



### CHAPTER ccli.

An Act for authorising the Corporation of the city of Liverpool to execute certain street improvements and to acquire and appropriate permanently as open spaces certain burial grounds within the city for conferring further powers on the Corporation in relation to children trading in the streets and other matters for amending various local Acts in force within the city and for other purposes. [12th August 1898.]

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**W**HEREAS it is expedient that the mayor aldermen and citizens (herein-after called "the Corporation") of the city of Liverpool (herein-after called "the city") should in connexion with the recent purchase by them of the tramways within the city be empowered to execute the widenings of streets and other improvements in this Act described :

And whereas it is expedient that the Corporation should be empowered to acquire certain lands adjoining or near to the City Infectious Diseases Hospital East for the enlargement and improvement thereof :

And whereas it would be for the public advantage that the churchyards cemeteries and burial grounds in this Act mentioned should be closed for purposes of interment and their sites acquired by and vested in the Corporation freed from all ecclesiastical and other trusts and disabilities for the purpose of providing additional open spaces or ornamental or pleasure grounds :

And whereas it is expedient to authorise the Mersey Docks and Harbour Board to sell and the Corporation to purchase George's Dock and other lands adjoining thereto and to confer on the Corporation and the said dock board powers in connexion with the said purchase :

And whereas it is desirable to make provision for licensing children trading in the streets :

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And whereas in the interests of the public health further powers are also required for the regulation of the manufacture and sale of ices and ice creams :

And whereas it is expedient to make better provision for the discharge of certain of the duties of the health committee of the Corporation and of the city engineer and to make such provisions in relation to other matters as this Act contains :

And whereas the Corporation have prepared estimates showing that they will or may require to borrow for purposes of this Act (being permanent works within the meaning of section 234 of the Public Health Act 1875) sums not exceeding four hundred thousand pounds (that is to say) :—

For purchase of lands and for the execution of the street improvement works by this Act authorised £400,000 and it is expedient to empower the Corporation to raise that sum accordingly :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

And whereas an absolute majority of the whole number of the council at a meeting held on the fifteenth day of December one thousand eight hundred and ninety-seven after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Liverpool Courier* newspaper being a local newspaper published or circulating in the city of Liverpool such notice being in addition to the ordinary notice required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the city fund and general rate and the profits of the electric lighting undertaking of the Corporation in such proportions as the Corporation shall determine :

And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government Board and of a Secretary of State :

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 twelfth day of January one thousand eight hundred and ninety-eight being not less than fourteen days after the deposit of the Bill in Parliament :

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

And whereas plans and sections relating to the objects of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees 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 Lancaster and with the town clerk of the city and are in this Act referred to as the deposited plans sections and book of reference : A.D. 1898.

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 Liverpool Corporation Act 1898. Short title.
2. The Lands Clauses Acts are (except where expressly varied or otherwise provided for by this Act) incorporated with and form part of this Act. Incorporation of Lands Clauses Acts.
3. In and for the purposes of this Act terms to which a meaning is assigned by any of the Acts incorporated herewith have (unless the context otherwise requires) the same respective meanings. Interpretation.
4. This Act shall be carried into execution by the Corporation acting by the council. Execution of Act.

#### STREET IMPROVEMENTS.

5. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the street improvements herein-after described with all proper approaches works and conveniences connected therewith and they may enter on take and use all or any of the lands delineated on the said plans and described in the deposited books of reference :— Power to execute street improvements.

#### DESCRIPTION OF WORKS.

- (1) In the parish of Liverpool—
  - (A) A widening of Christian Street on its east side between Islington and Springfield Street ;
  - (B) A new street in continuation of Christian Street commencing by a junction with Christian Street at the corner of Holly Street and terminating by a junction with Saint Anne Street between Great Richmond Street and Rose Place :
- (2) In the township of Kirkdale in the parish of Walton-on-the-Hill—
  - (A) A widening of Morley Street on both sides thereof between Walton Road and Foley Street ;
  - (B) A widening of Foley Street on its east side between Morley Street and Kearsley Street :

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(3) In the parish or township of Toxteth Park—

A widening of Ullet Road on its south side between Park Road and Aigburth Road.

Power to deviate.

6. In executing the street improvements authorised by this Act the Corporation may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and may also deviate from the levels shown on the deposited sections to any extent not exceeding two feet.

As to removal of human remains.

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

(2) Before proceeding to remove any such remains the Corporation shall publish a notice for three successive days in three local newspapers circulating in the city to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of the conditions of such removal provided in subsections (3) (4) (5) and (6) of this section.

(3) At any time within two months after the first publication of such notice any person who is an heir executor or administrator or relative of any such deceased person may give notice in writing to the Corporation of his intention to undertake the removal of the remains of such deceased person and thereupon he shall be at liberty without any faculty for the purpose but subject as hereinafter mentioned and to any regulations made by the Lord Bishop of the diocese of Liverpool to cause such remains to be removed to and re-interred in any consecrated burial ground or cemetery in which burials may legally take place.

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

(5) The expense of such removal and re-interment not exceeding in respect of remains removed from any one grave the sum of ten pounds shall be defrayed by the Corporation such sum to be

apportioned equally if necessary according to the number of remains in such grave.

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Corporation in respect of the remains in any grave or if after such notice has been given the person giving the same shall fail in any respect to comply with the provisions of this section and with any regulations of the Lord Bishop the Corporation may without any faculty for that purpose remove the remains of the deceased person and cause them to be interred in such other consecrated burial ground or cemetery in which burials may legally take place as the Corporation think suitable for the purpose subject to the consent of the Lord Bishop.

(7) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the Corporation be removed and re-erected at the place of re-interment of such remains or at such place within the city as the Lord Bishop on the application (if any) of such heir or executor or administrator or relative as aforesaid of the deceased person may direct.

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

#### ACQUISITION OF LANDS &c.

8. For the purpose of extending the City Infectious Diseases Hospital East the Corporation may acquire all or any of the lands near or adjoining thereto in the township of West Derby in the parish of Walton-on-the-Hill which are shown on the deposited plans and described in the deposited book of reference relating thereto.

Powers for extension of City Infectious Diseases Hospital East.

9. For the purpose of preventing burials in the city and of providing additional open spaces or ornamental grounds within the city the Corporation may acquire Saint Mary's Cemetery Walton Road Kirkdale and the Necropolis or Low Hill General Cemetery as the same are respectfully shown on the deposited plans and described in the deposited book of reference.

Acquisition of cemeteries for open spaces &c.

10. On and after the acquisition by the Corporation of each of the said cemeteries respectively it shall not be lawful for any further interment to take place therein and the Corporation shall hold the same in fee simple freed and discharged from all ecclesiastical and other trusts uses purposes obligations and disabilities whatsoever whether under any Act of Parliament deed or other instrument and may appropriate the same as or for the purpose of open spaces or ornamental grounds and shall have in

Discontinuance of interments and power of Corporation to maintain and regulate as open spaces.

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Power to agree as to closing of churchyards and laying them out as open spaces.

11. The Corporation on the one hand and the persons or bodies respectively who under any private Act of Parliament deed or other instrument have the management and control of each one of the following churchyards and burial grounds (namely) Saint George's Churchyard Everton Saint Mary's Churchyard Edgehill Saint Michael's Churchyard Saint James' Churchyard Toxteth Saint Anne's Cemetery Overbury Street the Jewish Burial Ground Upper Frederick Street the Jewish Burial Ground Oakes Street and Saint Martin's-in-the-Fields Churchyard respectively may make an agreement for the closing for burials of the churchyard or burial ground as the case may be of which they have the management on such terms and conditions as may be arranged and if such agreement be made the Corporation are hereby authorised and empowered to undertake to lay out and maintain the same as an open space or ornamental ground and the Corporation shall have in relation to the laying out and maintenance of the same and generally in relation thereto all such powers as they possess under any general or local Act in relation to other open spaces or ornamental or pleasure grounds within the city :

Provided that on and after the date of any agreement to close for burials any churchyard or burial ground as aforesaid no further interments shall take place therein.

Provisions as to removal of tombstones or monuments.

12. In the case of any of the churchyards cemeteries or burial grounds of which they may have obtained control in pursuance of the preceding sections of this Act the Corporation may remove any tombstone or monument subject to the following provisions (that is to say) :—

- (A) A statement shall be prepared sufficiently describing by the name and date appearing thereon and otherwise the tombstones and monuments standing or being in the churchyard cemetery or burial ground :
- (B) Such statement shall be deposited with the town clerk of the city and shall be open to inspection at the municipal offices by all persons :
- (C) An advertisement of the intention to remove such tombstones and monuments shall be inserted three times at least in some local newspaper circulating in the city and such advertisement shall give notice of the deposit of such statement as aforesaid and of the hours during which the same may be inspected :

(D) A notice in terms similar to the advertisement shall be placed on the door of the church or other place of worship (if any) to which such churchyard cemetery or burial ground is attached or shall be conspicuously posted in or near such churchyard cemetery or burial ground : A.D. 1898.

(E) Any monument or tombstone relating to the remains of any deceased person and removed under this section shall on the application (if any) of the heir or executor or administrator or any relative of the deceased person be re-erected at the expense of the Corporation at such place within three miles of the city boundary as shall be agreed upon or failing agreement as shall be fixed by a Secretary of State.

**13.** In case the Corporation instead of removing any tombstone or monument desire to lower the same or cover it with soil they shall before lowering it or covering it up cause a complete record of the inscription and other writing appearing thereon and a sufficient description of its position to be made and in case any tombstone or monument is removed they shall cause a record to be made of the place to which it is removed and such records or descriptions shall be deposited with the town clerk of the city and kept among the municipal records. Power to lower or cover up tombstones.

**14.** The Corporation and the owners of Saint James' Churchyard Toxteth may make an agreement for the wall of the churchyard along Saint James' Place being set back for the purpose of widening Saint James' Place or for the constructing of a footwalk inside the wall and if the remains of any deceased person shall have been interred in the portion of the said churchyard so agreed to be added to the street the Corporation shall remove the same subject to the same terms and conditions as are herein-before provided with regard to the removal of remains from Saint Anne's Churchyard. Agreements with owners of Saint James' Churchyard Toxteth.

**15.** Notwithstanding anything contained in this Act the following provisions shall apply to the acquisition by the Corporation of the Liverpool Necropolis or Low Hill General Cemetery (in this section called "the necropolis") :— As to acquisition of Liverpool Necropolis.

(1) On or before the first day of September one thousand eight hundred and ninety-eight the proprietors in and members of the institution or society known as the Liverpool Necropolis or Low Hill General Cemetery (in this section called "the proprietors") shall sell to the Corporation and the Corporation shall purchase all the interests of the proprietors or their trustees in the land and buildings of the necropolis subject to all debts and liabilities claims and demands attaching to or affecting the same at the price of three thousand eight hundred

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pounds and if from any cause the purchase shall not be completed on the said date the Corporation shall pay interest upon the purchase money at the rate of five per centum per annum from that date to the date of completion :

- (2) The purchase shall be carried into effect by a deed truly stating the consideration and made in the form set forth in the First Schedule to this Act or to the like effect and upon the execution of the deed on behalf of the proprietors by the chairman William King the treasurer Henry Johnson Houghton and the auditors William Hudson Priestly and William Hope or the survivors or survivor of them (in this section called "the liquidators") and the payment by the Corporation to the liquidators of the purchase money and the interest thereon (if any) all the interests of the proprietors or their trustees in the land and buildings of the necropolis shall by virtue thereof and of this Act be transferred to and vested in the Corporation subject to the provisions of this Act and such transfer and vesting are in this section called "the transfer" :
- (3) From and after the transfer the liabilities (if any) of the proprietors or their trustees or committee to the owners of graves or tombstones or monuments shall absolutely cease and determine and the proprietors and the said trustees and committee shall be freed and discharged from all claims and demands (if any) on account of the closing of the cemetery :
- (4) The Corporation shall accept and carefully preserve all the registers of graves and of interments within the cemetery and shall from time to time on payment of their reasonable charges give such extracts therefrom as may be required and the certificate of the town clerk that such extracts are correct shall have the same validity as the certificate of a registrar :
- (5) Any monument or tombstone relating to the remains of any deceased person and lowered or covered or proposed to be lowered or covered under the provisions of the section of this Act whereof the marginal note is "Power to lower or cover up tombstones" shall on the application (if any) of the heir or executor or administrator or any relative of the deceased person be removed from the cemetery by the person making such application :
- (6) The Corporation shall pay by way of compensation for loss of office and emoluments to the registrar and secretary Theodore von Gelder the sum of two hundred and sixty pounds to the chaplain Charles Green one hundred and twenty pounds and to the solicitors Roderick Williams and Bardsley the sum of forty pounds :



- (7) The Corporation shall take the sexton Thomas Hipkins into their service and provide him with suitable employment at wages equivalent to the wages he was on the twenty-second day of February one thousand eight hundred and ninety-eight receiving from the proprietors. He shall be entitled to all the advantages of superannuation and otherwise in the same manner as other permanent officials and servants of the Corporation. If the Corporation shall discharge the said Thomas Hipkins from their employ before the expiration of three years for any cause other than his own misconduct they shall pay him suitable compensation :
- (8) The liquidators shall sell and convert into money all the stocks shares and securities belonging to the proprietors and all persons holding such stocks shares or securities shall forthwith execute such transfer as may be necessary and the receipt of the liquidators for any moneys to which the proprietors may be entitled shall be sufficient discharges for the same :
- (9) The liquidators shall give notice once in the *Liverpool Mercury* *Liverpool Courier* and *Liverpool Daily Post* calling upon creditors of the Company to send to the liquidators notice of their claims and particulars thereof within fourteen days from the insertion of such notice :
- (10) Out of the money coming to their hands the liquidators shall in the first place pay the costs of the liquidation and in the next place pay the just debts and claims of which they have notice under the last subsection or otherwise. And in the next place set aside the sum of two hundred and fifty pounds which they shall be at liberty to retain as their own remuneration or to dispose of in any manner which they may think proper and then pay the balance by way of one or more dividends to the proprietors in proportion to the number of their shares :
- (11) Prior to the payment of the final dividend the accounts of the liquidators shall be audited by the comptroller and auditor of accounts for the time being of the Corporation whose certificate that the said accounts are correct and that the final dividends will exhaust the balance in hand shall be conclusive :
- (12) Upon the expiration of twenty-one days after the date appointed for payment of the final dividend the amount of all dividends then unclaimed shall be transferred to the Corporation and the liquidators shall furnish the Corporation with a list of such dividends. The Corporation shall pay the

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same to the person or persons entitled thereto if claimed within five years and any dividends not so claimed shall be retained by the Corporation and paid to the credit of the city fund :

- (13) Upon the transfer to the Corporation of the sums of money mentioned in the last preceding subsection the duties of the liquidators shall be deemed to have determined and the liquidators shall be freed and discharged from all claims and demands in connexion with the liquidation or otherwise in respect of the premises and the trusts of the indenture of the ninth day of March one thousand eight hundred and twenty-five by virtue of which the said institution or society was formed shall be deemed to be fully performed and the said institution or society shall cease to exist.

Power for Corporation to purchase site of George's Dock.

**16.** The Mersey Docks and Harbour Board (herein-after called "the dock board") may sell and the Corporation may purchase the site of George's Dock and other lands of the dock board adjoining thereto as shown on the deposited plans and described in the deposited book of reference relating thereto on the terms contained in the agreement between the dock board and the Corporation set forth in the Second Schedule hereto Provided that the arbitrator or arbitrators or umpire in determining the amount of the consideration to be paid by the Corporation to the dock board shall not award any sum in respect of compensation for loss of revenue to the dock board or for expense incurred by the dock board in providing accommodation elsewhere for the dock traffic.

Confirming agreement with dock board.

**17.** The agreement between the Mersey Docks and Harbour Board and the Corporation dated the sixteenth day of March one thousand eight hundred and ninety-eight with reference to the purchase by the Corporation of the site of George's Dock and other lands of the dock board adjoining thereto as shown on the deposited plans and described in the deposited book of reference relating thereto as set forth in the Second Schedule to this Act is hereby confirmed and made binding upon the parties thereto.

Power to stop up certain streets.

**18.** If the Corporation purchase the site of George's Dock they may stop up and close the streets known as Nova Scotia Irwell Street Irwell Place and Murray Place and a portion of Mann Island and thereupon all rights of way upon or over the same shall be by virtue of this Act extinguished and the sites thereof shall thereupon vest in the dock board freed and discharged from all rights of the public over or affecting the same or any part thereof.

Power to utilise site of Pier Head

**19.** The Corporation may if they see fit remove the existing Pier Head Baths and may appropriate and use the site thereof as an

open space and the Corporation may appropriate and use any of the lands acquired by the Corporation from the dock board for such purposes as they may think fit and in particular they may erect and maintain on any of the lands so acquired baths and other buildings in connexion therewith or they may sell lease or otherwise dispose of the whole or any part of the said lands as they may think fit.

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Baths and property acquired from dock board.

**20.** If the dock board shall desire to make and maintain a culvert in lieu of their now existing culvert from George's Dock to the sluices at George's Landing Stage it shall be lawful for them to break up and open the streets forming the approaches to the said landing stage :

Power of dock board to lay culvert.

Provided that no street shall be opened or broken up by the dock board except after due notice to and under the superintendence of the Corporation or their officer and the street on the completion of the work for which it was broken up shall be reinstated and made good with all convenient speed by and at the expense of the dock board to the satisfaction of the Corporation.

**21.** If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown or described in the deposited plans or book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices for the correction thereof and if it appears to the justices that the omission misstatement or wrong description arose from mistake they shall so certify stating the particulars thereof and their certificate shall be deposited as if it had originally formed part of the deposited plans or book of reference (as the case may be) and shall be kept therewith and shall be deemed to be part thereof and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to such certificate and the Corporation may take the lands and execute the works in accordance with such certificate.

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

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

Persons under disability may grant easements &c.

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Application of certain provisions of Improvement Act 1867.

**23.** The provisions contained in sections 24 25 (except so much of section 25 as relates to the application of the proceeds of sale or of leases or grants of land) 27 to 33 (both included) and 39 of the Liverpool Improvement Act 1867 shall apply for the purpose of the execution of the provisions of this Act as if they were re-enacted herein.

Ground laid into streets to be public highways.

**24.** The sites of all houses and all lands which may be acquired by the Corporation under this Act and laid into and appropriated for streets shall when and so soon as the same are so laid into and appropriated for streets and for ever thereafter form part of the public street and shall be repaired and maintained in such and the same way and manner as the streets in the city are for the time being by law maintained and repaired.

Period for compulsory purchase of lands.

**25.** 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 passing of this Act.

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

**26.** And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Third Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties" :

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :

- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed :
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all cost charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably

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and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit:

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

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

Restrictions  
on displacing  
persons of  
labouring  
class.

**27.**—(1) The Corporation shall not under the powers by this Act granted purchase or acquire in any parish ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

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

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

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

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

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

(5) If the Corporation acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the consolidated fund of the United Kingdom :

Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Corporation may appropriate any lands for the time being belonging to them or which they have power to acquire :

Provided that nothing in this section shall relieve the Corporation from the necessity of obtaining the approval of the Local Government Board for such appropriation or use of their corporate land as would require such approval under the Municipal Corporations Act 1882 (as amended by section 72 of the Local Government Act 1888) or any other general Act.

(7) Subject to the provisions of this section the Corporation and the Local Government Board and their inspectors shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them under the Public Health Act 1875 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act :

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

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

(8) The Corporation shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any

A.D. 1898. — expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

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

Powers as to disposal of surplus lands.

**28.** The Corporation may without the sanction of the Local Government Board hold let sell or otherwise dispose of any surplus lands which they may acquire under the powers of the Liverpool Order 1897.

As to buildings acquired under Extension Order of 1895.

**29.** The Corporation may appropriate and use any public buildings which became vested in them by virtue of the Liverpool Order 1895 for such purposes as they may think fit.

Proceeds of sale of surplus lands.

**30.** The proceeds of the sale of any surplus lands of the Corporation sold under the powers of this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of any moneys borrowed by the Corporation the interest and redemption fund for which is charged upon the general rate and borrowed money discharged by the application of such proceeds shall not be reborrowed.

### STREET TRADING.

Provisions as to children trading in streets.

**31.** The following provisions shall have effect with reference to children trading in the streets (that is to say):—

(1) “Child” shall mean a boy under the age of fourteen years and a girl under the age of sixteen years;

“Trading in the streets” shall mean vending papers small wares and other articles in any street in the city;

“Place of safety” shall have the same meaning as in the Prevention of Cruelty to Children Act 1894:

(2) The Corporation may make regulations as to the conditions upon which licences authorising children to trade in the streets shall be granted continued suspended and revoked including conditions for the issue and wearing of badges and for the regulation of the conduct of children holding licences and of the hours during which the places where and the conditions



under which they may trade in the streets and may by such regulations fix a pecuniary penalty for the breach or non-observance thereof not exceeding ten shillings for each offence recoverable on summary conviction. The regulations shall be subject to the approval of the Secretary of State and shall both before and after such approval is given be published in such manner as the Secretary of State may direct :

(3) Subject to such regulations the Corporation may grant a licence to any child authorising him to trade in the streets and after such day as may be fixed in the regulations or such later day (herein-after referred to as "the appointed day") as may be fixed by the Secretary of State no child shall trade in the streets unless provided with a licence under this section :

(4) Any constable may take into custody without warrant any child found after the appointed day trading in the streets without a licence or in contravention of the conditions of his licence and may convey him to a place of safety and he may be there detained until he can be brought before a court of summary jurisdiction and that court may make such order as is mentioned in the next following subsection :

(5) Where it appears to a court of summary jurisdiction that a child has been found trading in the streets without a licence or in contravention of the conditions of his licence the court may if satisfied on inquiry that it is expedient so to deal with him—

(A) Order that the child be taken out of the custody of the person purporting to have the custody charge or care of him and be committed to the custody of a relative of the child or some other fit person named by the court (such relative or other person being willing to undertake such custody) until he reaches the age of sixteen years or for any shorter period and the provisions of sections 7 and 8 of the Prevention of Cruelty to Children Act 1894 shall so far as applicable and with the necessary modifications apply as if the order had been made under that Act and the court may of its own motion or on the application of any person by order renew vary and revoke any such order ; or

(B) Order that the child if he be under the age of fourteen years be sent to an industrial school and thereupon all the provisions of the Industrial Schools Acts shall apply as if the child had been so sent under those Acts :

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- (6) The Corporation may contribute the whole or part of the expense of the education and maintenance of any child dealt with under the preceding subsection :
- (7) Any person who having the custody charge or care of a child allows him after the appointed day to contravene the provisions of this section or any of the regulations made hereunder shall on summary conviction be liable to a fine not exceeding twenty shillings for each offence :
- (8) Before the appointed day the Corporation shall satisfy a Secretary of State that suitable lodgings are available for occupation by so many of the children to be licensed under this section as shall appear necessary to him. The Corporation may provide such lodgings themselves and may make provision for the management maintenance and regulation of such lodgings and the charges (if any) to be made for the use thereof and shall have and may exercise all powers necessary for securing discipline in such lodgings and the good conduct of the children therein and they may contribute to the expenses of any lodgings available for the purposes of this subsection which are not provided by the Corporation themselves :
- (9) The Corporation shall appoint such inspectors and other officers as they may deem necessary for the purpose of administering or assisting in the administration of the foregoing provisions and for the purpose of periodically visiting the houses of persons to whose custody any children have been committed under this section and lodgings mentioned in the preceding subsection with the object of securing the proper treatment of such children :
- (10) Any expense incurred by the Corporation in the execution of this section shall be defrayed out of the city fund.

AS TO SALE OF ICES &c.

For regulating manufacture and sale of ice creams &c.

**32.** Any person being a manufacturer of or merchant or dealer in ice creams or other similar commodity who within the city—

- (A) Causes or permits ice creams or any similar commodity to be manufactured sold or stored in any cellar or room in which there is an inlet or opening to a drain ; or
- (B) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination ; or

(c) Omits on the outbreak of any infectious or contagious disease amongst the persons employed in his business to give notice thereof to the medical officer of health for the city ;

A.D. 1898.

shall be liable for every such offence on summary conviction to a penalty not exceeding forty shillings.

### BORROWING.

**33.** The Corporation may borrow for the purposes of the execution of street improvement works by this Act authorised and the acquisition of lands any sums not exceeding four hundred thousand pounds :

Power to borrow.

The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods following (that is to say) :—

As to moneys borrowed for the execution of street improvement works by this Act authorised within thirty years ;

As to moneys borrowed for the acquisition of lands within fifty years.

**34.** Any sum which the Corporation may borrow under the powers of this Act may be raised by mortgage in manner provided by the Liverpool Corporation Act 1893 or by the issue of stock under the provisions of the Liverpool Corporation Loans Act 1894 and any Act amending the same :

Mode of raising money and of repayment.

The repayment of the money so borrowed shall be provided for by means of an accumulative sinking fund or by the repayment of an equal portion of the principal every year.

### MISCELLANEOUS.

**35.** Any of the powers duties or matters by the Liverpool Building Act 1842 or any other local Act in force within the city conferred imposed on or referred to the Health Committee may subject to the approval of the council be exercised performed or transacted by any committee appointed by the Corporation.

As to health committee.

**36.** The city engineer shall cease to exercise the powers or perform the duties conferred or imposed on him by the Liverpool Sanitary Amendment Act 1864 and by section 8 of the Liverpool Corporation Act 1880 and such powers and duties shall henceforth be exercised and performed by such officer of the Corporation as the Corporation shall from time to time direct and the said Act shall be read and have effect accordingly.

Transfer of duties of city engineer in respect of insanitary property.

A.D. 1898.

Costs of Act.

**37.** The costs charges and expenses of and incidental to preparing applying for and obtaining this Act as taxed and ascertained by the taxing officer of the House of Lords or House of Commons shall be paid by the Corporation out of the city fund and general rate and the profits of the electric lighting undertaking of the Corporation in such proportions as the Corporation shall determine.

The SCHEDULES referred to in the foregoing Act. A.D. 1898.

FIRST SCHEDULE.

FORM OF TRANSFER OF LIVERPOOL NECROPOLIS.

INDENTURE made the \_\_\_\_\_ day of \_\_\_\_\_  
one thousand eight hundred and ninety- \_\_\_\_\_ between

the liquidators of the institution or society known as the LIVERPOOL NECROPOLIS OR LOW HILL GENERAL CEMETERY (herein-after called "the liquidators") of the one part and the MAYOR ALDERMEN AND CITIZENS OF THE CITY OF LIVERPOOL (herein-after called "the Corporation") of the other part.

WITNESSETH that in pursuance of the Liverpool Corporation Act 1898 and in consideration of three thousand eight hundred pounds paid by the Corporation to the liquidators (the receipt whereof the liquidators hereby acknowledge) the liquidators hereby convey to the Corporation all that the cemetery or burial ground situate on the northerly side of West Derby Road in the city of Liverpool known as the Necropolis or Low Hill General Cemetery and all the interest of every kind of the proprietors and trustees of the said institution or society therein to hold the same unto and to the use of the Corporation in fee simple In witness whereof the liquidators have hereunto set their hands and seals and the Corporation have caused their Common Corporate Seal to be affixed the day and year first before written.

SECOND SCHEDULE.

THE MERSEY DOCKS AND HARBOUR BOARD (herein-after called "the board") of the one part and THE MAYOR ALDERMEN AND CITIZENS OF THE CITY OF LIVERPOOL (herein-after called "the Corporation") of the other part hereby agree with each other as follows (viz.) :—

WHEREAS the Corporation and the dock board have been in negotiation with reference to the closing of the George's Dock belonging to the dock board and the acquisition by the Corporation of the site thereof together with other land belonging to the board (herein-after called "the property") and it was arranged that the dock board would consent to the dock being

A.D. 1898. — closed and the site thereof with the land adjoining being purchased by the Corporation subject to the Corporation obtaining the necessary Parliamentary powers for the board to sell and the Corporation to purchase and subject also to the conditions for settling the price to be paid by the Corporation and other matters in connexion therewith being agreed upon between the parties and sanctioned by Parliament And whereas the Corporation have introduced a Bill in Parliament containing clauses to carry out the before-mentioned arrangements :

Now it is hereby agreed between the board and the Corporation as follows :—

1. If within three calendar months after the Bill to be promoted by the Corporation as herein-after mentioned shall become law the Corporation shall give to the board notice in writing under the hand of the town clerk of Liverpool that they intend to purchase the property coloured red and green on the plan hereto annexed mentioned in the schedule to this agreement then (subject to the right of the board to retain a portion thereof as herein-after mentioned) the board will sell and the Corporation will purchase the said property as freehold of inheritance freed as between the Corporation and the board from all restrictions as to user on the terms and conditions herein-after mentioned.

2. Within three months after the Corporation shall have given such notice as aforesaid the board may give notice in writing signed by their secretary to the town clerk of Liverpool that they wish to retain for the purpose of erecting offices and buildings (other than warehouses or factories) any portion of that part of the property coloured red and green which is hatched red and surrounded by a dotted black line on the plan and thereupon such portion of the property shall not form a part of the property to be purchased by the Corporation.

3. In exchange for the strip of land containing an area of one thousand two hundred and thirteen square yards or thereabouts coloured and hatched brown on the plan forming part of the present street leading to the landing stage the board will convey to the Corporation the strip of land containing an area of one thousand two hundred and thirty-five square yards or thereabouts coloured blue on the plan for the purpose of adding the same to the street from James Street and Strand Street to George's Pierhead.

4. The Corporation shall at their own cost without any contribution by the board make and for ever hereafter maintain a public street one hundred feet wide in the position shown on the plan from James Street and Strand Street to George's Pierhead and the Corporation shall not interfere with or obstruct the access by means of the said street to and from the board's property to the southward of the said street and to the northward thereof if the board under their option retain any property abutting thereon.

5. The value of the property to be purchased by the Corporation shall be determined by an arbitrator who failing agreement between the parties as to such arbitrator within four months after the Corporation shall have given such notice as aforesaid shall be appointed by the President for the time being of the Surveyors Institution of London and such arbitrator shall by his award determine as one sum the value of so much of the property acquired by the Corporation as is coloured red on the plan and as another sum the value of so

much of the property acquired by the Corporation as is coloured green on the plan. A.D. 1898.

6. The board shall not in the arbitration as to the value of George's Dock claim any compensation for loss of revenue by reason of the dock being closed or on account of any expenditure they may incur in providing other accommodation for the traffic now carried on at the dock.

7. The sum fixed by the arbitrator as the value of the property coloured green shall be paid by the Corporation in full but from the sum fixed by the arbitrator as the value of the property coloured red there shall be deducted an amount equal to ten pounds per centum on such sum (1) in respect and in settlement of a matter in difference between the parties as to the right of the board as between themselves and the Corporation to use sell or dispose of the property for purposes other than dock purposes and (2) for the Corporation consenting (though the board do not admit that either the Corporation or the public have any rights over or interest therein) to the closing of certain streets herein-after mentioned.

8. The Corporation will pay to the board the sums to be determined by the arbitrator as aforesaid less the above-mentioned deduction of ten pounds per centum from the value of so much of the property acquired by the Corporation as is coloured red on the plan within three months from the date of the arbitrator's award provided the new culvert herein-after mentioned shall have been completed and if not completed then within three months from the date of such completion and failing payment within that time interest at three pounds per centum per annum shall be paid on the said sums.

9. On payment of the purchase money in accordance with clause 8 the Corporation shall be entitled to possession of the property and the board will execute to the Corporation a proper assurance of the premises to be prepared by and at the expense of the Corporation.

10. As from the completion of the purchase or if it be not completed until after the expiration of two months from the date of the arbitrator's award then as from the expiration of that period all outgoings shall be discharged by the Corporation and such outgoings shall if necessary be apportioned between the board and the Corporation.

11. The property to be taken by the Corporation shall not nor shall any portion thereof be used at any time hereafter as a dock or for dock purposes and a covenant to this effect shall be inserted in the conveyance.

12. If the board retain the whole or any smaller part of the property coloured red and green and hatched red enclosed within the dotted line above mentioned they shall only use it for the purpose of erecting thereon offices or other buildings other than warehouses or factories and such buildings shall not be used by the board or their assigns for warehouses or factories. The board shall pending the development thereof fence round any of the property retained by them so far as practicable with a temporary fence to divide it from the adjoining streets or land taken by the Corporation with all reasonable despatch after they shall have given such notice as aforesaid and such fence shall not be used for the purpose of exhibiting advertisements thereon and the Corporation with reference to the property acquired by them shall be subject to the same conditions. A covenant to carry out the terms of

A.D. 1898. these conditions shall if either party requires it be inserted in the conveyance to the Corporation of the land purchased by them.

13. If the Corporation give notice as aforesaid of their desire to purchase the property mentioned in the schedule hereto the following streets (viz.) Nova Scotia Irwell Place Irwell Street Mann Island and Murray Place particularly as shown in the brown colour on the plan hereto annexed intersecting the property commonly known as Mann Island shall be closed and the sites of such streets shall be vested in the board free from all rights of the public over the same without any further payment to the Corporation by the board. If the Corporation do not give notice as aforesaid of their desire to purchase the property nothing in this agreement shall affect or prejudice any existing rights or powers of the board in relation to the streets mentioned in this clause.

14. The board may at their own expense construct a culvert from the Canning Dock or from the passage between that dock and the George's Dock to supply the sluices at the back of the George's Landing Stage with water in place of the culvert by which those sluices are now supplied with water from the George's Dock.

The Corporation shall not in any way interfere with the passing of water for sluicing operations through the existing culvert until the new culvert has been constructed and is ready for use.

The new culvert may be constructed on such line within the limits of deviation shown on the plan deposited by the Corporation in connexion with the Bill promoted by them in the present session of Parliament as may be agreed upon between the city engineer and the board's engineer and the Corporation will give all such facilities for its construction including permission to break open and relay any streets as may be agreed upon between the said engineers.

The board shall at all times have access to the said new culvert for the purpose of inspecting maintaining and repairing the same at places and in manner to be agreed between the said engineers at the time when the line on which the culvert is to be laid is determined on.

If the board decide to construct such a culvert it shall be constructed within twelve months after the Corporation shall have given a notice as aforesaid of their desire to purchase the property described in the schedule hereto and on such completion the dock board will empty the George's Dock of water.

15. If the Corporation shall not within three calendar months after the Bill to be promoted by them as herein-after mentioned shall become law give to the board notice of their intention to purchase the property comprised in the schedule to this agreement as mentioned in clause 1 the board shall be entitled as between the board and the Corporation to use sell or dispose of the property described in the schedule hereto free from all restrictions as to the user thereof so far as the Corporation is concerned.

16. Each party shall pay their own costs and one-half of the arbitrator's fees of the reference hereby provided for.

17. If the Corporation shall not within three calendar months after the Bill to be promoted by them as herein-after mentioned shall become law give to the board notice of their intention to purchase the property comprised in the schedule to this agreement as mentioned in clause 1 the Corporation shall pay to the board the amount of counsels' fees and parliamentary agents' charges and



[61 & 62 VICT.] *Liverpool Corporation Act, 1898.* [Ch. ccli.]

other expenses incurred by the board in connexion with the said Bill as allowed on taxation by the taxing master of the House of Lords. A.D. 1898.

18. This agreement shall be scheduled to and confirmed by the Bill to be promoted by the Corporation as above mentioned.

Dated this sixteenth day of March one thousand eight hundred and ninety-eight.

The SCHEDULE referred to in the above written Agreement.

The dock land and premises known as the George's Dock in the city of Liverpool coloured red in the plan annexed to this Agreement.

The land to the westward of George's Dock coloured green in the said plan.

Passed under the common seal of the Mersey Docks and Harbour Board in the presence of

JOHN BRANCKER

Chairman of the Mersey Docks and Harbour Board.

JOHN HOULDING

Lord Mayor.

L.S.

L.S.

### THIRD SCHEDULE.

PROPERTIES OF WHICH PORTIONS MAY BE TAKEN WITHOUT TAKING THE WHOLE.

Parish.	No. on deposited Plan.
(Ullet Road) Toxteth Park	125
(Morley Street) Everton	126

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