CHAPTER cxl.

An Act for the abandonment of parts of the Railways authorised by the Mersey Docks and Harbour Board (Overhead Railways) Acts 1882 and 1887 and to authorise the Mersey Docks and Harbour Board to make and maintain a Railway in substitution therefor to empower the Board to alter the Ferry Landing Stage at Liverpool to amend in various respects the Acts relating to the Board; and for other purposes. [12th August 1889.] A.D. 1889.

WHEREAS by the Mersey Docks and Harbour Board (Overhead Railways) Act 1882 (in this Act referred to as "the Act of 1882") the Mersey Docks and Harbour Board (in this Act called "the Board") were authorised to make and maintain as double lines certain overhead or high-level railways therein described in connexion with certain of their docks on the Liverpool side of the River Mersey in substitution for the single lines of overhead or high-level railway described in and authorised by the Mersey Docks and Harbour Board (Overhead Railways) Act 1878 (which last-mentioned Act was repealed by the Act of 1882) and to borrow for the purposes of the Act of 1882 sums not exceeding in the whole six hundred and fifty thousand pounds:

And whereas by the Act of 1882 the time for the compulsory purchase of lands for the purpose of that Act was limited to three years from the passing of that Act and the time for completion of the railways thereby authorised was limited to five years from the passing of that Act which received the Royal Assent on the tenth day of August one thousand eight hundred and eighty-two:

And whereas by the Mersey Docks and Harbour Board (Overhead Railways) Act 1887 (in this Act called "the Act of 1887") the powers of the Board for the compulsory purchase of lands for the purposes of the railways authorised by the Act of 1882 were revived and extended to three years from the passing of the Act of 1887

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and the time for completing the said railways was extended to five years from the passing of the Act of 1887:

And whereas by the Act of 1887 the Board were authorised to make and maintain in connexion with the said authorised railways the additional overhead or high-level railways therein described:

And whereas by section 20 of the Act of 1887 the Board were empowered (amongst other things) to demise or lease to any company incorporated by special Act of Parliament the railways authorised by the Acts of 1882 and 1887 (herein-after referred to collectively as "the Board's authorised railways") and certain powers of the Board with reference thereto:

And whereas by the Liverpool Overhead Railway Company Act 1888 (in this Act called "the Act of 1888") the Liverpool Overhead Railway Company were incorporated and were empowered to accept any lease and do any act or thing which any company incorporated by special Act of Parliament were authorised to accept or do by section 20 of the Act of 1887 and by the reciting Act an agreement (herein-after referred to as "the Agreement of 1888") a copy of which is set forth in the schedule to that Act was confirmed and made binding upon the said Company and the Board:

And whereas it was provided by Article 4 of the Agreement of 1888 that the Board should apply in the then next session of Parliament and if necessary in the following session for powers for making the alteration of the line of overhead railway as shown on the plan mentioned in Article 3 of the said Agreement and coloured blue between the letters B and C in substitution for the corresponding portion of the Board's authorised railways and which were shown in red colour on the said plan:

And whereas it is expedient that for giving effect to the Agreement of 1888 the Board be authorised to construct the deviation railway herein-after described and to abandon the portions of the Board's authorised railways which will be rendered unnecessary by the construction of such deviation railway:

And whereas the Board and the Liverpool Overhead Railway Company have entered into the Agreement a copy whereof is set forth in the schedule to this Act supplemental to and altering in certain respects the Agreement of 1888 and it is expedient that the said Supplemental Agreement be confirmed and the Agreement of 1888 modified accordingly:

And whereas by the Mersey Docks (Liverpool River Approaches) Act 1871 (herein-after called "the Act of 1871") the Board were authorised amongst other things to construct according to certain deposited plans and sections referred to in that Act a floating landing

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stage supported on pontoons placed between and to connect the Prince's Landing Stage and the George's Landing Stage with any requisite alterations in connexion therewith of the existing landing stages and it was (section 9) provided that in lieu of the portions of the Prince's Landing Stage which were to have been appropriated for the exclusive use of ferry steamers pursuant to the thirteenth section of the Mersey Docks (Ferry Accommodation) Act 1860 (which thirteenth section so far as it related to such appropriation was by the reciting Act repealed) the Board should appropriate the whole river frontage of the new floating landing stage to be constructed under the reciting Act as aforesaid including the embayment or recess to be formed therein (which embayment or recess was shown on the said deposited plans) and also of a portion of the Prince's Landing Stage to the extent of fifty feet at the south end thereof for the exclusive use as well as for the convenient working and mooring of ferry steamers:

And whereas it would facilitate the working of the said ferry steamers if the floating landing stage authorised by the Act of 1871 and referred to in section 9 of that Act were altered by filling up the embayment or recess mentioned in the said section and it is expedient that the necessary powers be conferred upon the Board and provision made for that purpose and that such other provision be made as is in this Act in that behalf contained as to the appropriation of parts of the said floating landing stage and of the Prince's Landing Stage:

And whereas it is expedient that the times at which the poll for the election of elective members of the Board shall be opened should be altered as herein-after mentioned that the interval to elapse between the day of nomination of such elective members and the day of polling should be extended and that alterations should be made as herein-after mentioned with respect to the date of nomination of elective members of the Board:

And whereas it is expedient that such further powers as are herein-after specified should be conferred upon the Board and their officers with a view to the more speedy removal or destruction of wrecks and obstacles to the navigation in the River Mersey or the approaches thereto from the sea:

And whereas it is expedient that the Board should be empowered as herein-after mentioned to limit the period during which vessels may remain in the River Mersey or in the sea approaches thereto and to enable the Board from time to time to make byelaws rules and regulations with respect to that matter with penalties for the breach or non-observance thereof:

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And whereas it is expedient to vary or amend as herein-after mentioned the provisions contained in section 183 of the Mersey Dock Acts Consolidation Act 1858 (herein-after referred to as "the Consolidation Act of 1858") and to confer on the Board discretionary power to remove or suspend as herein-after mentioned the prohibition contained in the said section against any persons other than those appointed or employed by the Board being allowed to work within any warehouse dock:

And whereas by section 232 of the Consolidation Act of 1858 after reciting that it frequently happens that steamboats plying on the River Mersey and other steamboats not otherwise chargeable with rates are whilst unemployed or undergoing repairs laid up in the docks it is enacted that the master or owner of every such vessel which shall remain in any dock (except when driven into the docks by stress of weather and except when using a graving dock) shall pay a tonnage rate of twopence per ton per week:

And whereas by reason of the deductions which are required by law to be made from the gross tonnage of steamboats in order to ascertain the tonnage burden thereof it frequently happens that steamtugs and other steam vessels such as are referred to in the said section 232 of the Consolidation Act of 1858 either have no tonnage burden upon which the rates mentioned in the said section can be charged or so small a tonnage burden that the rates chargeable are wholly inadequate having regard to the use of the docks by such tugs and vessels and it is expedient that the Board be authorised in such cases to charge a tonnage rate on a specified minimum tonnage burden in such cases:

And whereas it is open to doubt whether in respect of vessels not entering any of the docks but making fast to or using the river walls piers landing or other stages or works of the Board any rates are chargeable by the Board and it is just and expedient that the Board should be empowered to charge rates in such cases:

And whereas it is expedient that provision be made for the prevention of injury to the docks locks gates river walls works or property of the Board or the banks of the river by reason of the speed at which vessels may be navigated in the River Mersey:

And whereas plans and sections showing the lines and levels of the works by this Act authorised and a book of reference to the plans 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 used for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county

palatine of Lancaster and are herein-after referred to respectively as the deposited plans sections and book of reference:

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

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

Short title.

1. This Act may be cited as the Mersey Docks and Harbour Board Act 1889.

Incorporation of Acts.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 (herein-after referred to as "the Lands Clauses Acts") the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) of the Railways Clauses Act 1863 and so much of the Consolidation Act of 1858 as relates to the meanings to be assigned to certain words and expressions (being section 3 of that Act) are (except where expressly varied by this Act) incorporated with and form part of this Act.

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 in construing for the purposes of this Act any Act wholly or partially incorporated herewith the expression "the Company" shall mean the Board and the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act 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.

Power to make railway.

4. Subject to the provisions of this Act the Board may make and maintain in the lines and according to the levels shown on the deposited plans and sections relating thereto the deviation railway herein-after described with all proper and sufficient viaducts columns bridges rails sidings turntables stations approaches roads buildings yards and other works and conveniences connected therewith and the Board may enter upon take and use for that purpose and for widening the quays on the east sides of Queen's Dock and Coburg Dock and other the improvement of their Dock Estate all or any of the lands delineated on the said plans and described in the deposited book of reference The deviation railway herein-before referred to

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and authorised by this Act will be wholly in the county palatine of Lancaster and is—

A railway 4 furlongs and 2·6 chains or thereabouts in length commencing by a junction with the Railway No. 1 authorised by the Act of 1882 at a point about $3\frac{1}{2}$ chains northward from the south-eastern corner of Wapping Dock and terminating by a junction with the said authorised Railway No. 1 at a point about $4\frac{1}{2}$ chains southward from the western end of Hill Street.

As to lateral and vertical deviation.

5. In constructing the railway and works connected therewith by this Act authorised notwithstanding anything contained in the Railways Clauses Consolidation Act 1845 the Board may subject as herein-after provided deviate laterally from the line or situation thereof as shown on the deposited plans to any extent within the limits of lateral deviation shown on the said plans and they may deviate vertically from the levels of the said railway and works so far as they are shown on the deposited sections to any extent not exceeding five feet either upwards or downwards and the Board shall make compensation in manner provided by the Lands Clauses Acts to all persons injuriously affected by the exercise of the powers of deviation given by this section.

Period for compulsory purchase of lands.

6. The powers of the Board for the compulsory purchase of lands for the purposes by this Act authorised shall not be exercised after the expiration of three years from the passing of this Act.

Power to take easements &c. by agreement.

7. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Board any easement right or privilege not being an easement of water 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.

Power to stop up certain streets.

8. The Board may stop up and discontinue for public traffic—

(A.) So much of the following streets and roads respectively in the city of Liverpool as lies westward of Chaloner Street and Sefton Street or either of those streets (that is to say) Kitchen Street Bridgewater Street Norfolk Street Jordan Street Greenland Street Parliament Street and Stanhope Street; and

(B) The street or road in the same city known as the east side of Queen's Dock; and

(c) Queen Ann Street South and Sedley Street in the same city:

And upon the stopping up of the said several streets and parts of streets all public and private rights of way and other rights in over or affecting the same respectively are by this Act extinguished and the sites and soil thereof respectively are by this Act vested in the Board but the Board shall make full compensation to all parties interested in respect of all private rights of way or other private rights (if any) so extinguished and such compensation shall be settled in manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement and for that purpose any and every private right so extinguished shall be deemed to be an interest in land.

Period for completiou of works.

9. If the railway by this Act authorised be not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Board for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Restriction on taking houses of labouring class.

10. The Board shall not under the powers of the Act of 1882 or this Act without the sanction of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers 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 such persons who may be residing with them.

For the protection of the Corporation of Liverpool.

11. Subject to the provisions of the sections herein-after contained and except so far as the Board and the Corporation of Liverpool (herein-after called "the corporation") may hereafter agree all the provisions contained in the agreement scheduled to the Act of 1882 shall so far as such provisions are applicable to the construction of the deviation railway by this Act authorised over streets or land dedicated to the public other than the streets or parts of streets by this Act authorised to be stopped up apply to the deviation railway hereby authorised (herein-after called "the

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railway") and the railway shall be deemed in all other respects to form a part of the railway authorised by the said Act of 1882.

In constructing the railway and works by this Act authorised—

Notwithstanding anything contained in the Railways Clauses Consolidation Act 1845 the Board shall not without the consent of the corporation deviate eastwards from the line shown on the agreed plan numbered 1754D signed respectively by the engineer to the Board and the city engineer of Liverpool (herein-after called "the city engineer") nor shall they deviate vertically from the sections shown on the deposited sections where the railway passes along Wapping East side of Queen's Dock and Chaloner Street so as to leave less than 16 feet 6 inches clear headway from every part of the surface of the carriageway to the underside of the girders of the bridges and of the parts between the girders and the spans between the columns shall be as marked on the said plan;

Before the Board stop up and appropriate or absorb any of the streets or parts of streets by this Act authorised to be stopped up they shall widen Chaloner Street and Sefton Street to a point 40 yards south of the south side of Hill Street and dedicate the widened portion to the public so that those streets shall be of a minimum width of sixty-five feet throughout when so widened the said widening being more particularly shown upon the agreed plan before referred to;

The corporation shall kerb channel pave flag and otherwise complete Chaloner Street and Sefton Street throughout including the widened portion in accordance with a plan and section to be prepared by the city engineer and in full conformity with the first class specification in use within the city and in executing such works they shall as far as practicable use the old materials existing in the streets in the repaving of the said streets so far as such materials are in conformity with said first class specification;

The Board shall within three months after the corporation have completed such works repay to the corporation all expenses and charges incidental thereto incurred by the corporation in executing such works;

In case it shall be arranged between the corporation and the Board to leave undisturbed that portion of the King's Dock Outlet Sewer from Parliament Street along the east side of Queen's Dock and Wapping together with all the branch sewers drains and connexions thereto the Board shall not without the previous consent of the corporation (subject to

such conditions as they may impose) erect any building over any portion of the said sewers so as to impose any additional pressure thereon The Board shall at their own cost when required by the corporation clear the surface along the lines of the said sewers of all goods and materials then stored thereon and likewise afford the corporation by their workmen every facility to enter upon the Board's premises to execute all repairs to and cleansing of the said sewers and also for the construction of such manholes ventilating chambers storm overflows and other appurtenances as the corporation may consider requisite to be constructed in connexion therewith;

The corporation shall not be liable for any damage to the premises of the Board or to goods stored therein caused by any stoppage or other defects or flooding of the above-mentioned sewers being within premises belonging to the Board;

If at any time the Board shall desire to remove the said sewers or any of them from the Board's premises to Chaloner Street or Sefton Street or otherwise to divert them the same shall be done by the Board in accordance with a plan to be previously approved by the corporation and to the satisfaction of the city engineer or by the corporation at the expense of the Board;

The sewers within the Board's premises at the west end of Stanhope Street Queen Ann Street South and Sedley Street shall either be taken up by and at the expense of the Board or if the Board elect to retain the same for their own use the said sewers shall be kept hereafter in good repair and condition to the satisfaction of the city engineer by and at the expense of the Board;

So long as the corporation remain tenants of the River Craft Dock free access thereto shall be maintained from Wapping Chaloner Street and Sefton Street at or near the bridges between the Queen's and Coburg Docks and the Queen's and Wapping Docks respectively;

Every railway to be made under the powers of this Act shall be constructed and maintained so that the bottom of such railway shall be as far as practicable water-tight;

No street passage or public place shall be temporarily stopped up or interfered with without the consent of the corporation and if such consent is obtained by the Board then in addition to the specific requirements in this Act contained proper accommodation for access to property and any additional accommodation for traffic that may be required shall be previously provided to the satisfaction of the corporation and shall thereafter during

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such stopping up or obstruction be maintained fenced watched and lighted by the Board to the satisfaction of the corporation at the expense of the Board;

Where the surface of any street road passage or public place not authorised to be stopped up under the provisions of this Act has been interfered with or disturbed in constructing the railway the Board shall well and sufficiently and to the reasonable satisfaction of the corporation restore the surface so interfered with or disturbed and so much of the surface of any other street road passage or public place adjoining such street as aforesaid as it may be necessary to alter by such interference and shall maintain in efficient repair the said surface for twelve months to the like satisfaction;

When by reason of the construction of the railway it becomes in the opinion of the corporation necessary or desirable that any lands of the Board shall be fenced off from any street or road fronting adjoining or abutting thereon the Board shall enclose such lands with walls or suitable fencing such walls or fencing to be built or constructed of such height as the corporation shall reasonably require and in all other respects to the reasonable satisfaction of the corporation;

Whenever it may be necessary to intercept or interfere with any existing sewer or drain the Board shall before intercepting or interfering therewith construct at their own expense according to a plan to be prepared by the city engineer a sewer or drain in lieu of and of not less than equal capacity with the sewer or drain so proposed to be intercepted or interfered with and such substituted sewer or drain shall be connected by and at the expense of the Board with such convenient existing sewer or drain as shall be approved by the corporation;

If by reason of the construction of the railway any additional sewers or drains or any increased length or alteration of existing sewers or drains or any manholes airholes or other works or conveniences connected therewith shall become necessary the same shall be constructed by and at the expense of the Board of such capacity according to such plans and in such manner as shall be reasonably approved by the corporation;

The corporation their officials and assistants shall from time to time and at all reasonable times during the construction of the works by this Act authorised have full power to enter and inspect the progress and condition thereof to see that the

provisions of this Act are complied with and the Board shall pay all reasonable costs incurred by the corporation in the supervision of the works during construction; A.D. 1889.

Whenever by this Act it is provided that anything may be done with the consent or approval of the corporation or shall not be done without such consent or approval such consent or approval shall not be unreasonably withheld and may be given subject to such reasonable conditions and provisions as the corporation may think fit to make and the giving of such consent or approval shall not prejudice any right of the corporation except as may be provided thereby or of any other body corporate or person to compensation under the provisions of this Act;

The Board shall from time to time pay to the corporation all sanitary and other municipal rates leviable by or payable to the corporation upon the respective assessments of any lands or property acquired by the Board under the powers and for the purposes of this Act or a proportion of such rates respectively from the time such lands or property shall be acquired by the Board until the Board's works are completed or until the same have been sold as surplus lands and the amount of such rates payable by the Board shall be computed according to the assessments of such lands or property in force at the time of such acquisition notwithstanding that the buildings thereon or forming part thereof may have been taken down;

If the Board shall neglect or fail to do any of the works required by this section necessary for the protection of the streets sewers and water mains of the corporation or any other works of a like nature or of emergency at the time when the same ought to be done then the corporation on giving the Board twelve hours' notice of their intention so to do may without prejudice to any other remedy carry out and execute such works themselves and all costs and expenses incurred by them in and about the carrying out such works shall be recoverable from the Board and the Board shall pay to the city treasurer the full amount of such costs and expenses within seven days after they shall have received notice of the amount thereof from the corporation.

For protection of Customs depôts &c.

12. If in the construction of the railway by this Act authorised it shall become necessary to remove or interfere with any existing Customs depôt the Board shall before removing or interfering with such depôts provide other and equally suitable accommodation for the officers of Customs.

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Tolls &c. on railway.

13. Except as by this Act otherwise provided the railway by this Act authorised shall for the purposes of tolls rates rents and charges and for all other purposes be deemed to be part of the railways authorised by the Act of 1882 and within the provisions of the Act of 1888 and the Agreement of 1888.

For the protection of the London and North-western Railway Company.

14. The Board shall for the protection of the London and North-western Railway Company (hereafter in this section referred to as "the Company") unless the Board and the Company otherwise agree observe perform and be bound by the following provisions stipulations and conditions (that is to say):—

(1) The Board in making the railway and works by this Act authorised where the same shall cross over the lines of rails belonging to or used by the Company leading to their Wapping and Park Lane goods station shall construct and maintain the bridge for such crossing of the clear height of not less than 15 feet measured from the level of the existing rails and with a clear span over the whole of the rails at such crossing and so that no column or other fixed work shall be nearer to either of the outside rails at such crossing than 3 feet;

(2) In case any damage or injury shall be caused to the said Wapping goods line or to the works land or property of the Company which are crossed or interfered with by the works authorised by this Act such damage or injury shall forthwith be made good by the Board to the Company or the Company may make good such damage or injury and recover the costs and expenses thereof from the Board in any court of competent jurisdiction;

(3) The pillars by which it is proposed to support the railway by this Act authorised where the same is intended to be constructed in front of and adjoining the Wapping and Park Lane goods station and property of the Company shall only be placed in such positions as shall have been previously agreed upon between the engineer of the Board the city engineer and the principal engineer of the Company and so as in no way to obstruct impede or interfere with the free and uninterrupted access to the said Wapping and Park Lane goods station;

(4) In the construction of the said railway the Board shall before commencing any work or operation which will obstruct or delay the passage of the Company's traffic over the said Wapping goods line of the Company give to the Company four clear days' notice in writing addressed to the Company at their Euston Station specifying the place or places at which

such work or operation is to be performed and the time at which the same will be commenced and on the expiration of such notice the Board or their agents or contractors may for a period of sixty hours after the time named for the commencement of any such work or operation prosecute the same and the Company shall not in any case have any claim on the Board for any compensation in respect of any obstruction or delay which may be caused to the traffic during such period of sixty hours If on any occasion it shall be found that any work or operation in respect of which notice shall have been given as aforesaid cannot be completed within such period of sixty hours then the Company shall have no claim on the Board or their agents or contractors for compensation for any obstruction or delay caused to their traffic by the continued prosecution of such work or operation after such period of sixty hours unless there shall have been unreasonable delay in the execution of such work or operation in which case the damage (if any) caused to the Company by the obstruction or delay of their traffic during any period after the expiration of the said period of sixty hours by such unreasonable delay in the execution of such work or operation shall be made good by the Board to the Company and the amount of such damage may if necessary be recovered with costs by the Company from the Board in any court of competent jurisdiction;

(5) If hereafter the Board at the request of the Company should sanction the laying down by the Company of any other branch lines on the property of the Board to connect any station or depôt of the Company with the Board's lines of dock railways and it should in the opinion of the Board be necessary or desirable for the proper working of any such branch line that the width of any of the longitudinal spaces between the columns by which the railway by this Act authorised will be supported should be increased the necessary works for effecting that object shall (subject to the provisions of this Act) be carried out by the Board in such manner as shall from time to time be agreed upon between the engineers of the Board and the Company and the Company shall on demand pay to the Board all costs charges and expenses properly incurred by the Board in carrying out such work;

(6) Save as in this Act expressly provided nothing contained in or to be done under this Act shall prejudice or affect the position of the Board or of the Company in respect of the

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Board's lines of dock railways or the branch lines connecting the same with any station of the Company.

Board to abandon part of authorised Railway No. 1 of 1882 and Railway No. 2A of 1887.

15. The Board shall abandon the construction of so much of Railway No. 1 authorised by the Act of 1882 as lies between the commencement and termination of the deviation railway by this Act authorised and the whole of Railway No. 2A authorised by the Act of 1887.

Compensation for damage to land by entry &c. for purposes of railways abandoned.

16. The abandonment by the Board under the authority of this Act of any portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Board on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Board to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Acts of 1882 and 1887 or either of them.

Compensation to be made in respect of portions of railways abandoned.

17. Where before the passing of this Act any contract has been entered into or notice given by the Board for the purchasing of any land for the purposes of or in relation to any portions of railway or works authorised to be abandoned by this Act the Board shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Board to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Confirmation of agreement in schedule and modification of agreement of 1888.

18. The agreement a copy whereof is set forth in the schedule to this Act is hereby confirmed and in accordance with the terms and provisions thereof the Agreement of 1888 is hereby altered and modified and as so altered and modified shall be binding upon the Board and upon the Liverpool Overhead Railway Company and the last-mentioned Company in the exercise of any of the powers conferred upon the Board by the Act of 1882 the Act of 1887 the

Act of 1888 and this Act or any of them shall so far as regards the construction of the railway by this Act authorised and works incidental thereto be subject in all respects to the like restrictions obligations conditions and provisions as the Board would have been subject to in the exercise of the powers aforesaid Provided always that Article 6 of the Agreement of 1888 shall be read and have effect as if instead of the words "the additional rent to be paid by "the Company in respect of the southern section shall be an "agreed rent not exceeding £300" the words "the Board shall "by a reduction of rent or otherwise make agreed compensation "to the Company in respect of the increase of expenditure if any" were inserted in the said article.

Power to alter ferry landing stage.

19. Subject to the provisions of this Act and in accordance with the deposited plans and sections relating thereto the Board may alter the floating landing stage (herein-after referred to as "the ferry landing stage") constructed under the powers of the Act of 1871 and described in section 4 sub-section (2) of that Act by filling up the embayment or recess formed in the river frontage of the said landing stage and referred to in section 9 sub-section (1) of that Act.

Amending sub-section (1) of section 9 of Act of 1871.

20. The provisions of sub-section (1) of section 9 of the Act of 1871 relating to the appropriation of the river frontage of the western side of the ferry landing stage and of a portion of Prince's Landing Stage for the exclusive use as well as for the convenient working and mooring of ferry steamers are hereby repealed and in lieu thereof the following provisions shall subject as herein-after mentioned have effect (that is to say):—

(A) The above-mentioned portion of the Prince's Landing Stage to the extent of fifty feet at the south end thereof and a portion of the ferry landing stage to the extent of ten feet at the north end thereof shall from and after the passing of this Act be deemed and taken to be added to the Prince's Landing Stage and shall be appropriated to the purposes to which the other portion of that stage is appropriated;

(B) The remainder of the river frontage of the western side of the ferry landing stage shall from and after the passing of this Act be appropriated for the exclusive use as well as for the convenient working and mooring of ferry steamers:

The provisions of this section shall not take effect until the embayment or recess mentioned in the last preceding section of this Act (Power to alter ferry landing stage) shall have been filled up in accordance with that section.

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Application of provisions of Act of 1871 to the landing stage as altered.

21. All the provisions of section 9 of the Act of 1871 except the provisions thereof by this Act repealed and of sections 10 11 and 12 of the said Act shall notwithstanding anything in this Act continue in force the ferry landing stage as altered under the provisions of this Act being for the purposes of such provisions substituted for the ferry landing stage as authorised to be constructed by the Act of 1871.

Works to be deemed works within the meaning of 21 & 22 Vict. c. xcii. and 30 & 31 Vict. c. ccvi.

22. The works by this Act authorised shall be deemed to be works authorised to be erected established and maintained by the Board within the meaning of section 284 of the Consolidation Act of 1858 and shall also be deemed to be works for the improvement of the Mersey Dock Estate on the Liverpool side of the River Mersey within the meaning of section 5 of the Mersey Docks (Various Powers) Act 1867 and all moneys expended by the Board for or in connexion with the purchase of lands or for compensation for the injuriously affecting of lands or otherwise for the purposes of this Act shall be deemed to be part of the cost of the works by this Act authorised and the purposes of this Act shall be deemed to be purposes for which moneys received or receivable by the Board may be applied in accordance with sub-section (5) of section 56 of the Mersey Docks and Harbour Act 1857.

Alteration of sub-section (4) of section 22 of Mersey Docks and Harbour Act 1857.

23. Sub-section (4) of section 22 of the Mersey Docks and Harbour Act 1857 shall be read and construed as though in relation to the polling at elections of elective members of the Board to take place hereafter the word "ten" were substituted in the first line of that sub-section for the word "nine."

Alteration of sub-section (1) of section 28 of Mersey Docks Act 1881.

24. Sub-section (1) of section 28 of the Mersey Docks Act 1881 (substituted for sub-section (1) of section 22 of the Mersey Docks and Harbour Act 1857) shall be read and construed as though in relation to the election of elective members of the Board to take place hereafter the words "not less than seven" were substituted in the fourth line of that sub-section for the words "not "exceeding three."

Alteration of sub-section (2) of section 27 of the Mersey Docks Act 1881.

25. Sub-section (2) of section 27 of the Mersey Docks Act 1881 shall be read and construed as though in relation to the nomination of new members of the Board to take place hereafter the word "twelfth" were substituted in the second line of that sub-section for the word "twentieth."

New elective members of Board to take office on 21st December in future years.

26. From and after the passing of this Act every new elective member of the Board who shall be elected at the election that takes place in the month of December in each year whether at the nomination or as the result of a poll shall be deemed to enter upon

and take office as such elective member on the twenty-first day of December next after such election and not sooner. A.D. 1889.

As to forms for use on payment of rates.

27. All forms provided or sanctioned by the Board for use on the payment of any rates shall contain a column for the insertion therein of the name and address of the corporate body or person on whose account the rates are paid.

The Board shall include in the list referred to in sub-section (2) of section 18 of the Mersey Docks and Harbour Act 1857 the names and addresses of all corporate bodies and persons on whose account qualifying rates are paid to the Board and shall for that purpose make provision for recording in the register mentioned in sub-section 1 of the said eighteenth section such names and addresses.

As to further publication of revision of list of dock electors.

28. For giving greater publicity to the proceedings mentioned in sections 19 and 22 of the Mersey Docks and Harbour Act 1857 the following rules shall be observed in addition to the rules mentioned in the said section 19.

The Board shall send by post to the town clerk of each of the cities and boroughs herein-after mentioned seven clear days at least before the first day on which the court for the revision of the list of dock electors shall sit in each year a copy of the said list and a printed copy of the statement referred to in sub-section (2) of the said section 19 (that is to say) :—

Manchester Salford Oldham Huddersfield Bradford Leeds Sheffield Halifax Blackburn Burnley Preston Bolton Bury Staleybridge Stockport Wigan Rochdale Ashton-under-Lyne Chester Darwen St. Helens Hyde Bacup Heywood and Warrington.

The advertisement mentioned in sub-section 2 of the said section 19 shall also be published in one of the newspapers published in the city of Manchester and in one of the newspapers published in the borough of Leeds.

The Board shall also send by post to the town clerk of each of the above-mentioned cities and boroughs a notice of the time and place of taking the poll on the election of a member or members of the Board with a list of the candidates and shall cause such poll to be advertised in such newspapers as required in the case of revision proceedings.

Alteration of section 11 of the Mersey Docks Act 1874

29. From and after the passing of this Act section 11 of the Mersey Docks Act 1874 shall be read and construed as though in relation to the raising destroying or removing any wrecks of vessels or any vessels that shall hereafter be sunk or stranded in any dock

A.D. 1889. or elsewhere within the port of Liverpool or any of the sea channels leading thereto the words "in the judgment of the marine surveyor "for the time being of the Board or in case of his absence or "disability then of the assistant marine surveyor for the time being "of the Board such judgment being recorded in writing signed by "him and deposited with the secretary of the Board" were substituted in the sixth line of that section for the words "in their "judgment" and as though in relation to the raising destroying or removing any cargo or part of any cargo of any vessel or wreck and also any stone timber anchor chain or other article matter or thing the same words were substituted in the tenth line of that section for the words "in their judgment":

Provided that the said section 11 of the Mersey Docks Act 1874 as hereby altered shall not extend to or within any canal dock or works the property of the Manchester Ship Canal Company nor to any part of the River Weaver nor to or within that part of the River Mersey or the estuary thereof which lies between Bromborough Pool and the entrance locks at Eastham of the canal authorised by the Manchester Ship Canal Act 1885 and which is coloured red on a plan signed in triplicate by the Right Honourable Hugh C. E. Childers the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred nor to or within any access in any part of the Upper Mersey as defined in the Upper Mersey Navigation Act 1876 made and maintained by the said Company under the provisions of the Manchester Ship Canal Act 1885 to or from the low-water channels in any part of the said Upper Mersey from or to the works numbered respectively in section 28 of that Act Number 1 BB Number 1 G (*a*) Number 1 G (*b*) Number 1 G (*c*) and Number 1 H (*a*) Provided also that no explosive substance shall be used in destroying or removing the wreck of any vessel or any sunken vessel or any such cargo or part of cargo or any such stone timber anchor chain or other article matter or thing within six hundred and fifty yards of the Mersey Railway or any of the works connected therewith until the expiration of forty-eight hours after service of a notice in writing marked "urgent" of the intention to use such explosive substance shall have been given by such marine surveyor or assistant marine surveyor addressed to the resident engineer for the time being of the Mersey Railway Company by leaving the same at his office in Birkenhead Nothing herein contained shall limit extend or affect the legal rights or liabilities of the Board or of the Company in any respect.

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Power to make byelaws regulating time during which vessels may remain in Mersey or sea approaches.

30. In addition to the byelaws now authorised to be made by the Board the Board may from time to time make such byelaws as they shall think expedient for regulating the period or periods during which vessels the registered tonnage of which shall exceed one thousand five hundred tons may remain moored or anchored at any place or places in the River Mersey within the jurisdiction of the Board or any of the sea channels leading thereto and may from time to time affix and appoint such pecuniary and other penalties and forfeitures as they shall think fit for offences against such byelaws Provided that no such pecuniary penalty shall exceed the sum of fifty pounds for one offence and every byelaw to be made under this section shall be deemed to be a byelaw within the meaning of sections 223 224 and 225 of the Consolidation Act of 1858 Provided always that no such byelaws shall authorise or empower the Board or any officer of the Board to require that any vessel moored or anchored at any such place as aforesaid shall be moved from such place at any earlier period than twenty-eight days after the vessel shall have been first moored or anchored thereat.

No such byelaw nor any alteration thereof shall extend or apply to or within that part of the River Mersey or the estuary thereof which lies between Bromborough Pool and the entrance locks at Eastham of the canal authorised by the Manchester Ship Canal Act 1885 and which is coloured red on a plan signed in triplicate by the Right Honourable Hugh C. E. Childers the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred nor to or within any access in any part of the said Upper Mersey made and maintained by the Manchester Ship Canal Company under the provisions of the Manchester Ship Canal Act 1885 to or from the low-water channels in any part of the said Upper Mersey from or to the works numbered respectively in section 28 of that Act Number 1 BB Number 1 G (*a*) Number 1 G (*b*) Number 1 G (*c*) and Number 1 H (*a*).

Alteration of section 183 of the Consolidation Act of 1858.

31. From and after the passing of this Act section 183 of the Consolidation Act of 1858 shall be read and construed as though the words "save as herein-after mentioned" were inserted at the commencement of that section and as though the following words were added at the end of that section namely "Provided that the "Board may from time to time in their discretion in special cases "which in their opinion may require to be so dealt with allow any "person or persons employed for that purpose by the owners or "agents of any vessel in any warehouse dock or by the consignees "or owners of any cargo or part of any cargo of any vessel using "such dock or of any goods deposited or intended to be deposited

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" within any warehouse erected on the quays of such dock or the " agents of such owners or consignees to assist in working within " the walls of any warehouse dock in or about the performance of " any work herein-before mentioned in relation to such cargo or such " goods."

As to mode of computing tonnage of vessels in certain cases.

32. From and after the passing of this Act section 232 of the Consolidation Act of 1858 shall be read and have effect as if it were thereby provided that for the purpose of ascertaining the tonnage rate of twopence per ton per week mentioned in that section the tonnage of every vessel mentioned in that section should be taken to be the registered tonnage thereof unless such registered tonnage should be less than twenty tons in which case the tonnage of the vessel should be deemed to be twenty tons and as if it were thereby also provided that no vessel should be liable for more than one week's rent although such vessel may during a week enter and leave a dock on different days during such week.

Rates and charges on vessels making fast to river walls &c.

33. In addition to the rates and charges authorised by the Act of 1858 to be taken the Board may from time to time demand and take upon or in respect of steamboats plying on the River Mersey and other steam vessels not chargeable with dock tonnage rates or with wharf rates which shall make fast to or use any of the river or other walls piers landing or other stages or works of the Board for the purpose of scraping painting cleaning or repairing or for receiving or landing passengers or goods such reasonable rates and charges as they from time to time with the approval of the Board of Trade appoint to be taken in that behalf and such rates and charges shall be paid to the Board by the masters or owners of such vessels: all such rates and charges shall be deemed to be rates within the meaning of the Consolidation Act of 1858 and the provisions of that Act shall extend and apply to such rates accordingly as if they were rates specified in the schedules to that Act:

Provided that the master or owners of any vessel belonging to the Manchester Ship Canal Company and employed for the purpose of towing vessels or flats resorting to that company's canals or docks at Runcorn or the Duke's Dock at Liverpool shall not whilst such vessel is employed in the course of its ordinary business or is waiting for the tide be liable to any rates or charges under the provisions of this section by reason of the scraping painting cleaning or repairing of any such vessel or the receiving or landing of ropes oil or working stores for the use of such vessel or provisions for consumption by the crew thereof whilst such vessel is made fast to or using any such walls piers or works but nothing in

this proviso shall be deemed to confer any further or other right than may now exist so to make fast to or use such walls piers or works:

Provided also that nothing in this section contained shall prejudice diminish alter or affect the existing rights powers and privileges of the Woodside Ferry or the owners or lessees thereof or of the Wallasey Ferries or the owners or lessees of those ferries.

For preventing injury to dock gates &c. by reason of speed of vessels navigating the Mersey.

34. In addition to the byelaws now authorised the Board may from time to time make such byelaws as they shall think expedient for preventing vessels from being worked or navigated in any part of the River Mersey to the southward of an imaginary line drawn from the site of the Rock Lighthouse in the county of Chester to the northern extremity of the Seaforth Battery in the county of Lancaster at such speed as shall force open or endanger the forcing open of the gates of any of the works or property of the Board included under the word "docks" in section 3 of the Consolidation Act 1858 or cause damage to any such gates or to any of such works or property or any walls or any other works or property of the Board or to the banks of the River Mersey and may from time to time affix and appoint such pecuniary and other penalties and forfeitures as they shall think fit for offences against such byelaws Provided that no such pecuniary penalty shall exceed the sum of fifty pounds for one offence and every byelaw to be made under this section shall be deemed to be a byelaw within the meaning of sections 223 224 and 225 of the Consolidation Act 1858.

Provisions as to pilots and pilotage committee.

35. Notwithstanding anything in section 118 of the Mersey Dock Acts Consolidation Act 1858—

(1) The licensed pilots of the port of Liverpool in active service shall elect under such regulations as they think fit and as the Board of Trade approve four pilots being either pilots in active service or retired pilots of whom any two to be from time to time nominated under such regulations as aforesaid but not more than two may attend and vote at meetings of the pilotage committee as members thereof;

(2) The names of the four persons so elected and of the two persons so nominated to attend the meetings of the pilotage committee shall be from time to time certified in writing to the Board by the senior pilot for the time being in active service or in the event of his absence or inability to certify then by the pilot in active service next in seniority to such senior pilot;

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(3) At the appointment by the Board of the pilotage committee next ensuing after they shall have received the certificate above mentioned of the four persons so elected the Board in lieu of appointing as members of the pilotage committee four persons familiar with the duties and qualifications of pilots as provided by the said section shall only appoint as such members two such persons Provided always that if the Board under the provisions of the said section shall increase the number of members of the said committee to fifteen the number of pilots elected and the number of pilots nominated to attend and vote shall be proportionately increased.

Saving rights of Duchy of Lancaster.

36. Nothing contained in this Act shall extend or operate to authorise the Board to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or manorial rights or any other rights of whatsoever description belonging to Her Majesty in right of Her Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said duchy first had and obtained (which consent the said Chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by Her Majesty Her heirs or successors in right of Her said duchy.

Saving rights of Mersey Conservancy Commissioners.

37. Nothing herein contained shall alter affect or prejudice any power jurisdiction or authority now vested in the Commissioners for the Conservancy of the River Mersey under the provisions of the local and personal Act 5 and 6 Victoria chapter cx. being an Act for better preserving the navigation of the River Mersey.

Provision as to general Railway Acts.

38. Nothing in this Act contained shall exempt the Board or any company or the railways authorised by the Acts of 1882 and 1887 and this Act from the provisions of any general Act relating to railways or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by the Act of 1882.

Costs of Act.

39. The Board out of any moneys for the time being in their hands shall pay and discharge all the costs charges and expenses of and incident to the applying for obtaining and passing of this Act.

The SCHEDULE referred to in the foregoing Act.

AN AGREEMENT made the thirteenth day of December one thousand eight hundred and eighty-eight between THE MERSEY DOCKS AND HARBOUR BOARD (herein-after called the Board) of the one part and THE LIVERPOOL OVERHEAD RAILWAY COMPANY (herein-after called the Company) of the other part.

WHEREAS this agreement is intended to be supplemental to the heads of agreement dated the twelfth day of April one thousand eight hundred and eighty-eight and made between the Board and Sir William Bower Forwood on behalf of the Company set forth in the schedule to the Liverpool Overhead Railway Company Act 1888 (herein-after called the scheduled agreement):

And whereas pursuant to the powers conferred by section 22 of the last-mentioned Act and every other power enabling them in this behalf the Board and the Company have agreed to such alterations in detail of the scheduled agreement as herein-after appear:

Now it is hereby agreed between the parties hereto as follows (that is to say):—

1. The rent payable by the Company to the Board in respect of the undertaking referred to in the scheduled agreement shall be 1,000*l.* a year and such rent shall be payable only out of the agreed profits of the Company referred to in the scheduled agreement in manner herein-after mentioned.

2. The agreed profits of the undertaking in any year shall after deducting therefrom an amount equal to six per centum for that year on the agreed proper cost of the undertaking be applicable in the first place to the payment of the said rental of one thousand pounds a year including any arrears of such rental left unpaid from any preceding year or years.

The agreed proper cost of the undertaking shall for the purposes of this clause include the proper cost of the said Act the amount to be paid to the Board under the scheduled agreement for the expenses of the Acts of 1882 and 1887 therein referred to and the proper charge of the Company's engineers in respect of the works to be executed under the scheduled agreement by the Company.

3. Any surplus of agreed profits in any year after deducting the amount of six per centum mentioned in the last preceding clause and providing for the said rental shall be divided equally between the Board and the Company.

4. An annual account of all the receipts and expenditure properly chargeable to income of the Company for the year ending on the thirty-first of December in each year under the several distinct heads of receipt and expenditure with a statement of the balance of such account duly audited and certified by the directors or some of them and by the auditors shall be sent to the Board by the Company on or before the fifteenth day of February then

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next and the portion of the profits thereby shown which is applicable as aforesaid to the payment of the said rental or any arrears thereof shall be paid to the Board by the Company on the said fifteenth day of February.

Should the Board not admit that the amount of the profits is correctly shown in the account so rendered the matter shall be submitted to arbitration and should the arbitrators or arbitrator award that the profits have been larger than is shown in the account the Company shall forthwith pay to the Board the excess of profits found by the award or so much thereof as is applicable to the said rental and arrears thereof.

5. Clauses 11 and 12 of the scheduled agreement are hereby rescinded.

6. This agreement shall be scheduled to and confirmed by the Bill to be promoted by the Board in the next session of Parliament.

7. This agreement shall be subject to such alterations as Parliament may think fit to make therein but if the committee on the Bill make any material alteration in this agreement or insert any provision in the Bill which would materially alter the provisions of this agreement either party may elect to vacate this agreement.

In witness whereof the Board and the Company have hereunto caused their respective common seals to be affixed the day and year first above written.

Passed under the common seal of the Mersey Docks and Harbour Board in the presence of
(Signed) EDW. GITTINS
Secretary.

L.S.

T. D. H.

Passed under the common seal of the Liverpool Overhead Railway Company in the presence of
(Signed) E. LAWRENCE } Directors.
" RICH. HOBSON }
" JAMES W. ALSOP
Secretary.

L.S.

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