CHAPTER xxi.

An Act to incorporate and confer powers on the Liverpool Cattle Market Company and for other purposes. A.D. 1896.

[21st May 1896.]

WHEREAS the provision of improved market accommodation for the sale of cattle and other live stock and of meat game fruit vegetables hay straw and other articles and things in the city of Liverpool or neighbourhood would be of local and public advantage:

And whereas the persons in this Act named are (with others) willing to undertake such provision and it is expedient that they be incorporated as a Company (in this Act called "the Company") and that powers be conferred on them for the purpose:

And whereas it is expedient that the Company be empowered to acquire the lands and to make and maintain the railways subways or street tunnels and other works in this Act described:

And whereas the Liverpool New Cattle Market Company (in this Act called "the Old Company") which was incorporated by an Act passed in the year 1832 (2 Will. IV. c. viii.) intituled "An Act "for establishing a market in the parish of Walton-on-the-Hill in "the county palatine of Lancaster" (in this Act referred to as "the Act of 1832") has for many years carried on a market for the sale of cattle and other live stock in the parish of Walton-on-the-Hill near the city of Liverpool:

And whereas the share capital of the Old Company is fifteen thousand pounds divided into six hundred shares of twenty-five pounds each all of which have been issued and fully paid and the Old Company has borrowed on mortgage debentures the sum of seven thousand nine hundred and fifty pounds:

And whereas it is expedient to empower the Company to acquire by agreement the undertaking of the Old Company:

And whereas an agreement has been entered into (subject to the sanction of Parliament) on behalf of the Company proposed to be incorporated by this Act for the purchase of the undertaking of the

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Old Company and for taking over the powers assets and liabilities of that Company and it is expedient to confirm the said agreement as set out in the First Schedule to this Act:

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

And whereas plans and sections showing the lines and levels of the railways and subways or street tunnels authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Lancaster and are herein-after respectively referred to as the deposited plans sections and books of reference:

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

I.—Preliminary.

Short title.

1. This Act may be cited as the Liverpool Cattle Market Act 1896.

Incorporation of general Acts.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 and the Markets and Fairs Clauses Act 1847 except section 13 thereof are (except where expressly varied by this Act) incorporated with and form part of this Act Provided that the Public Health (Confirmation of Byelaws) Act 1884 shall apply to byelaws made under this Act and to any byelaws which may hereafter be made under the Act of 1832.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to

which the expression is used were a simple contract debt and not a debt or demand created by statute.

Limits of Act.

4. The limits of this Act so far as it relates to markets and slaughter-houses shall be co-extensive with the limits for the time being of the market places market buildings and other buildings conveniences lands and approaches connected therewith belonging to or under the control from time to time of the Company.

II.—Constitution &c. of Company.

Company incorporated.

5. John Sutherland Harmood Banner Benjamin Cain Hugh Cullen Sir William Bower Forwood Walter Glynn William Nelson George Nicholson James Marke Wood and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of providing and maintaining market accommodation and of establishing and holding markets for the sale of cattle and other live stock and of meat poultry game fruit vegetables hay straw and other articles and things and generally for the purpose of putting into execution the powers and provisions of this Act and for those purposes shall be and are hereby incorporated by the name of the Liverpool Cattle Market Company and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Capital.

6. The capital of the Company shall be three hundred thousand pounds in thirty thousand shares of ten pounds each.

Shares not to be issued until one-fifth paid.

7. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Calls on shares.

8. One-fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three-fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year on any share.

Receipt in case of persons not sui juris.

9. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

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Power to pay interest out of capital during construction.

10. Notwithstanding anything in this Act or in any Act or Act incorporated therewith contained it shall be lawful for the Company out of any money by this Act authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say):—

(A) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two-thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same:

(B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear:

(C) The aggregate amount to be so paid for interest shall not exceed thirty thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one-third of the amount paid for interest as aforesaid:

(D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares:

(E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section:

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Power to borrow.

11. The Company may in respect of the capital of three hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking such sums as they think fit not exceeding in the whole one hundred

thousand pounds (that is to say) When one hundred thousand pounds part of such capital has been issued and accepted and one-half thereof has been bonâ fide paid up and certified as herein-after mentioned they may borrow on mortgage any sum not exceeding thirty-three thousand three hundred and thirty-three pounds six shillings and eightpence and a like additional sum of thirty-three thousand three hundred and thirty-three pounds six shillings and eightpence when every further sum of one hundred thousand pounds of such capital up to three hundred thousand pounds has been issued and accepted and one-half thereof has been bonâ fide paid up and certified as herein-after mentioned but no such borrowing powers shall be exercised by the Company until they shall prove to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for raising the portion of capital in respect of which the borrowing power is to be exercised have been issued and accepted and that one-half thereof has been bonâ fide paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof and on production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proofs aforesaid have been given which certificate shall be sufficient evidence thereof.

For appointment of a receiver.

12. Mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

Power to create debenture stock.

13. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture-stock.

Application of moneys.

14. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

First ordinary meeting.

15. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

16. The number of directors shall be nine but the Company may from time to time reduce the number provided that the number be not less than five and in case of any reduction the Company may from time to time increase the number within the limit aforesaid.

Qualification of directors.

17. The qualification of a director shall be the possession in his own right of not less than fifty shares.

Quorum.

18. The quorum of a meeting of directors shall be three.

First directors.

19. John Sutherland Harmood Banner Benjamin Cain Hugh Cullen Sir William Bower Forwood Walter Glynn William Nelson George Nicholson James Marke Wood and one person to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act.

At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the powers herein-before contained for varying the number of directors) elect three persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

III.—LANDS AND WORKS.

Power to take lands.

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

Power to make railways and other works.

21. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways and subways or street tunnels herein-after described with all proper stations sidings approaches bridges tunnels works and conveniences connected

therewith The railways and subways or street tunnels herein-before referred to and authorised by this Act are—

Railway No. 1—A railway 3 furlongs 0·30 chains in length commencing by a junction with the Aintree and Bootle Branch of the Lancashire and Yorkshire Railway and terminating in the goods yard of the Midland Railway Company in Regent Road by a junction with the most western siding of the Midland Railway in the said goods yard (leading to the Bootle Goods Branch Railway of the last-mentioned company and to the line of docks railway of the Mersey Docks and Harbour Board):

Railway No. 2—A railway one furlong 4·50 chains in length commencing by a junction with Railway No. 1 and terminating in the said goods yard of the Midland Railway Company by a junction with the most eastern siding therein of the Midland Railway (leading to the Bootle Goods Branch Railway of the last-mentioned Company):

Subway No. 1—A subway street tunnel or passage for cattle and other animals with their drivers or persons in charge of them across and under Rimrose Road:

Subway No. 2—A subway street tunnel or passage for cattle and other animals with their drivers or persons in charge of them across and under Grove Street.

Power to grant easements.

22. 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 Company any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Period for compulsory purchase of lands.

23. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall as respects the lands marked A on the deposited plans cease after the expiration of three years from the passing of this Act and as respects the lands marked B on the said plans shall cease after the expiration of five years from the passing of this Act.

Restrictions on displacing persons of the labouring class.

24.—(1) The Company shall not under the powers of this Act purchase or acquire in any parish ten or more houses which on the fifteenth day of December last were or since that day have been or shall hereafter be occupied either wholly or partially by persons

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belonging to the labouring class as tenants or lodgers unless and until the Company—

(*a*) 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*) 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 Company acquire or appropriate any house or houses for the purposes of this Act 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 Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking:

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated for the purpose of such 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 sub-section subject to such conditions (if any) as they may see fit.

(8) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9) The Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

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(10) The Company 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 expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11) For the purposes of this section the expression "labouring class" 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.

Company may stop up streets and extinguish rights of way.

25. The Company so soon as they shall have become owners in possession of the land and houses on both sides of any of the following streets (namely) Cranworth Street Hemer Terrace and Hemer Place may stop up and discontinue for public traffic those streets respectively and upon the stopping up and discontinuance for traffic of the same respectively the sites and soil thereof respectively shall be by this Act vested in the Company freed from all public and other rights of way or passage or other rights in over or affecting the same.

The Company shall before stopping up any street or road by this Act authorised to be stopped up effectually grant and convey to the mayor aldermen and burgesses of the borough of Bootle free of charge for use as part of the public highway called Rimrose Road so much of the premises numbered 39 40 and 41 on the deposited plans as may be required to enable the said mayor aldermen and burgesses to continue the line prescribed by them as the building line on the western side of Rimrose Road which shall be in continuation of the existing line on the same side of Rimrose Road to the north and south of the premises herein-before mentioned and the Company shall execute such street works upon the lands so given up as shall be required to complete the same in like manner as Rimrose Road aforesaid has been constructed.

Power to acquire lands by agreement and to dispose of lands.

26. In addition to the lands herein-before authorised to be acquired the Company may from time to time acquire but only by agreement and may hold and use any lands adjoining such first-mentioned lands and not exceeding fifteen acres in extent which they may think requisite for any of the purposes of their undertaking and may sell let or otherwise dispose of any lands belonging to them which are not required for the purposes of their undertaking.

Lands which are only separated by a road street or railway shall be deemed to be adjoining lands within the meaning of this section Such first-mentioned lands as aforesaid and any adjoining lands acquired under the powers of this section are together in this Act referred to as "the Bootle Site" Nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any lands acquired under this section.

Limits of lateral and vertical deviation.

27. In the construction of the works by this Act authorised other than the railways the Company may deviate laterally from the lines thereof within the limits of deviation shown on the deposited plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards or ten feet downwards Provided that the powers of lateral and vertical deviation conferred by the Railways Clauses Consolidation Act 1845 shall apply to the railways by this Act authorised.

Power to cross a certain road on the level.

28. Subject to the provisions in this Act and in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of the Railway No. 1 carry the same with a single line only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the road next herein-after mentioned (that is to say) :—

No. on deposited Plan.	Parish.	Description of Road.
162	Walton-on-the-Hill - -	Public carriage road.

Provisions for the protection of the corporation of Bootle.

29. In the construction of the railways subways and works by this Act authorised in the borough of Bootle (in this section referred to as "the borough") and for the protection of the mayor aldermen and burgesses of the borough (in this section called "the corporation") the following provisions shall apply and have effect :—

(1) Notwithstanding anything contained in this Act or shown on the deposited plans and sections the Company shall not except with the consent in writing of the corporation under their common seal and subject to such terms and conditions as they may impose construct Railway No. 1 across Grove Street on the level :

(2) Nothing in this Act shall limit or interfere with the rights or powers of the corporation to alter and improve the levels of Grove Street if they shall think fit so to do :

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(3) The Company shall not commence the construction of any works across over or under or in any way affecting any street or road in the borough and shall not break up any street road or passage or interfere with any sewer drain or watercourse until they have given to the town clerk of the borough one month's previous notice in writing of their intention to commence the works And such notice shall be accompanied by plans sections and other necessary particulars showing the works proposed to be executed and the streets roads passages sewers drains and watercourses proposed to be interfered with and such works shall be carried out only in accordance with such plans sections and particulars as shall have been reasonably approved by the corporation and under the superintendence and to the reasonable satisfaction of the surveyor or engineer for the time being of the corporation:

(4) Whenever it may be necessary in the execution of the works authorised by this Act or otherwise in relation thereto to interrupt or interfere with any existing sewer or drain the Company shall before interrupting or interfering with such existing sewer or drain construct according to a plan to be approved of by the corporation another sewer or drain in lieu thereof and of equal capacity with the sewer or drain which may be interrupted or interfered with and such sewer or drain or substituted sewer or drain shall be connected by and at the expense of the Company with any existing sewer or drain which may be interrupted or interfered with and in such manner as shall be approved by the corporation:

(5) If by reason of the execution of any of the powers of this Act any increased length of sewers or drains shall become necessary the same shall be constructed by the corporation at the expense of the Company:

(6) The Company shall not cause or permit the discharge into any sewer or drain of the corporation of any blood offal dung refuse or other matter whatsoever which would or might cause or tend to cause any obstruction in such sewer or drain or prevent the free flow and carriage of sewage therein or which would from its temperature or otherwise be injurious from a sanitary point of view Any violation by the Company or their servants or by the tenants of the Company or by any other person of the provisions of this sub-section shall render the Company or their tenant or such other person (as the case may be) liable to a penalty not exceeding five pounds and to a daily penalty not exceeding one pound for each day on which the offence is continued after conviction therefor and the Company shall indemnify the corporation from all costs damages and

other consequences of any proceedings which may be taken against the corporation either in a court of law or otherwise in respect of any violation of the provisions of this sub-section:

If any such matter as aforesaid is required to be carried away by means of sewers or pipes the Company shall construct and maintain at their own cost on their own premises proper and sufficient catch-pits and works for intercepting solid matter:

(7) If by reason of the execution of any of the powers of this Act the corporation shall at any time necessarily incur any cost in altering any existing or constructing any new sewer or drain the Company shall from time to time repay to the corporation such additional cost and the same may be recovered in any court of competent jurisdiction:

(8) All connexions with sewers or drains of the corporation shall be executed at the option of the corporation either by their surveyor at the cost of the Company (which may be recovered by the corporation in any court of competent jurisdiction) or by the Company under the superintendence and to the reasonable satisfaction of the surveyor or engineer for the time being of the corporation:

(9) Before any street road passage or place is temporarily deviated or obstructed the Company shall provide proper accommodation for the traffic and access to houses and property and shall maintain fence watch and light the same to the reasonable satisfaction of the corporation:

(10) If the Company by any improper delay or omission fail to restore any street road or passage within the borough which they have temporarily closed for the purposes of this Act within a period of twelve months from such closing then the corporation may cause the same to be done and the expenses incurred thereby shall be paid by the Company to the corporation on demand:

(11) The Company shall not within the borough without the consent of the corporation under the hand of the town clerk use gunpowder or any other explosive substance in the construction of the works authorised by this Act:

(12) Any paving metalling or material removed by the Company from any street or road repairable by the inhabitants at large which may be stopped up under the provisions of this Act shall if so required by the corporation be delivered by the Company to the surveyor for the time being of the corporation or to such person or persons as he may appoint to receive the same Provided that if within fourteen days after notice duly given to such surveyor such paving metalling or material is not removed

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by such surveyor or by such person or persons aforesaid the same shall vest in and belong to the Company :

(13) Any dwelling-houses erected on any land acquired by the Company under this Act including any dwelling-houses erected under the provisions of the section of this Act of which the marginal note is "Restrictions on displacing persons of the labouring class" shall be subject to the provisions of any public or local Act and to any byelaws for the time being in force within the borough relating to buildings and any other buildings so erected by the Company shall with respect to drains and other sanitary details be subject to the provisions of any such public or local Act and to any such byelaw which relates to such matters :

(14) While the Company are possessed under the authority of this Act of any lands houses buildings or other property in the borough assessed to the borough rate general district rate or watch rate and until the works to be constructed under the authority of this Act in the borough are so far completed as to be assessable the Company shall be liable to make good the deficiency in the assessments for such rates by reason of such lands houses buildings or property being taken or used by them for the purposes of this Act and the deficiency shall be computed according to the rental at which such lands houses buildings and property respectively are rated at the time of passing this Act :

(15) Any penalties imposed by this section may be recovered in a summary manner and all costs damages and expenses payable under this section shall be recoverable in any court of competent jurisdiction.

For the protection of the Liverpool Corporation.

30. In constructing and maintaining the works by this Act authorised and in exercising any of the powers by this Act conferred upon the Company the Company shall observe and perform and fulfil the following provisions stipulations and conditions namely :—

(1) The provisions of the Railways Clauses Consolidation Act 1845 contained in sections 18 to 23 so far as the same are applicable shall apply to the water mains and pipes of the corporation of Liverpool (herein-after called "the corporation") and whenever in those sections the word "company" or "society" is used the same shal for all purposes of this Act be held to extend to and include the corporation :

(2) Whenever the mains or water pipes of the corporation shall be severed or interfered with by the works authorised by this Act and whenever in consequence of such works it is necessary for maintaining the supply of water to lay additional mains or

water pipes such additional mains or water pipes shall previous to the severance or interference be laid by the corporation at the expense of the Company:

(3) If by reason of the execution of any of the powers by this Act authorised any increased length of mains or water pipes shall become necessary the same shall be laid down by the corporation at the expense of the Company:

(4) Whenever by the appropriation or destruction of property by this Act authorised any mains or water pipes laid for the supply of such property except pipes inside such property shall be rendered unnecessary the Company shall pay to the corporation the cost of laying an equivalent length of main or water pipe and the cost of the works required for the discontinuation of these mains or water pipes rendered unnecessary to such amount as shall be estimated by the water engineer and the mains and water pipes so rendered unnecessary shall be the property of the Company:

(5) If by reason of the construction maintenance or working of the railways subways tunnels or works by this Act authorised or the failure thereof or of any works connected therewith or herein-before provided for the corporation shall sustain any damage or injury or incur any liability the Company shall make full compensation to the corporation and shall indemnify them against any action or claim for damages in respect thereof:

(6) The Company shall make such provision for enabling the corporation to lay relay and maintain water mains pipes hydrants valves and other works in over or under the tunnels subways and works by this Act authorised as the water engineer of the corporation shall from time to time require and approve and the Company shall not make any claim against the corporation for or in respect of any damage arising to the works or property of the Company from or by reason of any defect in or failure of any main pipe hydrant valve or other work of the corporation and the Company shall indemnify the corporation from and against any claim or demand by reason of such failure or defect aforesaid for any injury or damage suffered by any person or persons for the time being using the Company's works and property:

(7) That if any railway by this Act authorised shall cross a public road in which the corporation are empowered to lay pipes for the supply of water the Company shall in constructing such railway make provision for the future laying of such

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water pipes to the reasonable satisfaction of the water engineer of the corporation.

For protection of the Liverpool United Tramways and Omnibus Company Limited.

31. For the protection of the Liverpool United Tramways and Omnibus Company (in this section referred to as "the tramway company") the following provisions shall unless otherwise agreed in writing between the Company and the tramway company have effect (that is to say):—

(1) The Company shall not be entitled to acquire any lands shown upon the deposited plans used or occupied by the tramway company or to interfere with any tramway belonging to them except to the extent and on the terms and conditions herein-after in this section set forth:

(2) The Company shall before entering upon or interfering with any lands or tramways used or occupied by the tramway company acquire and purchase at their own expense the piece of land coloured blue upon a plan signed by John Thomas Wood and Robert Alfred Busby with reference to this section a copy whereof is signed by Sir Theodore Fry Baronet the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and is deposited in the Private Bill Office of the House of Commons and shall free of all cost vest the fee simple in possession of the said land in the tramway company:

(3) The Company shall also before entering upon or interfering with any lands or tramways used or occupied by the tramway company arrange with the corporation of Bootle to construct at the expense in every respect of the Company a tramway or turn-out as shown on the said plan between the points A and B for the purpose of affording access from the tramways held by the tramway company under a lease from the said corporation to the said piece of land coloured blue and shall arrange with the said corporation that such new tramway shall be held by the tramway company upon the terms of the said lease but so that the tramway company shall not pay to the said corporation any increased or additional rental or other consideration in respect of such new tramway:

(4) The Company shall within one month after the completion thereof pay to the tramway company the expense incurred by them in erecting a suitable wall 10 feet in height on the south and east sides of the said piece of land coloured blue with suitable entrance gates at the point where the new tramway will enter upon that land and the expense of laying down a tramway from the point marked B to the tramways in the carriage shed

belonging to the tramway company and shall also pay to the tramway company all expenses the tramway company may incur in making such alterations in the said carriage shed and the tramway lines therein as may be necessary in consequence of the substitution of the new method of entrance into such shed for that at present existing:

(5) The Company shall build lineably with the existing boundary wall of the tramway company a good and sufficient wall to the reasonable satisfaction of the tramway company between the points marked C and D on the said plan:

(6) The Company shall within one calendar month after the commencement of any of the works by this Act authorised pay to the tramway company the sum of one hundred pounds:

(7) Upon the complete performance by the Company of the obligations herein-before in this section imposed upon them the tramway company shall at the cost of the Company assign to the Company all their interest in the piece of land coloured red upon the said plan which forms part of a larger piece of land held by the Company from the Earl of Derby under an agreement for a lease for seventy-five years from the twenty-fifth day of March one thousand eight hundred and eighty-four at a total rental of one hundred and eighty-seven pounds ten shillings per annum The Company shall hold the said land coloured red at an apportioned rent of thirteen pounds per annum and shall indemnify the tramway company against the said apportioned rent and against the covenants and conditions of the said lease so far as they affect the land coloured red and the Company shall procure the consent of the said Earl to such assignment and apportionment of rent as aforesaid:

(8) The Company shall be entitled if they so desire within three years after the passing of this Act to take for the purposes of their railway the piece of land coloured green on the said plan at the north-west corner of the land of the tramway company and if the Company take the said land they shall pay the tramway company the sum of one pound per square yard in respect thereof and shall indemnify the tramway company against a proportionate part according to the extent of such land of the rent under which they hold the same as aforesaid and against the covenants in the said lease applicable thereto and shall procure the consent of the said Earl to the assignment to them of the land so taken and the apportionment of rent in respect thereof and shall erect a good and sufficient boundary wall between the land coloured green and the land retained by the tramway company and shall make good to the reasonable

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satisfaction of the tramway company all interference with any buildings or erections of the tramway company consequent on the taking of the said piece of land coloured green Provided that the tramway company shall have the privilege of using the wall of any viaduct or other building which the Company may erect on the said piece of land so far as the same shall adjoin the land of the tramway company for the purpose of deriving support therefrom to any building which the tramway company may erect upon their land:

(9) The Company shall not so long as the premises of the tramway company now held from the said Earl of Derby as aforesaid or any part thereof shall be used for the purpose of a tramway or omnibus stable use any land acquired by the Company for the purposes of this Act and situate within a distance of thirty feet from any premises of the tramway company for the purpose of slaughtering beasts thereon or for the purpose of a meat market or for the purpose of penning cattle thereon without the consent in writing of the tramway company:

(10) If in consequence of the proximity of the railway of the Company to the premises of the tramway company any higher rate of premium for insurance against fire than that at present charged shall at any time become payable by the tramway company in respect of the buildings now or at any time hereafter standing on the said land belonging to them or in respect of the contents of any such buildings the Company shall on demand repay to the tramway company in every year the extra premium so paid as aforesaid:

(11) The Company shall not permit any cattle to pass into or out of their land from or into Rimrose Road by means of any gate or other opening at a point nearer than forty feet from the point marked B on the said plan:

(12) The Company shall make full compensation to the tramway company for all loss and damage (other than loss and damage for which provision is herein-before specifically made) including loss of traffic by any interruption or stoppage of traffic of the tramway company from time to time occasioned to or incurred by the tramway company by or in consequence of the execution of the works by this Act authorised.

Railway deposit money not to be repaid except so far as railways are opened.

32. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of two thousand five hundred and one pounds nineteen shillings and eightpence whereof the sum of two thousand and eighty-four pounds represents five per cent. on the amount of the estimate in respect of the railways (in this Act referred to as "the railway deposit fund")

and the sum of four hundred and seventeen pounds nineteen shillings and eightpence represents four per cent. on the amount of the estimate in respect of the subways or street tunnels (in this Act referred to as "the subways or street tunnels deposit fund") has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act Be it enacted that notwithstanding anything contained in the said Act the said railway deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for completion of the railways open the same for public traffic and if the Company shall make default in so opening the railways the railway deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the railways for public traffic then on the production of a certificate of the Board of Trade specifying the length of the portion of the railways opened as aforesaid and the portion of the railway deposit fund which bears to the whole of that fund the same proportion as the length of the railway so opened bears to the entire length of the railways the High Court shall on the application of the depositors order the portion of the railway deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of railway deposit fund.

33. If the Company do not previously to the expiration of the period limited for the completion of the railways complete the same and open them for public traffic then and in every such case the railway deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred on the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions

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as to the High Court may seem fit and if no such compensation is payable or if a portion of the railway deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the said fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors Provided that until the deposit fund has been repaid or retransferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Release of subways or street tunnels deposit fund.

34. On the application of the depositors at any time after the passing of this Act the High Court may order that the subways or street tunnels deposit fund and the interest and dividends thereon shall be transferred to the depositors or to any other person or persons whom the depositors may appoint in that behalf.

Period for completion of works.

35. If the railways and subways or street tunnels are 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 Company for making and completing the railways and subways or street tunnels or otherwise in relation thereto shall cease except as to so much thereof respectively as is then completed.

Tolls for use of railways.

36. The Company may demand and take for the use of the railways by any other company or person such reasonable tolls as they think fit.

Rates for merchandise.

37. The classification of merchandise traffic and the schedule of maximum rates and charges applicable thereto and the regulations and provisions contained in the schedule to the Railway Rates and Charges No. 10 (Lancashire and Yorkshire Railway &c.) Order 1892 (which Order is scheduled to and confirmed by the Railway Rates and Charges No. 10 (Lancashire and Yorkshire Railway &c.) Order Confirmation Act 1892) shall be applicable and apply to the Company as if it were the railway company named in the Order confirmed by the said Act.

Saving as to passenger traffic.

38. Nothing in this Act shall be deemed to authorise the Company to take any tolls rates or charges in respect of the conveyance of passengers on their railways.

For the protection of the Lancashire and Yorkshire Railway Company.

39. The powers of this Act with respect to the purchase and acquisition of lands otherwise than by agreement for the purposes of the railways and works hereby authorised and with respect to the making and maintaining of the same shall unless with the previous consent of the Lancashire and Yorkshire Railway Company (in this section called "the Lancashire and Yorkshire Company") in writing under their common seal be exercised only subject to and in accordance with the following provisions :—

(1) The Company shall not without in every case the previous consent of the Lancashire and Yorkshire Company in writing under their common seal take use enter upon or interfere with any land railway siding or other work belonging to or worked by that company :

(2) With respect to any land of the Lancashire and Yorkshire Company which the Company is by this Act authorised to take use enter upon or interfere with the Company shall not purchase or take the same but the Company may purchase and take and the Lancashire and Yorkshire Company may and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same :

(3) The junction of Railway No. 1 by this Act authorised with the Aintree and Bootle Branch of the Lancashire and Yorkshire Company shall only be constructed by the Company at such point within the limits of deviation and in such manner as shall be previously agreed upon between the Company and the Lancashire and Yorkshire Company or in case of difference as shall be settled and determined by an engineer to be appointed on the application of either of the said companies by the President for the time being of the Institution of Civil Engineers :

(4) The Company shall bear and on demand repay to the Lancashire and Yorkshire Company the expense of the erection and maintenance by them of any additional signals rendered necessary by the construction of the junction with the said Aintree and Bootle Branch of the Railway No. 1 hereby authorised.

Company to provide terminal accommodation for traffic to be conveyed over Lan-

40. The Company shall provide and maintain at their own cost proper and sufficient accommodation on the Bootle site for dealing with arranging into convenient trains receiving and despatching traffic conveyed or to be conveyed by the Lancashire and Yorkshire Railway Company and destined for or coming from any market on the Bootle site and if any question shall arise as to the sufficiency

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Lancashire and Yorkshire Railway.

of such accommodation the question shall be settled by arbitration under the Railway Companies Arbitration Act 1859 Provided that if the Company shall not provide such proper and sufficient accommodation as aforesaid and the Lancashire and Yorkshire Railway Company shall provide the same or any part thereof they shall be entitled to such proportion of the terminal charges as shall from time to time be agreed upon or failing agreement be settled by arbitration under the last-mentioned Act.

For protection of the Midland Railway Company.

41. The powers of this Act with respect to the purchase and acquisition of lands otherwise than by agreement for the purposes of the railways and works hereby authorised and with respect to the making and maintaining of the same shall unless with the previous consent of the Midland Railway Company (herein-after called "the Midland Company") in writing under their common seal be exercised only subject to and in accordance with the following provisions:—

(1) The Company shall not without in every case the previous consent of the Midland Company in writing under their common seal take use enter upon or interfere with any land railway siding or other work belonging to or worked by that company:

(2) With respect to any land of the Midland Company which the Company is by this Act authorised to use enter upon or interfere with the Company shall not purchase or take the same but the Company may purchase and take and the Midland Company may and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same:

(3) Notwithstanding anything in this Act contained the junctions hereby authorised with the Midland Company's sidings in their Alexandra Dock Station at Bootle shall only be effected at such place and in such manner and according to such mode of construction as shall be reasonably approved of by the principal engineer for the time being of the Midland Company and all works necessary for effecting such junctions so far as the same shall be situate on any land or property of the Midland Company shall be constructed by and under the superintendence of the Midland Company and the cost thereof shall be repaid on demand by the Company to the Midland Company:

(4) The said junctions railway and works where the same will be made upon under or across or will otherwise interfere with any railway siding or other work belonging to the Midland Company shall subject to the foregoing provisions of this enactment be constructed according to plans sections and specifications to be previously approved by the principal engineer for the time

being of the Midland Company who shall report thereon within one month after the same shall have been submitted to him and any difference thereon between him and the principal engineer for the time being of the Company shall (subject as aforesaid) be determined by arbitration in manner herein-after provided :

(5) If by reason of the execution of any of the works or any proceedings of the Company or the failure of any such works or any act or omission of the Company or of their contractors or of any person in the employ of the Company or of their contractors or otherwise any railway siding or other work of the Midland Company shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do then the Midland Company may make good the same and recover the expense thereof with full costs against the Company in any court of competent jurisdiction And if any interruption shall be occasioned to the traffic of or upon any such railway siding or other work of the Midland Company by reason of any of the matters or causes aforesaid the Company shall pay to the Midland Company all costs and expenses to which that company may be put as well as full compensation to be recoverable with full costs by that company from the Company in any court of competent jurisdiction :

(6) The Company shall at all times maintain the subway or other works under the property or other works of the Midland Company in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer of that company and if and whenever the Company fail so to do the Midland Company may make and do in and upon as well the lands of the Company as their own lands all such works and things as that company reasonably think requisite in that behalf and the reasonable amount of such their expenditure shall be repaid to them by the Company and in default of full repayment may be recovered with full costs by the Midland Company from the Company in any court of competent jurisdiction :

(7) The Company shall bear and on demand repay to the Midland Company the expense of the erection and maintenance by them of any additional signals in their Alexandra Dock Goods Station at Bootle rendered necessary by the construction of the junctions of the railways hereby authorised :

The Company shall also bear and on demand repay to the Midland Company the necessary expenses incurred by them in

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making such alterations or re-arrangement of their sidings in their said station as will be rendered necessary in consequence of the construction of the said junctions :

(8) If the Midland Company shall at any time hereafter for the purposes of their undertaking reasonably require to alter the position or formof the junctions of the railways of the Company with their sidings the Company shall afford to the Midland Company all reasonable and proper facilities for carrying out such alterations :

(9) If any difference shall arise between the Company and the Midland Company as to the true intent and meaning of this section or the mode of giving effect thereto the same shall be from time to time determined by arbitration in the manner prescribed by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

Company to provide terminal accommodation for traffic to be conveyed over Midland Railway.

42. The Company shall provide and maintain at their own cost proper and sufficient accommodation on the Bootle site for dealing with arranging receiving and despatching traffic conveyed by the Midland Company and destined for or coming from any market on the Bootle site and if any question shall arise as to the sufficiency of such accommodation the question shall be settled by arbitration under the Railway Companies Arbitration Act 1859 Provided that if the Company shall not provide such proper and sufficient accommodation as aforesaid and if the Midland Company shall provide the same or any part thereof they shall be entitled to such proportion of the terminal charges as shall from time to time be agreed upon or failing agreement be settled by arbitration under the last-mentioned Act.

IV.—Transfer of Undertaking of Old Company.

Transfer and vesting of Undertaking of Old Company.

43. On and from the date of completion of the purchase of the undertaking of the Old Company in pursuance of the agreement whereof a copy is set out in the First Schedule to this Act (which date is in this Act referred to as "the date of transfer") the undertaking of the Old Company (which expression in this Act includes all the powers rights privileges property assets and liabilities of the Old Company) shall be by virtue of this Act and by deed of conveyance duly stamped with respect to the consideration for the sale and the transfer transferred to and vested in the Company for all the estate rights and interest therein of the Old Company for the consideration and on the terms and conditions contained in the agreement and all such powers rights and privileges may be henceforth exercised put in force and enjoyed by the Company subject

to the provisions of this Act and the said agreement is hereby confirmed and made binding on the Company and the Old Company Provided that the several periods mentioned in clauses 4 and 5 of the said agreement may be extended or reduced by such periods (not exceeding six months) as may be agreed upon between the Company and the Old Company:

Provided that nothing in this Act contained shall be held to empower the Company to exercise on the site of the existing market any further or other powers rights or privileges than those capable of being exercised by the Old Company at the time of the passing of this Act.

Company to discharge mortgage debt.

44. The mortgage or debenture debt of the Old Company amounting to seven thousand nine hundred and fifty pounds shall be discharged and satisfied by the Company.

Saving for contracts and actions.

45.—(1) From the date of the transfer all agreements awards contracts conveyances deeds leases mortgages securities and other acts and things which are in force at the date of transfer in favour of or against the Old Company and all obligations and liabilities incurred by the Old Company and in force at the date of transfer shall continue in force to the like extent and be as valid and effectual to all intents in favour of against or with reference to the Company as they would have been in favour of against or with reference to the Old Company (but not further or otherwise) if the transfer had not taken place and may be proceeded with and enforced accordingly by against and in the name of the Company.

(2) From the date of the transfer any action arbitration or other proceeding or cause of proceeding pending or existing in respect of the undertaking of the Old Company at the date of transfer by with against or in favour of the Old Company shall not abate or be prejudicially affected by the vesting but on the contrary may be continued or commenced and carried on by with against or in favour of the Company as if the transfer had not taken place the Company only being substituted for the Old Company as party or otherwise in relation thereto.

Application of Act regulating the Old Company.

46. The unrepealed provisions of the Act of 1832 which regulated the Old Company shall subject to the provisions of this Act extend and apply to the Company and to their markets as they exist from time to time whether on the existing site or on the Bootle site and to offenders and other persons included in or affected by the said provisions Provided that any power given by such unrepealed provisions to one or more justices shall be exercised only by a court of summary jurisdiction.

Eventual dissolution of Old Company.

47. On and from the date of transfer the Old Company shall be by virtue of this Act dissolved and cease to exist.

Power to discontinue existing market of Old Company.

48. Subject to the provisions of this Act the Company may if they see fit discontinue the holding of any market on the existing site whereon a market is now held by the Old Company and may sell or let the site and any buildings thereon or used in connexion therewith Provided that they shall apply the proceeds of any sale to purposes of this Act to which capital is properly applicable.

Stanley Market to be kept open for a certain period.

49. The cattle market at Stanley shall be kept open and in full working order for the space of at least two years after the completion of the new cattle market and other buildings authorised by this Act at Bootle The term "completion" shall be deemed to include the erection by or with the approval of the Mersey Docks and Harbour Board of suitable fixed or floating landing stages or the construction or right to use a dock or docks suitable for the landing of cattle conveniently near to the site of the proposed market and the certificate of the Board of Agriculture (which they are hereby empowered to give) shall be conclusive evidence that such landing accommodation as aforesaid has been provided.

V.—General Powers.

Power to provide and use market buildings on the Bootle site.

50. The Company may on the Bootle site establish and hold a market or markets and in connexion with and for the purposes of their undertaking the Company may on the Bootle site—

(i.) Provide maintain use let and regulate market buiidings wharves warehouses inns shops offices slaughter-houses cattle-pens sheds weighing machines refrigerators appliances for the utilisation and disposal of offal and refuse and any buildings appliances and things necessary or proper for or incidental to the sale and accommodation (whether for the purposes of sale or not) of cattle and other live stock meat poultry game hides hay straw fruit vegetables and other articles and things with power to buy sell deal in and convey by land and by sea the above-mentioned animals articles and things:

(ii.) Lay down construct and maintain on any lands belonging to them or authorised to be used by them for the purpose tramways and other works and conveniences:

(iii.) Make connexions with public sewers and drains and for that purpose open and break up with the consent of the urban authority any road street or public place and discharge sewage and other matters into such sewers and drains:

(iv.) Carry on any business and do any act or thing incidental or conducive to the exercise of any of the powers specifically conferred on them by this Act.

Power to hire vessels.

51. The Company may hire and charter ships and vessels for the transport of animals articles and things brought or destined to be brought to or from any market of the Company and may make and recover charges in respect of the provision of such transport and any services connected therewith.

Power to take tolls &c. in respect of markets on Bootle site.

52. The Company may from time to time demand and receive tolls and charges (not exceeding the tolls and charges specified in the Second Schedule to this Act) from persons selling or offering or exposing for sale cattle or such other live stock articles and things as in the said schedule mentioned in any market of the Company on the Bootle site and may also demand and receive from persons selling offering or exposing for sale any animals articles and things not mentioned in the said schedule and from persons using or occupying any refrigerators appliances or accommodation (not mentioned in the said schedule) in any such market such reasonable tolls rents and charges as they may from time to time fix Provided that the tolls if any charged by the Company for the weighing of animals shall not exceed the amounts authorised by or under section 8 of the Markets and Fairs (Weighing of Cattle) Act 1887 which section shall apply to all such tolls.

Tolls &c. when payable.

53. The tolls rents stallages and charges authorised by this Act to be taken shall become due and payable as soon as the animal article or thing in respect of which the same are respectively payable is brought within the market or as soon as the pen lair stall stand bench or convenience in respect of which the same are respectively payable is first occupied or used.

Tolls to be made payable by successive sellers.

54. The toll payable with respect to any animal or article shall be paid not only by the original seller but also by any subsequent seller or person who offers such animal or article for sale and such tolls shall become payable before such animal or article is sold or offered for sale.

Company may issue certificates of animals or goods left or deposited.

55. The Company from time to time at the request of any person leaving warehousing or depositing any animals or goods on the premises of the Company or entitled to any animals or goods so left warehoused or deposited may if the Company think fit issue and deliver to him a certificate of such animals or goods having been so left warehoused or deposited.

Company may issue warrants for delivery.

56. On delivery to the Company of any such certificate to be cancelled the Company may issue to the person delivering up the certificate a warrant for the delivery of all or any animals or goods specified in the certificate Provided that if the warrant be for the delivery of some only of the animals or of part only of the goods the

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Company shall issue to the person delivering up the certificate a new certificate with respect to the animals or goods not specified in the warrant.

Effect of certificate or warrant.

57. Every such certificate and warrant shall be deemed to be a document of title to the animals or goods specified therein and shall be transferable by endorsement and any holder of such certificate or warrant whether the person named therein or the endorsee thereof shall have the same right to the possession and property of such animals or goods as if they were left or deposited in his own warehouse.

Every such certificate or warrant shall state on the face thereof the effect of this section and that it is issued under the powers of this Act.

Certificate or warrant not to be given till freight rates &c. paid.

58. No such certificate or warrant shall be given unless and until all liens and claims for freight (if any) and all other liens or claims whatsoever to which the animals or goods were liable while on board any vessel and before the leaving warehousing or depositing of the same and of which the Company have had notice in writing and all rates rents charges and expenses payable to the Company with respect to the leaving warehousing or depositing of the animals or goods or for services performed by the Company in respect thereof are paid or discharged.

Warrants &c. signed by duly authorised officers sufficient.

59. All certificates delivery warrants transfer certificates and other documents relating to animals or goods in the custody of the Company or to the management of the business of their undertaking if signed and issued by any officer duly authorised in that behalf shall be as effectual in law as if the same were under the seal of the Company.

Saving for the Corporation of Bootle.

60.—(1) Except as otherwise expressly provided by this Act nothing in this Act shall be deemed to limit prescribe or override the powers rights or privileges now vested in or exercisable by the mayor aldermen and burgesses of the borough of Bootle (in this section called "the corporation") under or by virtue of the following enactments or any of them (that is to say) The Public Health Acts and the provisions of the Markets and Fairs Clauses Act 1847 the Towns Improvement Clauses Act 1847 and the Towns Police Clauses Act 1847 incorporated therewith and the Weights and Measures Acts 1878 and 1889 Provided always that if and so long as the Company establish and carry on a market on the Bootle site for any of the purposes by this Act authorised the corporation shall not exercise the powers vested in them by sections 166 and 167 of the Public Health Act 1875 for any such purpose Provided also that the corporation shall not in the exercise of the powers vested in them

by section 112 of the Public Health Act 1875 withhold their consent to the establishment by the Company of any trade or business which the Company are by this Act authorised to establish but the giving of such consent shall not prejudice any other rights powers or authorities by the said Act vested in the corporation.

(2) Nothing in this Act shall be deemed to authorise or empower the Company to make or enforce any byelaw which would be inconsistent or conflict with any byelaw of the corporation for the time being in force.

VI.—Miscellaneous.

Repeal of part of Old Company's Act of 1832.

61. From and after the date of the transfer to the Company of the undertaking of the Old Company sections 1 to 54 of the Act of 1832 (2 Will. IV. c. viii.) and the schedule to that Act shall be repealed without prejudice to anything done or suffered before the passing of this Act Provided that so long as a market is held on the existing site whereon a market is now held by the Old Company the tolls mentioned in the said schedule shall in the case of such market continue in force In the case of any market established on or transferable to the Bootle site the tolls mentioned in the Second Schedule to this Act shall be substituted for the tolls mentioned in the said schedule.

Saving for Acts relating to animals &c.

62. Nothing in this Act shall interfere with the operation or effect of the Diseases of Animals Act 1894 or of any order regulation licence or act of the Board of Agriculture or of any local authority made granted or done thereunder or exempt the markets to which this Act relates or any building or thing whatsoever or any person from the provisions of any general Act relating to animals for the time being in force.

Deposits for future Bills not to be paid out of capital.

63. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

64. Nothing in this Act contained shall exempt the Company or the railways from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision

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or alteration under the authority of Parliament of the maximum rates of fares and charges authorised to be taken by the Company.

Costs of Act.

65. All costs charges and expenses preliminary to and of and incident to preparing applying for and obtaining this Act or otherwise in relation thereto shall be paid by the Company.

SCHEDULES.

FIRST SCHEDULE.

Copy of Agreement.

An Agreement made the 22nd day of February 1895 between the Liverpool New Cattle Market Company (herein-after called the Old Company) of the one part and James Marke Wood of the city of Liverpool merchant and John Sutherland Harmood Banner of the said city chartered accountant as agents for a company proposed to be incorporated with the name of the Liverpool Cattle Market Company (which Company is in this agreement referred to as the New Company) of the other part Whereas the Old Company was incorporated by an Act passed in the year 1832 (2 Will. IV. c. viii.) intituled "An Act for "establishing a market in the parish of Walton-on-the-Hill in the "county palatine of Lancaster" with a share capital of £15,000 divided into 600 shares of £25 each And whereas the whole of those shares have been issued and paid up And whereas the Old Company was by the same Act empowered to borrow on mortgage sums not exceeding £8000 and has in fact borrowed £7950 on mortgage debentures bearing interest at the rate of £4 10*s.* per centum per annum and being redeemable by the Company on the 1st day of October 1895 And whereas the Old Company established and now carries on a successful cattle market in the parish of Walton-on-the-Hill aforesaid And whereas the site of the existing market is by reason of its distance from the Liverpool Docks and its limited extent and for other reasons inconvenient And whereas it is considered that the market might be greatly improved and extended and new branches of business developed if a more convenient and better site were acquired but further capital is required for the purpose And whereas in these circumstances the New Company is to be formed to acquire and take over the existing market undertaking powers property assets and liabilities of the Old Company and for other objects to be included in the Bill which is now being promoted in Parliament for the incorporation of the New Company and for the confirmation of this agreement and other purposes.

Now it is hereby agreed as follows :—

1. This agreement is conditional on the passing of the Bill into an Act confirming this agreement with such variations (if any) as Parliament may see fit to make therein.

A.D. 1896.

2. The Old Company shall sell and the New Company shall purchase and take over the existing market undertaking of the Old Company and all the powers rights real and personal property and assets of the Old Company (except cash at their bankers cash in the hands of the treasurer or debts due to the Old Company) for the consideration and on the terms and conditions expressed in this agreement.

3. Every shareholder in the Old Company shall for every £25 share in that Company receive at his or her option (such option to be exercised by him or her by notice in writing to the clerk of the Old Company at least one calendar month before the 25th day of March 1896 and in the event of such option not being so exercised then in cash) either £100 in cash or £100 in fully paid shares of the New Company such shares to rank for dividend as from the 25th day of March 1896 and every such shareholder shall accept such cash or shares in full satisfaction and discharge of all claims and demands in respect of his interest in the Old Company.

4. The Old Company shall carry on their undertaking up to the 25th day of March 1896 (herein-after called the date of completion) in the ordinary way of business and shall be entitled to the net profits of the undertaking up to that day The purchase shall be completed and the transfer of the undertaking to the New Company shall take place on the said 25th day of March 1896 Provided always and it is hereby expressly agreed that in case after the said New Company shall have been incorporated and after this agreement shall have ceased to be conditional in any respect but shall have become absolutely binding on the said New Company the said New Company shall desire an extension of the time for payment of the purchase money payable to the shareholders of the Old Company and of such desire shall give one calendar month's notice to the clerk of the Old Company then such time shall be extended for such period not exceeding twelve months from the 25th day of March 1896 as the said New Company shall require and in the meantime and from that date the New Company shall pay to the said shareholders interest on their respective purchase moneys at the rate of £4 per centum per annum by half-yearly instalments and the New Company shall be entitled to the net profits of the undertaking as from the 25th day of March 1896 And the said New Company shall give to the said shareholders such security as the directors of the Old Company shall require for the said purchase moneys.

5. If by reason of a dissolution of Parliament or from any other cause this agreement shall not be confirmed by Parliament before the 25th day of March 1896 this agreement shall be read and construed as if the 25th day of March 1897 were substituted for the 25th day of March 1896 throughout this agreement.

6. The New Company will take over and discharge the mortgage or debenture debt of the Old Company (not exceeding the sum of £7950) and will indemnify the members of the Old Company against all liability in respect thereof but the Old Company will pay and discharge all its other debts and liabilities (including interest on the said mortgage or debenture debt) and will indemnify the New Company against the same.

7. The New Company shall accept without investigation the title of the Old Company to all the real and personal property and premises agreed to be hereby sold.

8. The Old Company shall execute and do at the expense of the New Company all such assurances and things as shall be reasonably required by the New Company for vesting in it the said property and premises agreed to be hereby sold or any part thereof and for giving to the New Company the full benefit of this agreement.

9. All reasonable costs charges and expenses heretofore or hereafter incurred or to be incurred by the Old Company of their solicitors surveyors or accountants in and about or in relation to negotiations for a consideration or completion or carrying out of the proposals contained in this agreement or of the agreement itself shall be paid by the New Company and in default thereof by the said James Marke Wood and John Sutherland Harmood Banner either at the date of completion herein-before fixed or at the date of withdrawal of this agreement or of the rejection of the Bill in Parliament whichever shall first happen.

10. When and so soon as this agreement shall become binding on the New Company the said James Marke Wood and John Sutherland Harmood Banner shall be discharged from all liability in respect thereof except in respect of the costs charges and expenses provided for in clause 9.

11. Proper compensation to be agreed upon hereafter shall be made to the clerk of the Old Company on the date of completion.

12. These presents are intended to operate as an agreement only and not as a conveyance transfer or assignment.

13. In the event of any substantial alteration being made in this agreement by Parliament it shall be lawful for either of the parties by written notice to the other to withdraw from the same and on such withdrawal this agreement shall cease to have any operation or effect except as to the payment of costs as aforesaid.

In witness whereof the seal of the New Cattle Market Company has been set to one part of this agreement and the other part has been executed by the said James Marke Wood and John Sutherland Harmood Banner the day and year first before written.

The seal of the Company was affixed in the presence of

Seal of the Liverpool New Cattle Market Company.

John Henderson Director.
Hugh Verdon Director.
John Jos. Yates Clerk to the Company.

February 22 1895.

A.D. 1896.

SECOND SCHEDULE.

Market Tolls and Charges.

	£	s.	d.
For each horse mule or ass per day not exceeding - -	0	1	0
For each ox bull cow or other like cattle per day not exceeding -	0	0	6
For each calf per day not exceeding - - - -	0	0	3
For each sheep lamb or pig per day not exceeding - -	0	0	1
And if in a covered portion of the market double the above tolls.			
For the carcass of every bull steer ox cow or heifer - -	0	1	4
And in like proportion for every quarter of a carcass.			
For the carcass of every calf - - - - -	0	0	6
And in like proportion for every half of a carcass.			
For the carcass of every sheep lamb pig or goat - - -	0	0	3
And in like proportion for every half of a carcass.			
For live or dead ducks fowls or chickens - - each	0	0	$0\frac{1}{2}$
For live or dead geese or turkeys - - - each	0	0	1
For every sucking or roasting pig - - - - -	0	0	1
For every hare leveret rabbit pheasant partridge grouse or other game	0	0	$0\frac{1}{2}$
Pigeons live or dead not exceeding in number one dozen - -	0	0	2
And for every additional six pigeons or part of six pigeons -	0	0	1
For every waggon load of hay straw clover rye grass vetches or fodder	0	1	0
For every cart load of hay straw clover rye grass vetches or fodder	0	0	6
From the occupier of each shop stall or stand for fruit or vegetables raised above the ground with progressive steps benches or otherwise according to the size or dimensions of the same viz. for each superficial square foot thereof:—			
If taken by the year not exceeding the sum of - -	0	6	8
By the half year not exceeding the sum of - - -	0	3	4
By the quarter year not exceeding the sum of - -	0	1	8
If otherwise taken or occupied for each market day or other day in the week not exceeding - - - -	0	0	$1\frac{3}{4}$
From the occupier of each other shop stall stand or bench of whatever nature or kind according to the size and dimensions of the same viz. for each superficial square foot thereof:—			
If taken by the year not exceeding the sum of - -	0	6	8
By the half year not exceeding the sum of - - -	0	3	4
By the quarter year not exceeding the sum of - -	0	1	8
If otherwise taken or occupied for each market day or other day in the week not exceeding - - - -	0	0	$1\frac{3}{4}$
From the occupier of each compartment or space on the surface of the ground according to the size and dimensions of the same viz. for each superficial square foot thereof:—			
If taken by the year not exceeding the sum of - -	0	4	0
By the half year not exceeding the sum of - - -	0	2	0
By the quarter year not exceeding the sum of - -	0	1	0
If otherwise taken or occupied for each market day or other day in the week not exceeding - - - -	0	0	1

	£	s.	d.
From every other person exposing any article matter or thing for sale in the said markets and not occupying any stall stand or bench or any defined compartment or space on the surface of the ground :—			
For every basket or other package of fruit or vegetables not containing more than one bushel - - - -	0	0	1½
For every additional bushel or part of a bushel - -	0	0	1½

FOR USE OF LAIRAGES PER DAY.

For the lairage of every horse mare or gelding - - -	0	1	0
For the lairage of every colt filly foal mule or ass - -	0	0	6
For the lairage of every bull steer cow or heifer - - -	0	0	6
For the lairage of every calf - - - - -	0	0	2
For the lairage of every sheep lamb pig or goat - - -	0	0	1

FOR THE USE OF SLAUGHTERHOUSES.

For each ox bull cow or other like cattle not exceeding - -	0	2	0
For each calf pig and other like animal - - - -	0	0	6
For each sheep - - - - - - -	0	0	3

FOR WEIGHING AND MEASURING.

For every cart waggon or other vehicle weighing with its load not more than one ton - - - - - -	0	0	3
For every cart waggon or other vehicle weighing with its load more than one ton for each additional ton or fractional part of a ton -	0	0	2
For every article matter or thing of whatever description weighing not more than twenty pounds avoirdupois - - -	0	0	0½
For every article matter or thing of whatever description weighing more than twenty pounds but not exceeding two hundred and forty pounds avoirdupois - - - - -	0	0	1
For every article matter or thing of whatever description weighing more than two hundred and forty pounds avoirdupois - -	0	0	2
For measuring any quantity of goods articles matter or thing sold by measure not exceeding one bushel - - - -	0	0	0½
For measuring every quantity more than one bushel and not exceeding two bushels - - - - -	0	0	1
And for every bushel beyond two bushels - - -	0	0	0½

SALES BY AUCTION.

For every sale by auction of whatever kind or nature such sum or sums as the Company may from time to time fix in addition to the sums otherwise payable as tolls or rents under this Act.

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