CHAPTER ccxx.

An Act to authorise an Extension of Time to the Mersey Railway Company for completing their Undertaking. A.D. 1877.

[10th August 1877.]

WHEREAS by "The Mersey Railway Act, 1866," the Mersey Railway Company (herein-after referred to as "the Company") were incorporated, and authorised to make certain railways to connect Liverpool with Birkenhead: 29 & 30 Vict. c. cxxxix.

And whereas by "The Mersey Railway Act, 1868," the powers of the Company for purchasing land and completing the railway were extended: 31 & 32 Vict. c. clxi.

And whereas by "The Mersey Railway Act, 1871," the Company were empowered to divert the railway authorised by the said Act of 1866, and to extend it in Liverpool and Birkenhead: 34 & 35 Vict. c. cci.

And whereas by "The Mersey Railway Act, 1874," an extension of time was given to the Company for purchasing land and completing their undertaking: 37 & 38 Vict. c. clxxx.

And whereas it is expedient that the time limited by the said Act of 1874 for completing the said undertaking should be extended:

And whereas the objects of this Act cannot be attained 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:

1. This Act may be cited as "The Mersey Railway Act, 1877." Short title.

2. Part II. of "The Railways Clauses Act, 1863," (relating to extension of time,) is incorporated with and forms part of this Act. Part 2 of 26 & 27 Vict. c. 92. extended to this Act.

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Extension of time for completion of railway.

3. The time limited by the Act of 1874 for the completion of the authorised railway of the Company shall be and the same is hereby extended and enlarged until the expiration of three years from the fourteenth day of August one thousand eight hundred and seventy-seven.

Time limited for completion of line.

4. If the railway shall not be completed within the period limited by this Act, then on the expiration of such period the powers by the recited Acts and this Act granted to the Company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Powers over property of London and North-western railway Company in Liverpool not to be extended.

5. Nothing in this Act shall confer upon the Company any power to purchase or acquire any land or property, or any easement in or over any land or property, belonging to or in the possession of or under the power of the London and North-western Railway Company in the parish and borough of Liverpool, nor be held to extend the time granted by any former Act for that purpose.

6. With respect to the Post Office telegraph system the following provisions shall take effect:

Restriction on works affecting Post Office telegraph system.

(A.) The Company shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Company have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Company, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him: Provided always, that this section shall not be deemed to prevent the Company executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the Company shall forthwith give notice to the Postmaster General of any such interference, and the reason for the same:

Power for Postmaster General to annex conditions.

(B.) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of

any such work or thing as he thinks fit, and the Company shall observe and perform the same:

Power of entry for Postmaster General.

(c.) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of the railways, lands, and works of the Company for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon:

Compensation by Company to Postmaster General, and penalty.

(d.) The Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Company, by any work or thing executed or done by them, interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Company:

Power for Postmaster-General to construct and work telegraphs, &c.

(e.) Her Majesty's Postmaster General, on, over, along, and across any of the railways, works, and lands for the time being of the Company, may from time to time construct such line or lines of telegraphs as he thinks fit, with all necessary and proper posts, wires, apparatus, and other works connected therewith, and remove or vary the same, and construct others instead thereof or in addition thereto, and may maintain, inspect, test, repair, reinstate, work, and use the same as they for the time being exist, and may, by his engineers and other officers, servants, and workmen, at and for all reasonable times, for all or any of the purposes aforesaid, enter on and into and remain on those railways, works, and lands; but in the exercise of the powers of this section the Postmaster General shall not interfere with the traffic on any of the Company's railways, and shall cause as little inconvenience as may be to the Company, and shall execute and do every work or thing to the reasonable

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satisfaction of the engineer of the Company; and if at any time the Company desire to make at their own expense any alteration in any work executed by the Postmaster General under the authority of this section, without interrupting or impeding postal telegraphic communication, they may do so, first giving notice in writing to the Postmaster General of their intention; and in the exercise of the powers given by this section the Postmaster General shall do as little damage as may be, and shall make full compensation to the Company for all damage sustained by them by reason or in consequence of the exercise of such powers, the amount and application of such compensation to be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," and any Act amending the same, for the determination of the amount and application of compensation for lands taken or injuriously affected:

Provisions to remain in force for one year and to the end of the then next session of Parliament.

(F.) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament.

Railway not exempt from provisions of present and future general Acts.

7. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways, or to 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 or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels by any Act relating to the Company authorised.

Expenses of Act.

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

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