



CHAPTER c.

An Act to authorise the Corporation of Birkenhead to purchase the Ferries across the River Mersey known as Rock Ferry and New Ferry and for other purposes. A.D. 1897.

[15th July 1897.]

WHEREAS the mayor aldermen and burgesses of the county borough of Birkenhead (in this Act called "the Corporation") are the owners of and have long maintained and worked a ferry across the River Mersey between Birkenhead and Liverpool known as Woodside Ferry subject since the year one thousand eight hundred and eighty-one to the provisions of Part XVII. (Ferries) of the Birkenhead Corporation Act 1881 :

And whereas the Corporation have recently entered into a provisional agreement for the purchase (subject to the requisite powers being conferred on them by Parliament) of two other ferries across the River Mersey between the Cheshire side of the River Mersey and Liverpool known respectively as Rock Ferry and New Ferry together with certain lands piers and property and it would be of public and local advantage to confer on the Corporation the requisite powers for that purpose :

And whereas it is also expedient to empower the Corporation to construct and maintain a new pier landing-stages and other works in connexion with Rock Ferry and to make such other provisions as this Act contains :

And whereas estimates have been made showing that the Corporation will or may require to borrow for the purposes of this Act (being permanent works within the meaning of section 234 of the Public Health Act 1875) sums amounting to thirty-eight thousand pounds :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

And whereas a plan and sections showing the lines and levels of the works authorised by this Act and a book of reference containing the names of the owners and lessees or reputed owners and lessees

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A.D. 1897. — and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the county of Chester and are herein-after respectively referred to as the deposited plan sections and book of reference :

And whereas an absolute majority of the whole number of the council at a meeting convened for the twenty-eighth day of October one thousand eight hundred and ninety-six after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the *Birkenhead News* and the *Birkenhead Advertiser* local newspapers published or circulating in the borough (such notice being in addition to the ordinary notices required for summoning such meetings) 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 said council :

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 the council at a further special meeting held in pursuance of a similar notice on the sixth day of January one thousand eight hundred and ninety-seven not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

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

Short title. **1.** This Act may be cited as the *Birkenhead Corporation (Ferries) Act 1897.*

Execution of Act. **2.** This Act shall be carried into execution by the Corporation acting by the council in like manner as the *Birkenhead Corporation Act 1881.*

Incorporation of Acts. **3.** The Lands Clauses Acts are hereby incorporated with this Act except section 127 of the *Lands Clauses Consolidation Act 1845.*

4. The Corporation may purchase by agreement with the owners thereof and other persons interested therein respectively for any sums not exceeding a total sum of twenty thousand pounds the ferries across the River Mersey between the Cheshire side of the River Mersey and Liverpool known respectively as Rock Ferry and New Ferry together with the piers landing-stages lands buildings plant property and rights belonging thereto or connected therewith together with any steamers or other boats used in connexion with the said ferries or either of them.

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 Power to
 purchase
 Rock Ferry
 and New
 Ferry.

5. The Corporation may maintain and improve Rock Ferry and New Ferry and the property connected therewith when acquired by them under this Act and may construct and maintain such landing-stages wharves buildings and works and may acquire (but only by agreement) such lands and may do all such things and may employ such staff as they may deem necessary or expedient for the maintenance and working of the said ferries or either of them.

Powers to
 maintain and
 improve
 ferries.

6. Sections 205 to 231 of the Birkenhead Corporation Act 1881 and Schedule E. to that Act which relate to the existing ferries of the Corporation and all byelaws made by the Corporation under section 225 of the Birkenhead Corporation Act 1881 and in force at the date of the passing of this Act and section 28 of the Harbours Docks and Piers Clauses Act 1847 shall so far as the same are applicable extend and apply to and in the case of both Rock Ferry and New Ferry and the passengers and traffic conveyed thereby respectively so soon as the Corporation shall have taken over the possession of those ferries Provided that section 231 of the Act of 1881 shall apply and take effect as though after the words "Woodside and Liverpool" in that section the words "or to " or from any other landing-place in the borough of Birkenhead " belonging to or under the control of the Corporation and " Liverpool " were inserted Provided also that section 212 of the said Act of 1881 shall not so far as regards Rock Ferry and New Ferry authorise the collector in case of failure to pay the tolls due in respect of any goods to detain and sell all or any part of such goods and the Corporation may recover such tolls only in a court of summary jurisdiction.

Application
 of provisions
 of Act of
 1881 with
 respect to
 ferries.

7. Subject to the provisions of this Act the Corporation are hereby (so far as any statutory authority in this behalf is requisite) authorised on completion of the purchase of the said ferries to make execute and maintain on the lands shown on the deposited plan and specified in the deposited book of reference and so far as the lines and levels of the works are shown on the deposited plan

Power to
 construct
 new pier &c.

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A.D. 1897. — and sections in those lines and in accordance with those levels the new pier and other works at Rock Ferry by this Act authorised and to enter on take and use all or any of the lands delineated on the deposited plan and described in the deposited book of reference Provided always that the Corporation shall not take any land belonging to the Mersey Docks and Harbour Board to the northward of the line of boundary agreed to between the trustees of the late R. A. Macfie and the said board by the agreement dated twenty-fourth September one thousand eight hundred and ninety-six.

Description of pier and works.

8. The pier and works which by this Act the Corporation are authorised to make execute and maintain include the pier and works following (that is to say) :—

- (1) A pier or jetty on the north side of the existing stone jetty or slip known as Rock Ferry slip commencing at or near a point at the north side of the said slip distant ninety-three yards or thereabouts from the entrance gates of the grounds of the Royal Rock Hotel at the junction of the roads known as Rock Lane and Bedford Road which proposed pier or jetty extends in an east-north-easterly direction for a distance of two hundred and sixty-one yards or thereabouts to a point on the north side of the said existing slip :
- (2) A floating landing-stage situate at a distance of about one hundred and sixty feet in a north-easterly direction from the point above described as the termination of the pier or jetty which floating landing-stage will be about one hundred and fifty feet long measured in a north and south direction :
- (3) A bridge one hundred and sixty feet long or thereabouts extending from the point described as the termination of the said pier or jetty to and resting upon the said landing-stage the centre of which bridge will be in direct prolongation of the centre line of the proposed pier or jetty :

Together with all approaches works and conveniences necessary or proper for or in connexion with the use and working of the said pier and works.

Power to deviate vertically or laterally.

9. In making the said pier and works the Corporation may deviate vertically to any extent not exceeding four feet from the levels defined on the deposited sections and may deviate laterally to any extent within the limits of deviation defined on the deposited plan Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Mersey Commissioners and provided that the Corporation shall not deviate to the northward of the line referred to in the proviso

to section 7 and shall not construct their landing-stage so as to project into the River Mersey in an eastwardly direction for a greater distance than fifty feet to the eastward beyond the position thereof as shown on the deposited plan except by agreement with the Mersey Docks and Harbour Board.

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10. If the works shown on the deposited plan be not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Time for completing works.

11. The powers for compulsory purchase of lands conferred by this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

12. If any omission misstatement or wrong description shall have been made of any land or of the owners lessees or occupiers of any land delineated on the deposited plan or described in the deposited book of reference the Corporation after giving ten days notice to the owners lessees and occupiers of the lands affected by such proposed correction may apply to any two justices for the correction thereof:

Correction of errors and omissions in plan and book of reference.

If it appears to such justices that such omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of any such omission misstatement or wrong description and the certificate with the other documents to which it relates shall be deposited with the clerk of the peace for the county of Chester and with the town clerk:

The certificate shall be kept by the clerk of the peace and town clerk respectively with the other documents to which it relates and thereupon such plan or book of reference shall be deemed to be corrected according to the certificate and the Corporation may take any land in accordance with the certificate as if such omission misstatement or wrong description had not been made.

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

Power to persons under disability to grant easements &c.

A.D. 1897. apply to such grants and to such easements rights and privileges as aforesaid respectively.

Restriction
on taking
houses of
labouring
class.

14. The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied :

For the purpose of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Obligation
with respect
to service of
steamers.

15. During a period of thirty years from the taking over of the possession by the Corporation of the ferries known as Rock Ferry and New Ferry the Corporation shall unless prevented by causes beyond their control maintain a service of steamers between New Ferry and Liverpool at least equal in all respects to the service at present maintained and also at least equal to any service which may for the time being at any time hereafter be provided by the Corporation for passengers between Rock Ferry and Liverpool. But nothing herein contained shall affect the rights of the Corporation at any time to fix alter or amend the rates tolls and charges at either ferry and to work Rock Ferry and New Ferry either singly or together.

For protec-
tion of
Wirral
Tramway
Company
Limited.

16. If the Wirral Tramway Company Limited shall allege that they have sustained any damage in the working of their existing undertaking by reason of the working of New Ferry and Rock Ferry or either of them by the Corporation it shall in default of agreement be referred to arbitration to assess as between lessor and lessee what damage (if any) has arisen to the said tramway company and the Corporation shall pay any compensation assessed in respect of such damage.

Power to
borrow for
purposes of
Act.

17. In addition to the sums which the Corporation are authorised by section 257 of the Birkenhead Corporation Act 1881 to raise for ferry purposes the Corporation may raise for the ferry purposes of this Act any sum not exceeding thirty-eight thousand pounds and all the provisions of the said Act of 1881 which relate to the

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borrowing and discharge of the sum authorised by that Act to be borrowed for ferry purposes shall extend and apply to the borrowing and discharge of the sums authorised to be raised by this Act as if they had been raised under the said Act of 1881 with this exception that the moneys borrowed under this Act shall be discharged within thirty years from the date of borrowing the same respectively and the payments in respect of the said moneys to the new sinking fund established by the said Act or to any sinking fund which may be established in lieu thereof by any Act passed during the present session of Parliament shall be such as with accumulations at a rate not exceeding the rate of two and a half per centum per annum will discharge the same within the said period of thirty years.

18. The powers by this Act conferred on the Corporation (other than the power to purchase Rock Ferry and New Ferry) shall only be exerciseable and their obligations in respect of ferry service shall only arise in the event of the purchase of the said ferries by the Corporation.

Saving as to exercise of powers of Act.

19. The Corporation shall not under the powers of this Act construct within the jurisdiction of the Mersey Commissioners any work without the previous consent of the Commissioners to be signified in writing under the hand of the acting conservator of the Mersey and then only according to such plan and under such restrictions and regulations as he may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Mersey Commissioners may abate and remove the same and restore the sight thereof to its former condition at the costs and charges of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Mersey Commissioners and shall be recoverable accordingly with costs.

Works below high-water mark not to be commenced without consent of Mersey Commissioners.

20. If at any time the Mersey Commissioners or the acting conservator of the Mersey on their behalf deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Corporation on in over through or across tidal lands or tidal waters or of the intended site of any such work within the jurisdiction of the Mersey Commissioners the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the said Mersey Commissioners and be recoverable accordingly

Survey of works by the Mersey Commissioners.

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recoverable from the Corporation.

Abatement
of work
abandoned
or decayed.

21. If a work constructed by the Corporation on or over through or across tidal lands or tidal waters in the estuary of the Mersey within the jurisdiction of the Mersey Commissioners is abandoned or suffered to fall into decay the Mersey Commissioners may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the said Mersey Commissioners and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Corporation.

Lights on
works during
construction.

22. The Corporation shall on or near the works below high-water mark within the jurisdiction of the Mersey Commissioners hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Mersey Commissioners from time to time require or approve. If the Corporation fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Corporation
to exhibit
lights.

23. The Corporation shall at the outer extremity of the works referred to in this Act within the jurisdiction of the Mersey Commissioners exhibit and keep burning from sunset to sunrise such lights (if any) as the Corporation of the Trinity House Deptford Strond shall from time to time direct. If the Corporation fail to comply in any respect with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Provision
against
danger to
navigation.

24. In case of injury to or destruction or decay of the piers or works or any part thereof the Corporation shall lay down buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that corporation for directions as to the means to be taken and the Corporation shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Saving
rights of the

25. Nothing contained in this Act shall authorise the Corporation to take use or in any manner interfere with any portion of

the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty.

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 Crown in the
 foreshore.

26. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exercisable on behalf of Her Majesty.

Saving
 rights of
 Crown under
 Crown
 Lands Act.

27. All the costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund and rate or out of moneys to be borrowed on the security of that fund and rate which moneys the Corporation are hereby authorised to borrow and required to repay (if borrowed) in accordance with the provisions of the Public Health Acts within five years from the time or respective times of borrowing the same.

Costs of
 Act.

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