laid at his own cost.
3. All houses and other erections and buildings now existing or hereafter to be erected and built upon the said Bidston estate (which cannot be efficiently supplied otherwise) shall be supplied from the said intended reservoir on Bidston Hill so far as the level will render it capable of supplying the same and it shall be lawful for Henry Frederic Clare Vyner at his own cost to erect and keep in efficient repair a water tower and tank for the more complete and effectual supply of the houses erections and building aforesaid and to connect it by pipes with the water main of the Corporation and upon completion thereof the Corporation shall for ever thereafter at their own cost pump and deliver the water into the said tower and tank.
4. All houses built upon the said Bidston estate before the completion of the said works shall so far as the levels will admit be supplied by the Corporation from their existing reservoir at Flaybrick Hill upon the same terms and conditions in all respects as those on which the Corporation supply water within the borough. And Henry Frederic Clare Vyner may at his own cost for the purposes of such supply raise such water in order to distribute the same in any manner he may think fit from any point at which it is for the time supplied to him by the Corporation.
5. The Corporation shall not (without the consent in writing of Henry Frederic Clare Vyner) erect or construct any building or work of any kind upon Bidston Hill aforesaid except a reservoir or reservoirs and filter beds and a residence for the superintendent or keeper thereof and such reservoir or reservoirs shall not be of a greater height than is shown upon the deposited sections thereof.

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6. All buildings and works to be erected by the Corporation upon any land of Henry Frederic Clare Vyner shall be of a neat and suitable style of architecture and as little unsightly as possible and every engine and furnace to be employed by the Corporation shall be so constructed as to consume or burn and shall consume or burn as far as practicable all the smoke arising therefrom.
7. The branch aqueducts or lines of pipes from the said intended reservoir or reservoirs at Bidston Hill to the intended main aqueduct or line of pipes along the Upton and Birkenhead turnpike road shall be constructed and laid down under the nearest road or roads which Henry Frederic Clare Vyner may set out and in case no such road or roads shall be set out then according to the deposited plans and in case any such branch aqueduct or line of pipes shall have been laid down in manner above mentioned and Henry Frederic Clare Vyner shall subsequently set out any such road or roads or vary or alter any road or roads which he shall have set out it shall be lawful for him at his own cost to vary such branch aqueduct or line of pipes by taking up and relaying the same under any such road or roads Provided always that any such variation shall be made under the superintendence and to the satisfaction of the engineer for the time being of the Corporation.
8. Henry Frederic Clare Vyner shall sell to the Corporation and the Corporation shall purchase so much of the lands of Henry Frederic Clare Vyner (not exceeding two acres) at or near the site of the proposed pumping station at Ford Brook as indicated in the deposited plans and also so much of the lands of Henry Frederic Clare Vyner (not exceeding three acres) as may be necessary for the site of the proposed reservoir on Bidston Hill as indicated in the said plans The width of the land on Bidston Hill to be taken and purchased as aforesaid shall not be less than 200 feet and a space of not less than 60 feet shall be left between the western side of the land to be taken and purchased as aforesaid and the wall abutting on the plantation of Henry Frederic Clare Vyner.
9. The outside of the embankments of the said reservoir shall be sloped and soiled and planted with evergreens or otherwise formed to the satisfaction of Henry Frederic Clare Vyner between the top of the embankments and the foot of the slopes or the top of the retaining wall at the foot of the slopes and by and at the cost of the Corporation and the same shall at the like cost be kept in proper condition and

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no boundary or retaining wall shall exceed eight feet in height.

10. The Corporation shall have the right of driving adits and tunnels for water from the said proposed pumping station (but not at a less depth than 100 feet from the surface) under any of the lands of Henry Frederic Clare Vyner and also the right of laying down constructing and perpetually maintaining through the lands of Henry Frederic Clare Vyner and in the line aforesaid the said branch aqueduct and line of pipes as herein-before is mentioned and also so much of the aqueduct or line of pipes from the proposed pumping station to the reservoir at Flaybrick Hill as is shown upon the deposited plans as intended to be carried under his lands.
11. The price to be paid for the purchase of any of the lands of Henry Frederic Clare Vyner and for compensation shall be such sum as shall be agreed upon by the Corporation and Henry Frederic Clare Vyner and in default of such agreement the same shall be settled by arbitration as provided for by the Lands Clauses Consolidation Act 1845. The easements for the aqueducts or pipe tracks shall be granted to the Corporation without any payment by way of purchase or compensation.
12. The Corporation shall not be at liberty under the powers of this Act to take any further quantity of the lands of Henry Frederic Clare Vyner or any additional easement or right over the same except by express agreement with him.
13. The Corporation shall not enter upon or take possession of any part of the lands of Henry Frederic Clare Vyner or commence any of their works in any part of such lands until the Corporation shall have paid to Henry Frederic Clare Vyner the sum to be ascertained as aforesaid.
14. During the construction of the said works the Corporation shall use their best endeavours by themselves and their officers and agents to prevent any unnecessary injury to the property of Henry Frederic Clare Vyner and particularly to prevent injury and annoyance by trespass upon any of the woods or plantations of Henry Frederic Clare Vyner.
15. The Corporation shall from time to time make full compensation to the lessees or tenants of Henry Frederic Clare Vyner for all injury sustained or to be sustained by them by the construction or maintenance of the said works or the examination alteration or reparation thereof and shall at all times hereafter well and sufficiently restore all lands under

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which any pipes may be laid altered or repaired and also all lands which may be temporarily used and occupied (including a cart track from the turnpike road) during the construction of the said works or the alteration and repair thereof and shall remove from off the said lands or otherwise properly trench in and soil over all spoil or rubbish which may be created or occasioned on any part of the lands of Henry Frederic Clare Vyner.

16. If the Corporation shall in pursuance hereof take and purchase any of the lands of the said Henry Frederic Clare Vyner and shall not use the same for their said intended works they shall at their own cost reconvey the same to Henry Frederic Clare Vyner (if he shall so require) at the price which they have paid to him for the same but without interest or costs charges and expenses.

23. The following provisions shall have effect—

Protection of
Mr. Vaudrey.

1. The Corporation shall when the pumping station is completed deliver daily when required into a proper pipe or cistern to be provided by William Vaudrey on land belonging to him in the township of Upton adjoining the pumping station a supply of water which shall be sufficient to supply any and every house or tenement that may now or hereafter be erected on the said land not exceeding twenty gallons per head per day on the number of inhabitants of each house at a price of not exceeding four pence for every one thousand gallons supplied.
2. All buildings and chimneys which may be erected for the purpose of or in connexion with the waterworks shall be of a neat and suitable style of architecture and as little unsightly as possible.
3. Every furnace at the pumping station or otherwise appertaining to or used in connexion with the said waterworks shall be so constructed and used at all times as to consume as far as practicable the smoke arising from such furnace and in default thereof the Corporation shall upon summary conviction before a justice or justices at the instance of the said William Vaudrey or other the owner for the time being of any of the lands now belonging to the said William Vaudrey in Upton or Noctorum alleging himself to be aggrieved forfeit and pay a sum not exceeding five pounds. Provided always that the justice or justices before whom the Corporation may be summoned may dismiss the complaint and remit the said penalties either partially or wholly if he or they shall be of

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opinion that such furnace has been so constructed or altered and used as to consume as far as practicable all smoke arising therefrom.

4. The Corporation shall have the right of driving adits and tunnels for water from the said proposed pumping station (but not at a less depth than one hundred feet from the surface) under any of the lands of the said William Vaudrey in the township of Upton.

Period within which works are to be completed.

24. If the waterworks by this Act authorised shall not be completed within ten years from the commencement of this Act then on the expiration of that period the powers of the Corporation under this Act for making the waterworks or otherwise in relation thereto shall cease to be exercised except as to so much as is then completed: Provided that subject to the provisions of this Act the Corporation from time to time may alter enlarge renew relay and extend their engines machinery mains and pipes in such way and manner as shall be necessary for supplying water within the limits of this Act.

Power to purchase or take on lease undertaking of Wirral Waterworks Company.

25. The Corporation may by agreement with the Wirral Waterworks Company purchase or take a lease of the undertaking of that company or of any parts or part thereof and the Wirral Waterworks Company may with the approval of three fifths of the votes of their shareholders present in person or by proxy at a meeting of such shareholders specially convened for the purpose sell or demise to the Corporation for any term of years that may be agreed upon the whole or any parts or part of their undertaking.

Terms of purchase or lease.

26. The price in case of sale and the rent in case of lease and generally the terms conditions and covenants upon which such purchase shall be effected or lease granted shall be such as may be agreed upon between the Wirral Waterworks Company and the Corporation or if they cannot agree as may by arrangement between the parties be settled by arbitration.

Purchase or lease of part or parts of undertaking.

27. If the Corporation purchase or take a lease of part only of the undertaking of the Wirral Waterworks Company they may in like manner and subject to the same provisions as are herein-before contained at any future time by agreement with the Wirral Waterworks Company purchase or take a lease of the remainder of the said undertaking or of any part thereof and so from time to time.

Arbitrations between Corporation and Wirral Waterworks Company.

28. Every arbitration under this Act between the Wirral Waterworks Company and the Corporation shall unless and except so far as the parties otherwise agree be conducted in the manner and

subject to the same provisions as arbitrations under the Public Health Act 1875. A.D. 1881.

29. After any sale or lease of the undertaking or any part thereof of the Wirral Waterworks Company under this Act all contracts obligations and liabilities of that company upon or affecting the part of the undertaking sold or leased to the Corporation shall be binding upon or in favour of the Corporation in like manner and to the same extent as but for such sale or lease they would have been binding upon or in favour of the said company and may be enforced by or against the Corporation accordingly and the Wirral Waterworks Act 1859 so far as it is applicable and relates to the part of the undertaking sold or leased shall apply to the Corporation in like manner and to the same extent as but for such sale or lease and this Act it would have applied to the Wirral Waterworks Company.

Corporation
liable to
contracts &c.
of company
and Com-
pany's Act
to apply.

22 & 23 V
c. lviii.

30. All byelaws rules and regulations of the Wirral Waterworks Company with respect to the supply of water or with respect to water meters or fittings or otherwise having a local application and not simply relating to the internal affairs of the said company or the regulation of their officers or servants shall after such sale or lease as aforesaid and so far as relates to the part of the undertaking sold or leased and in the case of lease during the continuance of the lease continue in force unless and until they shall be repealed or altered by the Corporation.

Byelaws to
remain in
force.

31. All books and documents which would have been evidence in respect of any matter for or against the Wirral Waterworks Company shall from and after any such sale or lease as aforesaid be admitted as evidence in respect of the same or the like matter for or against the Corporation in every case in which in consequence of the sale or lease the Corporation instead of the said company are affected by the dispute or matter in question.

Books to be
evidence.

32. All purchase money received by the Wirral Waterworks Company for sale of part only of their undertaking shall be applied by them for any purposes for which money raised by the creation of shares or by mortgage under the Wirral Waterworks Act 1859 might have been applied and subject thereto in reducing the mortgage debt of the said company and when the whole of the undertaking is sold the company shall apply the purchase money and any other assets which may belong to them in payment of their debts and shall divide the residue amongst the shareholders rateably in proportion to the amount of their interests respectively in

Application
of purchase
money and
winding up

A.D. 1881. the undertaking and when their debts shall have been paid and the residue of the purchase money and of their assets divided as aforesaid the said company shall be dissolved.

Power to
raise money
for purposes
of Act.

33. The Corporation may from time to time borrow for the gas purposes of this Act to which capital is properly applicable on the security of their gas undertaking and the revenue thereof and of the district fund and general district rate such sums as they may from time to time require not exceeding in the whole eighty-seven thousand pounds and may mortgage their gas undertaking and the revenue thereof and the district fund and general district rate accordingly. And they may from time to time borrow for the water purposes of this Act to which capital is properly applicable on the security of their water undertaking and the revenue thereof and of the district fund and general district rate such sums as they may from time to time require not exceeding in the whole thirty-eight thousand pounds and may mortgage their water undertaking and the revenue thereof and the district fund and general district rate accordingly.

Repayment
of borrowed
moneys.

34. All moneys borrowed by the Corporation under this Act may be repaid in all or any of the following modes that is to say by equal annual instalments of principal or of principal and interest within a period not exceeding seventy years from the time of borrowing or by a sinking fund or sinking funds.

Power to re-
borrow.

35. If the Corporation pay off any securities by this Act authorised otherwise than by a sinking fund or by instalments or out of the proceeds of the sale of superfluous lands they may in manner aforesaid reborrow or otherwise as by this Act authorised raise the amount so paid off and so from time to time but all moneys reborrowed shall be repaid within the period (if any) prescribed in the case of the original loan and as if it were part thereof.

Further
power as to
security.

36. The Corporation may secure the repayment of all or any moneys which they are authorised to raise under this Act by mortgage of all or any of the rates tolls and revenues of the Corporation from whatever source derived.

Form of
mortgage.

37. Every mortgage made by the Corporation shall be by deed under their common seal duly stamped and truly stating the consideration. All the mortgages of the Corporation under this Act shall rank together without any priority on account of the date of the deed or on any other account and the provisions contained in sections 236 to 239 both inclusive of the Public Health Act 1875 with respect to the mortgages to be executed by a local authority

shall apply in the case of all mortgages granted under the powers of this Act except where any such provisions are expressly altered or varied by this Act and for the purposes of such application the term "local authority" in those provisions shall mean the Corporation.

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38. The Corporation may raise any money which they are by this Act authorised to raise by creation and issue of debenture stock under and subject to the provisions of any Act consolidating the Improvement Acts that may be passed during the present session of Parliament and the provisions of such Act relating to debenture stock (including the power for trustees to invest in debenture stock) shall apply accordingly; or the Corporation may raise any such money as aforesaid by the creation and issue of debenture stock under the Local Loans Act 1875.

Power to
create
debenture
stock.38 & 39 Vict.
c. 83.

39. If the Corporation borrow by the creation and issue of debenture stock under the Local Loans Act 1875 any moneys which they are by this Act authorised to borrow they may provide for the discharge of the same by a sinking fund and for the purpose of repayment of any moneys borrowed as aforesaid the prescribed period shall be deemed to be seventy years.

Sinking fund
under Local
Loans Act
1875.

40. When any land rents or other property is or are sold demised or otherwise disposed of by the Corporation the same shall in the hands of any person or body corporate to whom the same shall have been sold demised or otherwise disposed of and his or their heirs executors administrators successors and assigns be absolutely free from all claims charges or obligations in respect of any mortgage or debenture stock granted or issued under this Act and such person or body corporate shall not be bound to see to or inquire into the application by the Corporation of the money arising from such sale demise or disposition or be in any way responsible for the non-application or misapplication thereof.

Land sold
to be free
from mort-
gages and
debenture
stock.

41. The proceeds of any lands sold by the Corporation as not being required for purposes of this Act shall be applied in or towards discharge of moneys borrowed or redemption of stock created under this Act or to purposes to which moneys borrowed under this Act are applicable.

Application
of proceeds
of sale of
land.

42. A person lending money to the Corporation shall not be bound to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof.

Protection
of lenders
from inquiry.

43. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which

Corporation
not to regard
trusts.

A.D. 1881. — any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the books of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest therein not entered on their books and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any of such money.

Saving
existing
charges.

44. Nothing in this Act shall prejudicially affect any charge on the gas and water undertakings and the revenue thereof or on the corporate estates of the Corporation and the borough fund and borough rates and the district fund and general district rates or any of them by way of annuity mortgage or otherwise subsisting at the commencement of this Act and every annuitant mortgagee or incumbrancer or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the property subject to his charge as if this Act had not been passed and all such charges created before the commencement of this Act shall during the subsistence thereof have priority over any mortgage or debenture stock granted under this Act.

Certain
regulations
of Public
Health Act
1875 as to
borrowing
not to apply.

45. The powers of borrowing money by this Act given shall not be restricted by any of the provisions contained in sections 233 and 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under the Public Health Act 1875 any sums which they may borrow under this Act shall not be reckoned.

Sinking
fund for
gas and
water debt.

46. If the Corporation determine to pay off any moneys borrowed under this Act by means of a sinking fund they shall every year set apart and appropriate out of the gas and water rates and rents a sum of money which shall be equal to such an amount as will be sufficient with accumulations to pay off the principal moneys raised from time to time under and for the purposes of this Act in seventy years from the date of borrowing in each case and the Corporation may from time to time cause such sinking fund to be invested in the purchase of Government securities or of bonds or debentures or debenture stock of the mayor aldermen and citizens of the city of Liverpool or of the Mersey Docks

and Harbour Board or of any other public bodies constituted by Act of Parliament or of joint stock companies incorporated by Act of Parliament and paying dividends upon their ordinary capital and may from time to time change any investment made by them of any such money for any other or others of the investments authorised by this Act.

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The Corporation may at any time apply any sinking fund created by them under this Act or any part thereof in or towards the discharge of the principal moneys or to the redemption of stock to the discharge of which the sinking fund is applicable.

Provided that in such case they pay into such sinking fund in each year afterwards and invest as herein-before prescribed until the whole of the borrowed moneys or stock to which such sinking fund is applicable is discharged or redeemed a sum equal to the interest produced by the sinking fund or part thereof so applied. Provided also that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest on such mortgages then outstanding or on the stock then subsisting the Corporation may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto.

If at any time the revenues of the gas and water undertakings prove insufficient to meet the whole of the interest on the moneys borrowed under this Act and the payments to the sinking fund or annual instalments then the deficiency shall be made good out of the general district rate or if by any Act passed in the present session of Parliament the Corporation are authorised to levy an interest rate then out of such interest rate.

47. The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or to be paid by way of instalment under this Act transmit to the Local Government Board a return in such form as may be prescribed by that board and verified by some responsible officer of the Corporation by statutory declaration if so required by the said board showing the amount which has been paid off by way of instalment and the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same and the interest thereof has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining

Annual
return to
Local
Government
Board with
respect to
sinking fund.

A.D. 1881. invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set aside the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court of Justice and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments under the Local Loans Act 1875.

Recovery of
money by
distress.

48. All sums of money due to the Corporation for the supply of water or gas supplied by the Corporation or for the hire or fixing of meters and the amount of which shall not be disputed may be levied by distress and any justice on application may issue his warrant accordingly.

Several sums
in one
summons.

49. Any summons or warrant issued for any purpose of this Act may contain in the body thereof or a schedule thereto several names and several sums.

Form and
service of
notice by
Corporation.

50. Any instrument (including a notice order resolution requisition declaration requisition consent approval disapproval demand or other document) made given delivered or served by the Corporation under this Act or any byelaw may be either in print or in writing (including lithograph) or partly in print and partly in writing (including lithograph) and shall be sufficiently authenticated by the name of the town clerk or of the surveyor or other proper officer (according to the subject of the particular instrument) being affixed thereto in print or writing or partly in print and partly in writing by a stamp on behalf of the Corporation.

Subject to any express provision of this or of any other Act it shall be sufficient where any such instrument is required to be given to or served on the owner or occupier of any premises to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which it is given or served without further name or description and any such instrument may be addressed to owners or occupiers of any adjoining or neighbouring premises collectively

and when so addressed may be served on more owners or occupiers than one so that separate copies be served on the respective owners and occupiers of the premises concerned.

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Any such instrument may be served on any such owner occupier or other person either personally or by sending the same through the post in a letter addressed to him by name at his last known place of abode or business or by delivering the same to some inmate at his last known or usual place of abode or business or in case of an occupier to any inmate of the premises in respect of which it is given or served or if the premises are unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such premises.

Service by a letter under this section shall be deemed to be effected on the day on which such letter would be delivered in the ordinary course of post.

51. Any works to be constructed laid down or executed in exercise of or in carrying the powers conferred by this Act into execution crossing or in any way affecting the Birkenhead Railway or any of the bridges or works thereof respectively or any lands or property belonging to or used or occupied by the joint companies shall be done under the superintendence and to the reasonable satisfaction of the engineer of the joint companies and according to plans and sections and at such times as shall be reasonably approved by him before any such works are begun but in all things at the expense of the Corporation and so as to cause no injury to or interference with any such railway works lands or property or the passage or conduct of traffic over or on any such railway or at any station or wharf thereof and if any such injury or interference shall arise to any such railway bridges works lands or property or with any such traffic the Corporation shall make full compensation in respect of such injury or interference.

Protection of
the Birken-
head Railway
and works.

No main or pipe shall be carried on the property of the joint companies or on any land under their control parallel with the Birkenhead Railway or any of its sidings without the consent of the said companies.

52. Before commencing the construction of any gasworks under the powers of this Act on lands of the Corporation within twenty yards of the boundary of the lands of the joint companies the Corporation shall transmit a copy of the plans of such works to the engineer of the said companies.

Saving for
joint com-
panies as to
construction
of gasworks.

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Saving for
agreement
as to water
supply.

53. Nothing in this Act shall prejudice the right of the joint companies to a supply of water from the Corporation under the agreement dated the fifth day of May one thousand eight hundred and fifty-eight as amended by an agreement dated the twenty-fifth day of June one thousand eight hundred and sixty-one and confirmed by the Corporation and the joint companies and the limits within which the joint companies shall be supplied with water shall be the borough or such parts thereof as the Corporation may from time to time have the right to supply with water.

Costs of Act.

54. All the preliminary and other costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act shall be paid by the Corporation out of the revenue of their gas and water undertakings in such proportions as they think fit or out of moneys borrowed on the security of such revenue in such proportions as aforesaid and the Corporation may borrow in manner provided by this Act any sums which they may require for the purposes of this section and may exercise the powers of this section at any time after the passing of this Act.

SCHEDULE to which the foregoing Act refers.

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PART I.**THE SITE OF THE EXISTING GASWORKS.**

Bounded by a line commencing at the south-west corner of Elizabeth Place thence running along the south side of Elizabeth Place to its junction with Thomas Street thence running in a southerly direction along the western side of Thomas Street thence along the southern end of Thomas Street to the gable end of No. 121 in the same street and along the westernly side and south end of the passage in rear thereof to the slaughter-houses of the Corporation thence bounded by the said slaughter-houses to the southern wall of a passage forming access to premises lying at the back and to the south of Denbigh Street and from the south-eastern corner of said premises southwards by the premises of the Birkenhead Joint Railway to the township boundary between Tranmere and Birkenhead and elsewhere by the said township boundary and containing 25,800 square yards or thereabouts.

PART II.**THE NEW SITE.**

1. In the township or extra-parochial place or chapelry of Birkenhead all lands and buildings bounded on the south-east and west by the existing gasworks of the Corporation on the east by the Birkenhead Joint Railway on the north by Wrexham Street in part on the west by an imaginary line along the centre of Cymro Street in part on the north by an imaginary line along the centre of part of Denbigh Street and a line drawn from the centre of Denbigh Street to the south-east corner of Elizabeth Place thence along the southern side of Elizabeth Place to the south-west corner of Thomas Street and on the west by the existing gasworks premises of the Corporation. Also a piece of land situate at the west end of Blackpool Street bounded on the north by lands belonging to the Corporation and on the south by the township boundary between Tranmere and Birkenhead and containing 9,320 square yards or thereabouts.

2. In the township of Tranmere in the parish of Bebington all lands and buildings bounded on the west by an imaginary line parallel to and distant two hundred feet or thereabouts from the east side of Argyle Street south on the north by lands belonging or reputed to belong to the Corporation and the said township boundary on the east by the said township boundary and in part by lands and premises belonging to the trustees of the late Sir William Jackson baronet and others and in part by the western end of Elizabeth Place and by the gasworks premises of the Corporation and the lands and premises of the Birkenhead Joint Railway Companies and on the south by land belonging or reputed to belong to and in the occupation of Mr. Joseph Davies and containing 8,000 square yards or thereabouts.

