CHAPTER cxlix.

An Act to authorise the Wirral Railway Company to extend their Railway to the Chester to Connah's Quay Railway of the Manchester Sheffield and Lincolnshire Railway Company and for other purposes. [31st July 1885.] A.D. 1885.

WHEREAS by the Wirral Railway Certificate 1883 (herein-after called "the certificate of 1883") granted by the Board of Trade under the powers conferred upon them by the Railways Construction Facilities Act 1864 and the Railways (Powers and Construction) Acts 1864 Amendment Act 1870 the Wirral Railway Company (in this Act called "the Company") was incorporated with a capital of three hundred thousand pounds in shares and power to borrow one hundred thousand pounds on mortgage and authorised to make the railways in the hundred of Wirral in the county of Chester described in the said certificate:

And whereas by the Wirral Railway Act 1884 (in this Act called "the Act of 1884") the Company was authorised to make a branch railway to Birkenhead and for that purpose to raise one hundred and sixty-five thousand pounds by ordinary or preference shares and to borrow fifty-five thousand pounds on mortgage:

And whereas the railways in this Act described would be of public and local advantage and it is expedient that the Company should be empowered to make the same:

And whereas it is expedient that the Company and the other companies in that behalf in this Act mentioned be authorised to enter into and carry into effect working and other agreements as herein-after provided:

And whereas the Company has not created or issued any preference shares or debenture stock or borrowed any money on mortgage:

And whereas plans and sections showing the lines and levels of the railways authorised by this Act and also books of reference to the plans containing the names of the owners and lessees or reputed

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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 clerks of the peace for the counties of Chester and Flint and are herein-after respectively referred to as the deposited plans sections and books of reference:

And whereas the purposes aforesaid 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 (that is to say):—

Short title.

1. This Act may be cited for all purposes as the Wirral Railway Act 1885.

Incorporation of general Acts.

2. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

The consolidation of shares into stock;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested; and

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 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) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpertation.

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—

The expressions "the railway" and "the railways" mean respectively the railways authorised by this Act;

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.

Power to make railways.

4. 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 herein-after described with all proper stations approaches sidings works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose.

The railways herein-before referred to and authorised by this Act are as follow:—

1. A Railway No. 1 one mile seven furlongs and six decimal sixty chains in length commencing in the parish and township of Bidston in the county of Chester by a junction with the railway authorised by the Act of 1884 at the commencement thereof at a point on the northern boundary fence of the public road from Birkenhead to Moreton distant four chains or thereabouts measured in an easterly direction from the bench mark on the post of the gate leading from the said road into the field numbered 117 on the 25-inch Ordnance map and terminating in the township of Noctorum and parish of Woodchurch in the same county at a point in the field numbered 40 on the 25-inch Ordnance map distant 320 yards measured in a southerly direction from the northern corner of the said field and 110 yards measured in a south-easterly direction from the north-eastern corner of the field numbered 39 on the said map;

2. Railway No. 2 six miles one furlong and seven decimal seven chains in length commencing in the said parish of Woodchurch and township of Noctorum by a junction with Railway No. 1 at the termination thereof before described and terminating in the parish of Neston in the county of Chester at a point on the fence forming the southern boundary of the field numbered 296 on the 25-inch Ordnance map distant sixty yards or thereabouts measured in

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an easterly direction along the line of the said fence from the south-westerly corner of the said field;

3. A Railway No. 3 three furlongs and two decimal eight chains in length wholly in the said parish of Neston and township of Great Neston commencing by a junction with Railway No. 2 at the termination thereof before described and terminating at a point on the fence forming the eastern boundary of the field numbered 492 on the said 25-inch Ordnance map distant four yards or thereabouts measured in a northerly direction along the said fence from the south-easterly corner of the said field;

4. A Railway No. 4 four miles seven furlongs and eight decimal thirty-five chains in length commencing in the said parish of Neston and township of Great Neston by a junction with the intended Railway No. 3 at the termination thereof before described and terminating in the township of Sealand in the parish of Hawarden in the county of Flint at the foot of the north-easterly slope of the embankment on the north-east side of the River Dee by a junction with Railway No. 1 authorised by the Manchester Sheffield and Lincolnshire (Chester to Connah's Quay) Railway Act 1884;

5. A Railway No. 5 one mile and five furlongs in length commencing in the parish of Northop and township of Wepre in the county of Flint by a junction with the intended Railway No. 4 at a point distant eighty-three chains or thereabouts measured in a northerly direction from the magazine near the channel of the River Dee nearly opposite the mouth of the Wepre Gutter and terminating in the said township of Sealand by a junction with Railway No. 1 authorised by the Manchester Sheffield and Lincolnshire (Chester to Connah's Quay) Railway Act 1884 at a point distant one hundred and five yards measured along the centre line of that railway as shown on the deposited plans thereof in a westerly direction from the intersection thereof by the north-western boundary of the road leading from Eastham to Queen's Ferry;

6. A Railway No. 6 two furlongs and nine decimal eight chains in length wholly situate in the parish of Woodchurch in the county of Chester commencing in the township of Oxton by a junction with Railway No. 3 authorised by the Wirral Railway Certificate 1883 at a point in the field numbered 167 on the 25-inch Ordnance map distant eight chains and fifteen links or thereabouts in a westerly direction from the west side of Holm Lane and terminating in the township of Prenton by a junction with Railway

No. 2 before described at a point in the field numbered 10 on the said 25-inch Ordnance map distant seven chains and thirty links or thereabouts in a southerly direction from the south side of the public road leading from Birkenhead to Woodchurch.

Lateral and vertical deviations.

5. In making the railways the Company may subject to the provisions herein-after contained deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon and vertically from the levels thereof shown on the deposited sections to any extent not exceeding five feet save where a greater deviation is sanctioned by the Board of Trade as being necessary for avoiding interference with any sewer water main gas main or other work and then to such an extent only as is necessary for avoiding interference therewith Provided that the Company shall make compensation to the owners and occupiers of all premises injuriously affected by any such deviation Provided also that no deviation shall be made below high-water mark from the lines and levels shown on the deposited plans and sections without the consent in writing of the Board of Trade.

Lands for extraordinary purposes.

6. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed five acres.

Period for compulsory purchase of lands.

7. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Inclination of roads.

8. In altering for the purposes of this Act the roads next hereinafter mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say):

No. on Deposited Plan.	Parish.	Description of Road.	Intended Inclination.
29	Neston -	Public - -	1 in 13 on one side of the bridge and level on the other side.
15A	Neston -	Public - -	1 in 14 on one side of the bridge and level on the other side.

For protection of corporation of Birkenhead.

9. For the protection and accommodation of the mayor aldermen and burgesses of the borough of Birkenhead (in this section called

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"the corporation") the following provisions shall have effect (that is to say)—

(1.) If at any time hereafter the corporation desire to make any sewer or sewers within or without the said borough which will cross or otherwise interfere with the railways and works of the Company authorised by this Act or any previous Act or certificate of the Board of Trade such railways and works shall be deemed to be "lands" within the meaning of the sections of the Public Health Act 1875 authorising and relating to the making of sewers within or without the district of a local authority and the corporation may proceed accordingly and the Company shall afford all reasonable facilities in that behalf.

(2.) The railways of the Company authorised by this Act or any previous Act or certificate of the Board of Trade where they pass over the footway leading from Oxton to Woodchurch shall be so constructed as not to obstruct or interfere with that footway as it at present exists and the railways shall be carried over the said footway by means of arches or spans giving at least eight feet clear headway and leaving the width of the footway thereunder not less than twelve feet.

(3.) The Company shall not acquire or interfere with certain lands in the township of Bidston-cum-Ford numbered 2 on the deposited plans and belonging or reputed to belong to Robert Charles de Grey Vyner containing two statute acres more or less bounded on the north side by Upton Road and on the west side by the Fender Brook and in respect of which the corporation have caused notice to treat for the purchase thereof to be given.

For the protection of the highway board for the hundred of Wirral.

10. The following provisions as to the mode of crossing certain roads within the jurisdiction of the highway board for the hundred of Wirral shall have effect:—

(*a.*) In carrying Railways Nos. 2 and 6 over Woodchurch Road numbered 28 on the deposited plans in the parish of Woodchurch the spans of the arches of the two bridges each to leave a clear roadway of forty feet and a clear height from the roadway of sixteen feet The bridges to be girder bridges;

(*b.*) In carrying Railway No. 2 across the Storeton to Barnston Road numbered 17 on the deposited plans in the parish of Bebington the width of the clear roadway over the bridge to be twenty-five feet and the inclination of the approaches to be not steeper than one in thirty;

(*c.*) In carrying Railway No. 2 over Whitehouse Lane numbered 51 on the deposited plans in the parish of Woodchurch the

road is not to be lowered more than seven feet and the Company to drain the road under the bridge at their own expense to the satisfaction of the highway board The span of the bridge to leave a clear width of roadway there of twenty-five feet and a clear height from the roadway of fifteen feet and the inclination of the approaches not to exceed one in thirty The bridge to be a girder bridge;

(*d.*) In carrying Railway No. 2 over the Brimstage to Heswall Road numbered on the deposited plans 54 in the parish of Woodchurch and 4 in the parish of Bromborough the span of the arch to leave a clear width of roadway of thirty-five feet and a clear height from the roadway of sixteen feet The bridge to be a girder bridge;

(*e.*) In carrying Railway No. 4 over Newhouses Lane numbered 29 on the deposited plans in the parish of Neston the span of the arch to leave a clear width of roadway of twenty-five feet and a clear height from the roadway of fifteen feet The inclination of the approach to the bridge on the western side not to exceed one in thirty The bridge to be a girder bridge.

Provisions for the protection of the River Dee Company.

11. For the protection of the company of proprietors of the undertaking for recovering and preserving the navigation of the River Dee and their assigns (herein-after in this section called the River Dee Company) the following provisions shall have effect that is to say:—

(*a.*) The Company shall from time to time make and at all times thereafter maintain such culverts tunnels ditches fences drains sluices roads level crossings bridges arches approaches gates cattle creeps passages and other convenient works of accommodation over under or by the side of or leading to or from the railways where they adjoin any land of the River Dee Company for the present and prospective drainage improvement development and benefit of the estate of the River Dee Company as that company and the Company may agree upon or failing agreement as shall be decided in manner herein-after mentioned and such works shall be made before or simultaneously with the construction of the railway and the works appertaining thereto;

(*b.*) Before the Company enter upon any lands of the River Dee Company they shall give to the River Dee Company two months previous notice of their intention so to do to be accompanied by plans of all or any works proposed to be made on or affecting the land of the River Dee Company;

(*c.*) Within one month after the receipt of the notice referred to in the preceding sub-section the River Dee Company shall give notice to the Company of all the works herein-before

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referred to which they require the Company to make and maintain as aforesaid and such notice shall be accompanied with all necessary plans thereof and thereupon the Company shall construct those works or such of them as shall be agreed or decided upon only in accordance with such plans and to be reasonably approved by the engineer of the Company in writing under his hand but in the event of his failing to approve the same within one month after the delivery thereof they shall be decided in manner herein-after mentioned;

(*d.*) All works affecting the foreshore of the River Dee or its embankments or works of navigation shall be constructed in accordance with plans to be submitted by the Company to the River Dee Company and to be approved by the River Dee Company or decided as herein-after mentioned and in no other manner and such works shall be carried out to the reasonable satisfaction of the engineer for the time being of the River Dee Company;

(*e.*) The Company shall construct a station adjoining the lands of the River Dee Company on such site and of such elevation dimensions and other particulars as shall be agreed upon between the Company and the River Dee Company or as failing agreement shall be decided as herein-after mentioned;

(*f.*) All questions to be decided under this section shall be decided by a reference to an engineer to be agreed upon or failing agreement to be appointed by the President for the time being of the Institution of Civil Engineers upon the application of either party;

(*g.*) Nothing in this Act contained shall extend to divest abridge lessen alter or in any manner to affect or prejudice the estate right title jurisdiction powers rights or privileges of the River Dee Company.

For the protection of the Manchester Sheffield and Lincolnshire Railway Company.

12. With respect to the junctions to be made between the Railways Nos. 4 and 5 by this Act authorised (herein-after referred to as "the junctions") and the railway of the Manchester Sheffield and Lincolnshire Railway Company (herein-after called "the Sheffield Company") the following provisions for the protection of the Sheffield Company shall apply that is to say:—

(1.) The junctions shall be made at such point on the railway of the Sheffield Company within the limits of deviation as the engineer for the time being of the Sheffield Company shall reasonably appoint;

(2.) Any interference with the railway and works of the Sheffield Company shall be made according to plans and sections approved of under the superintendence and to the reasonable

satisfaction of the engineer for the time being of the Sheffield Company;

(3.) The Company shall not purchase or take any lands belonging to the Sheffield Company for the purposes of the junctions but the Company may purchase and take and the Sheffield Company may and shall sell and grant accordingly an easement or right of using the same for the purposes of the junctions;

(4.) Nothing in this Act contained shall be deemed to authorise the Company for the purposes of the junctions to take or enter upon any lands belonging to the Sheffield Company or to alter or interfere with the railway of that company or any of the works connected therewith further or otherwise than is necessary for making the junctions and intercommunications between the railways as shown on the deposited plans and sections in this Act referred to without the previous consent in writing of the Sheffield Company;

(5.) The Sheffield Company may from time to time erect such signals and conveniences incident to the junctions either on their own lands or on the lands of the Company and may from time to time appoint and remove such watchmen switchmen or other persons as may be necessary for the prevention of danger to or interference with the traffic at and near the junctions The working and management of such signals and conveniences wherever situate shall be under the exclusive regulation of the Sheffield Company and all the expenses of erecting and maintaining those signals and conveniences and of employing those watchmen switchmen and other persons and all incidental current expenses shall at the end of every half year be repaid by the Company and in default thereof may be recovered from them in any court of competent jurisdiction;

(6.) If any question or difference shall at any time arise between the Company and the Sheffield Company touching any plans prepared by the Company for the construction of any of the works herein-before provided or as to the reasonableness or sufficiency of such plans or works the same shall be settled and determined by the engineers of the Company and the Sheffield Company or failing agreement by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party and the decision of such last-named engineer shall be final and conclusive;

(7.) Nothing in this Act contained shall extend to prejudice alter or take away any of the rights privileges or powers of the Sheffield Company otherwise than is herein expressly provided.

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For the protection of the London and North-western and Great Western Railway Companies.

13. In constructing Railway No. 3 where the same is intended to pass over the Hooton and Parkgate Railway of the London and North-western and Great Western Railway Companies (in this section called "the two companies") or over the approach road leading to their Neston Station or upon the lands of those companies the following provisions shall apply and have effect:

1. The Company shall construct the said portion of Railway No. 3 in the line shown on the deposited plans unless otherwise agreed with the principal engineer for the time being of the railways belonging to the two companies jointly (in this section called "the said principal engineer") and so as to leave undisturbed at all times the lines of railway and other works connected therewith of the two companies at such crossing and so as in no way to obstruct impede or interfere with the free and uninterrupted and safe use of the said railway and works of the two companies or the said approach road or with the traffic thereon and if any such obstruction or interference shall be caused or take place the Company shall pay to the two companies in respect thereof full compensation to be recovered together with costs in any court of competent jurisdiction;

2. The Company shall carry the said Railway No. 3 over the said railway lands and approach road of the two companies by means of a wrought-iron girder bridge with wrought-iron flooring such bridge to have three spans of the respective dimensions following that is to say (1) The span over the Hooton and Parkgate Railway shall be of the clear width of twenty-five feet with a clear headway throughout of not less than fourteen feet six inches above the existing rails at the point of crossing (2) The span over the adjoining property of the two companies shall be of the clear width of not less than forty-seven feet with a clear headway throughout of not less than fourteen feet six inches above the level of the existing sidings of the joint companies at their western termination and (3) The span over the said approach road shall be of the clear width of not less than thirty feet with a clear headway throughout of not less than sixteen feet above the level of the said approach road at the point of crossing;

3. If by reason of the construction of the said Railway No. 3 it shall become necessary to add to or alter the signal or signals upon the said Hooton and Parkgate Railway the same shall be so added to or altered by the two companies and the reasonable expense thereof shall be repaid to the two companies by the Company;

4. The Company shall construct the said portion of Railway No. 3 and all the works both temporary and permanent necessary or incident to the construction thereof or affecting the property and works of the two companies in accordance with the provisions of this section and according to plans sections and specifications and of such quality and strength of materials and in every other respect as shall be previously submitted to and approved in writing by the said principal engineer and the Company shall not commence the construction of the said portion of Railway No. 3 or enter upon or interfere with any land works or property belonging to or used by the two companies until such plans sections and specifications have been so submitted and approved Provided always that if the said principal engineer shall for the period of one month neglect or refuse to approve such plans sections or specifications or shall disapprove the same then the said portion of railway and the said works shall be constructed according to plans sections and specifications to be submitted to and approved (subject however to the special provisions of this section) by an engineer to be agreed upon or in default of agreement to be appointed at the request of either the Company or the two companies by the President for the time being of the Institution of Civil Engineers ;

5. The said portion of Railway No. 3 and all works necessary or incident to the construction thereof or affecting the property and works of the two companies shall be executed by and in all things at the expense of the Company and under the superintendence and to the reasonable satisfaction of the said principal engineer ;

6. The Company shall not (except with the previous consent of the two companies under their respective common seals) purchase or acquire any lands or property of the two companies but the Company may purchase and take and the two companies shall sell and grant accordingly an easement or right of using so much of the lands of those companies as may be necessary for the construction of the said portion of Railway No. 3 and the works necessary or incident thereto in accordance with the provisions of this section ;

7. During the construction of the said portion of railway and works over across and adjoining and near to or affecting the railways property and works of the two companies the Company shall bear and on demand pay to those companies all reasonable expense of the employment by them of a sufficient

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number of inspectors or watchmen to be appointed by those companies for watching their railway and the works thereof or the said approach road with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the Company or their contractors or any person or persons in the employment of the Company or their contractors with reference thereto or otherwise;

8. The Company shall at all times maintain the said portion of Railway No. 3 and all the works connected therewith or incident thereto in substantial repair and good order to the reasonable satisfaction in all respects of the said principal engineer and if and whenever the Company fail so to do the two companies may make and do in and upon as well the lands of the Company as their own lands all such works repairs and things as they may reasonably think requisite in that behalf and the reasonable amount of such expenditure shall be repaid to the two companies by the Company and in default may be recovered by them from the Company with full costs in any court of competent jurisdiction;

9. Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the two companies all costs losses damages and expenses which may be occasioned to those companies or to their railway works or property or to the said approach road or to the traffic thereon or otherwise by reason of the execution or failure of the Company's railway and the works in connexion therewith or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company will effectually indemnify and hold harmless the two companies from all claims and demands upon or against them by reason of such execution or failure and of such act or omission;

10. The Company and the two companies may agree for any variation or alteration in the works in this section provided for or in the manner in which the same shall be executed;

11. Nothing in this Act contained shall extend to prejudice alter or take away any of the rights privileges or powers of the two companies otherwise than is herein expressly provided.

Power to take easements &c. by agreement.

14. 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 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.

Restrictions as to displacing persons belonging to labouring class.

15. The Company shall not under the powers of this Act without the consent 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 of December last were occupied either wholly or partially 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 of such persons who may be residing with them.

Deposit money not to be repaid except so far as railways opened.

16. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of seventeen thousand seven hundred and thirty pounds nine shillings and fourpence being five per centum upon the amount of the estimate in respect of the railway has been deposited with the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act which sum (or the stock or securities in which the same may be invested) is referred to in this Act as "the deposit fund" Be it enacted that notwithstanding anything contained in the said recited Act the 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 railway open the said railway for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the

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same proportion as the length of the railway so opened bears to the entire length of the railway the Chancery Division of the High Court of Justice in England shall on the application of the depositors order the portion of the deposit fund so specified in the certificate as aforesaid to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall if signed by the secretary or by an assistant secretary of the said board 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 recited Act to the contrary notwithstanding.

Application of deposit.

17. If the Company do not previously to the expiration of the period limited by this Act for the completion of the railway hereby authorised to be made complete the said railway and open it for the public conveyance of passengers then in every such case the deposit fund or so much thereof as shall not have been paid or transferred 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 may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the said railway or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the said Chancery Division may seem fit and if no such compensation shall be payable or if a portion of the deposit fund shall have been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and shall accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the deposit fund shall have been repaid to the depositors or shall have become otherwise applicable as hereinbefore 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.

Period for completion of works.

18. If the railways are 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 Company for making and completing the railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Railway to form part of Company's railway.

19. The railways by this Act authorised shall for the purposes of tolls and charges and for all purposes whatsoever be part of the railway of the Company.

Tolls.

20. The provisions of the certificate of 1883 and of the Act of 1884 relating to tolls fares rates and charges are hereby repealed and the following substituted provisions shall have effect.

The Company may demand and take in respect of the use of the railway authorised by the certificate of 1883 the Act of 1884 and this Act any tolls not exceeding the following (that is to say) :—

For goods.

In respect of the tonnage of all articles conveyed upon the railway or any part thereof as follows:

For all dung compost and all sorts of manure lime and limestone and all undressed materials for the repair of public roads or highways per ton per mile not exceeding one penny and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one halfpenny ;

For all coals culm coke charcoal and cinders all stones for building pitching and paving and all bricks tiles slates clay and sand ironstone iron ore pig iron bar iron rod iron hoop iron and all other similar descriptions of wrought iron and iron castings not manufactured into utensils or other articles of merchandise per ton per mile not exceeding one penny and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one halfpenny ;

For all sugar grain corn flour hides dyewoods earthenware timber stones and deals metals (except iron) nails anvils vices and chains per ton per mile twopence and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding three farthings ;

For all cotton and other wools drugs manufactured goods and all other wares merchandise fish articles matters or things per ton per mile not exceeding threepence and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one penny ;

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And for every carriage of whatever description having more than two wheels not being adapted and used for travelling on a railway and not weighing more than one ton carried or conveyed on a truck or platform per mile not exceeding sixpence and a like sum of twopence per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh and if conveyed on a truck or platform belonging to the Company an additional sum per mile not exceeding twopence.

For passengers and cattle.

In respect of passengers and animals conveyed in carriages upon the railway as follows:

For any person conveyed in or upon any such carriage per mile not exceeding twopence and if conveyed in or upon any carriage belonging to the Company an additional sum not exceeding one halfpenny;

For every horse mule ass or other beast of draught or burden and for every ox cow bull or neat cattle conveyed in or upon such carriage per mile not exceeding threepence and if conveyed in or upon any carriage belonging to the Company an additional sum not exceeding one penny;

For every calf or pig sheep lamb or other small animal conveyed in or upon any such carriage per mile not exceeding one halfpenny and if conveyed in or upon any carriage belonging to the Company an additional sum not exceeding one farthing.

Tolls for propelling power.

21. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal or for each ton of goods or other articles in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations as to the tolls.

22. The following provisions and regulations shall be applicable to the fixing of such tolls (that is to say):—

For articles or persons conveyed on the railway for a less distance than three miles the Company may demand the tolls and charges herein-before prescribed as for three miles;

For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may demand tolls on merchandise for such fraction in proportion to the number of quarters of a mile contained therein and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile;

For a fraction of a ton the Company may demand toll according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton;

With respect to all articles except stone and timber the weight shall be determined according to the imperial avoirdupois weight;

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity.

Tolls for small parcels and articles of great weight.

23. With respect to small packages and single articles of great weight notwithstanding the rates of tolls prescribed by this Act the Company may lawfully demand the tolls following (that is to say):

For the carriage of small parcels on the railway or any part thereof as follows;

For any parcel not exceeding seven pounds in weight threepence;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence;

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence;

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence;

And for any parcel exceeding fifty-six pounds in weight the Company may demand any sum which they think fit;

Provided always that articles sent in large aggregate quantities although made up of separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but such term shall apply only to single parcels in separate packages;

For the carriage of any one boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage shall exceed four tons but shall not exceed eight tons the Company may demand such sum as they think fit not exceeding eightpence per ton per mile;

For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage shall exceed eight tons the Company may demand such sum as they think fit.

Passengers luggage.

24. Every passenger travelling upon the railway may take with him his ordinary luggage not exceeding one hundred pounds in weight for first-class passengers sixty pounds in weight for second-class passengers and forty pounds in weight for third-class passengers without any charge being made for the carriage thereof.

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Maximum rate of charge for passengers:

25. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway including the tolls for the use of the railway and of carriages and for locomotive power and every other expense incidental to such conveyance shall not exceed the sums following:

For every passenger conveyed in a first-class carriage the sum of threepence per mile;

For every passenger conveyed in a second-class carriage the sum of twopence per mile;

For every passenger conveyed in a third-class carriage the sum of one penny per mile.

For animals and goods.

The maximum rates of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railway including the tolls for the use of the railway and for waggons or trucks and locomotive power and every other expense incidental to such conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods and for delivery and collection and any other service incidental to the business or duty of a carrier where any such service is performed by the Company) shall not exceed the sums following:—

For every horse mule ass or other beast of draught or burden and for every ox cow bull or head of neat cattle the sum of fourpence per mile;

For every calf pig or sheep the sum of one penny per mile and for every lamb or other small animal the sum of three-farthings per mile;

For carriages the sum of sevenpence per mile;

For all dung compost and all sorts of manure lime and limestone and all undressed materials for the repair of public roads or highways the sum of one penny per ton per mile;

For all coals culm coke charcoal and cinders all stones for building pitching and paving all bricks tiles clay sand ironstone and iron ore pig iron bar iron rod iron hoop iron and all other similar descriptions of wrought iron and iron castings not manufactured into utensils or other articles of merchandise one penny per ton per mile;

For all sugar grain corn flour hides dyewoods earthenware timber stones and deals metals (except iron) nails anvils vices and chains twopence halfpenny per ton per mile;

For all cotton and other wools drugs manufactured goods and all other wares merchandise fish articles matters or things the sum of threepence per ton per mile;

Provided always that when a waggon for the carriage of cattle or sheep shall be engaged by one party the charge for any such waggon

capable of containing and not containing more than six cattle or thirty sheep shall not exceed ninepence per mile.

Terminal station.

26. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

Tolls for passengers not applicable to special trains.

27. The restrictions as to the charges to be made for passengers shall not extend to any special or extra train that may be required to run upon the railway but shall apply only to the ordinary trains appointed or to be appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Power to charge extra for goods by agreement with the owners.

28. Notwithstanding anything in this Act contained the Company may by agreement with the owner or owners of or person or persons in charge of goods of any description take and recover either in respect of the conveyance of such goods other than small parcels by passenger trains or by reason of any other special service performed by the Company in relation thereto any increased rates or charges over and above the rates and charges by this Act limited or authorised to be received and taken for or in respect of any such goods.

Rates for cranes and weighing machines.

29. The Company may demand and take for the use of any cranes and weighing machines erected by the Company of and from the owner or person having the charge of any goods articles or things loaded or unloaded weighed or measured by means of the same such reasonable rates as the Company shall from time to time appoint.

Classification table of goods to be open to inspection and copies kept for sale.

30. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railway shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

Terminal charges (if any) to be specified on application.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified.

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Penalty.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty may be recovered and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act 1873.

Power to apply funds.

31. The Company may apply for the purposes of this Act to which capital is properly applicable any money which they are for the time being authorised to raise independently of this Act and which is not required for the purposes for which the same was authorised to be raised.

Power to raise additional capital.

32. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole three hundred and sixty thousand pounds by the issue of new ordinary shares or subject as aforesaid they may raise not exceeding one half of such additional capital by new preference shares and the balance thereof by new ordinary shares but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

New shares to be subject to the same incidents as other shares.

33. Except as by this Act otherwise provided the capital in new shares created by the Company under this Act and the new shares therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares were shares in that capital and any new shares so created shall form part of such capital accordingly.

Dividends on new shares.

34. Every person who becomes entitled to new shares shall in respect of the same be a holder of shares in the capital of the Company and shall be entitled to a dividend with the other holders of shares of the same class or description proportioned to the whole amount from time to time called and paid on such new shares.

Restriction as to votes in respect of preference shares.

35. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares to which a preferential dividend shall be assigned.

New shares raised under this Act and recited Act and

36. Subject to the provisions of the certificate of 1883 and to the provisions of the Act of 1884 and of this Act the Company may if they think fit raise by the creation and issue of new shares of one and the same class all or any part of the aggregate capital

which they are by such certificate and Acts respectively authorised to raise by the creation and issue of new shares.

certificate may be of same class.

37. The Company may in respect of the additional capital of three hundred and sixty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole one hundred and twenty thousand pounds but no part thereof shall be borrowed until shares for the whole of such additional capital of three hundred and sixty thousand pounds are issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such additional capital has been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof and that such additional capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon 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 proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Power to borrow on mortgage.

Power to create and issue debenture stock.

38. 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 the certificate of 1883 or the Act of 1884 or 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 certificate 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.

Appointment of a receiver.

39. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their respective mortgages by the appointment of a receiver and 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 ten thousand pounds in the whole.

Application of moneys.

40. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes

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of the Act of 1884 and this Act to which capital is properly applicable.

Power to enter into traffic agreements.

41. The Company on the one hand and the Seacombe Hoylake and Deeside Railway Company and the Wrexham Mold and Connah's Quay Railway Company or either of those companies on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Regulation of Railways Act 1873 from time to time enter into and carry into effect contracts and agreements for and with respect to the following purposes or any of them (that is to say):—

The working use maintenance and management of the railways of the Company or any part or parts thereof;

The supply of engines stock and plant necessary for the purposes of any agreement for the working and use of the railways of the Company by the other companies or either of them and the employment of officers and servants for the conveyance and conduct of the traffic on the railways;

The payments to be made and the conditions to be performed with respect to such working use management and maintenance;

The management regulation interchange collection transmission and delivery of traffic from to and over the undertakings of the contracting companies;

The fixing collection payment division and appropriation of the tolls fares rates and revenue arising from such traffic;

The payments allowances and rebates to be paid made or allowed by any of the contracting companies to the others or other of them.

Agreements with Manchester Sheffield and Lincolnshire Railway Company.

42. The Company and the Manchester Sheffield and Lincolnshire Railway Company may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Regulation of Railways Act 1873 from time to time enter into and carry into effect agreements with respect to the use of their respective railways or some part or parts thereof and the payments to be made and conditions to be performed with respect to such use and also with respect to the interchange accommodation and transmission of traffic to from and over their respective railways and the collection and division of the tolls fares rates and charges arising from such traffic.

Tolls on traffic conveyed partly on the railway and

43. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railways of the Company or any part or parts thereof by any other company the railways of the Company and of such

other company shall for the purposes of short distance tolls and charges be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway of the Company and partly on any other railway for a less distance than three miles tolls and charges may only be charged as for three miles and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond three miles tolls and charges as for a quarter of a mile only and no other short distance charge shall be made for the conveyance of passengers animals or goods partly on the railway of the Company and partly on the railway of such other Company.

partly on any other railway.

44. 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 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.

Interest not to be paid on calls paid up.

45. 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.

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

46. Nothing in this Act contained shall exempt the Company or the railway 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 or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels.

Provision as to general railway Acts.

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

Costs of Act.

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