CHAPTER cxxiv.

An Act to authorise the Wirral Railway Company to make a Railway and other Works near Seacombe and for other purposes. [6th July 1895.]

A.D. 1895.

WHEREAS by the Wirral Railway (Amalgamation) Act 1891 the undertakings of the Wirral Railway Company and Seacombe Hoylake and Deeside Railway Company were amalgamated and those companies were dissolved and re-incorporated under the name of the Wirral Railway Company (herein-after called "the Company"):

And whereas it is expedient that the Company be authorised to make the railway road diversions and other works herein-after described and to abandon a portion of their authorised railway:

And whereas it is expedient that the agreement set forth in the schedule to this Act be confirmed:

And whereas it is expedient that the other powers in this Act contained should be conferred on the Company:

And whereas plans and sections showing the lines and levels of the railway road diversions and works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Chester and are herein-after referred to as the deposited plans sections and book of reference:

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

[*Price* 1*s*. 6*d*.]

Short title.

1. This Act may be cited as the Wirral Railway Act 1895.

Incorporation of general Acts.

2. The following Acts and parts of Acts are (except where the same are expressly varied by this Act) incorporated with and form part of this Act namely :—

The Lands Clauses Acts ;

The Railways Clauses Consolidation Act 1845 ; and

Part I. (relating to construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act 1863.

Extending certain provisions of Companies Clauses Acts.

3. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and means of enforcing 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 the borrowed money into capital ;

The consolidation of shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The giving of notices ; and

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

and also Parts I. II. and III. of the Companies Clauses Act 1863 (relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock) as amended by the Companies Clauses Act 1869 shall subject to the provisions of this Act extend and apply to the capital and money hereby authorised to be raised by shares or stock or borrowing or debenture stock and the proprietors thereof.

Interpretation.

4. 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 or inconsistent with such construction :

The expression "the Company" means the Wirral Railway Company ;

The expression "the railway" means the railway by this Act authorised ;

And 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 for the purposes of this Act 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 new railway road diversions and works.

5. 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 railway in the county of Chester herein-after described with all proper stations sidings approaches roads junctions works and conveniences connected therewith and may also make and maintain the road diversions herein-after described and may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited book of reference as may be required for those purposes The railway and road diversions herein-before referred to and authorised by this Act are—

A railway nine chains and twenty links in length situate wholly in the township of Poulton-cum-Seacombe in the parish of Wallasey commencing by a junction with Railway No. 1 authorised by the Seacombe Hoylake and Deeside Railway Act 1881 at a point upon the land No. 110 on the twenty-five inch Ordnance map (within the angle formed by the junction of the northern side of Church Road or Church Street with the western side of Victoria Road) one hundred and thirty-four yards or thereabouts measured in an easterly direction from the north-east corner of St. Paul's Church Seacombe and terminating at a point in a plot of land adjoining the River Mersey belonging or reputed to belong to the Mersey Docks and Harbour Board one hundred and fifty yards or thereabouts measured in a southerly direction from the centre of the entrance to the buildings of the Seacombe and Liverpool Ferry landing stage;

An alteration or diversion of a public road known as Victoria Place in the said township of Poulton-cum-Seacombe for the entire length thereof;

An alteration or diversion of a public road known as Church Road or Church Street in the said township of Poulton-cum-Seacombe from its junction with Birkenhead Road to St. Paul's Church and by entirely disconnecting it from Victoria Place;

An alteration or diversion of a public road known as the Birkenhead Road in the said township of Poulton-cum-

A.D. 1895.

Seacombe from its junction with Church Road to a new junction thereof with Victoria Place near to the entrance to the buildings of the Seacombe and Liverpool Ferry Landing Stage.

Power to deviate in construction of works.

6. The Company may (subject to the provisions herein-after contained for the protection of the Mersey Docks and Harbour Board and the Wallasey Urban District Council) in constructing the alterations and diversions of roads by this Act authorised deviate from the lines thereof to the extent of the limits of deviation marked on the deposited plans but so that no part of any such works shall extend beyond such limits and may deviate from the levels of any of the said works shown on the deposited sections to any extent not exceeding five feet but so as not to increase the gradient of any road except with the consent of the Wallasey Urban District Council or other the road authority for the time being in the district in which such road is situate and the Company may stop up and discontinue so much of the said roads respectively as will be rendered unnecessary by the aforesaid alterations or diversions.

Roads not to be stopped up until new roads completed.

7. The Company shall not stop up any road by this Act authorised to be diverted until they shall have completed to the satisfaction of two justices and opened to the public the diversion of such road by this Act authorised to be made in lieu of the road so to be stopped up Provided that the Company before applying to such justices for their certificate that such road diversion is completed to their satisfaction give seven days' notice in writing of their intention to apply for the same to the road authority of the district in which such road is situate.

Provision for repair of new roads.

8. The diverted or altered roads to be made under the authority of this Act shall when made and completed be repaired and maintained by and at the expense of the parties liable to repair and maintain the public highways in the same manner and to the same extent as other public highways within the same parish or district in which such diverted or altered roads will be situate are from time to time liable to be repaired and maintained If any question shall arise between the Company and any of such parties as to the due completion of any diverted or altered road such question shall from time to time be determined by two justices on the application of either of the parties in difference and the certificate of the justices of the due completion of such diverted or altered road shall be conclusive evidence of the facts so certified.

Extinguishment of rights of way.

9. All rights of way over or along the roads or portions thereof which shall under the provisions of this Act be diverted stopped up and discontinued and over any of the lands which shall be acquired

compulsorily under the powers of this Act shall be and the same are as from the diversion stopping-up or acquisition thereof respectively by this Act extinguished.

Vesting in Company site and soil of portions of roads &c. stopped up.

10. The site and soil of the roads or portions thereof by this Act authorised to be diverted stopped up and discontinued and the fee simple and inheritance thereof shall if the Company are or if and when under the powers of this Act or of any other Act relating to the Company already passed they become the owners of the lands on both sides thereof be from the time of the stopping up thereof respectively wholly and absolutely vested in the Company for the purposes of their undertaking subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway.

Inclination of roads.

11. In altering for the purposes of this Act the roads next herein-after 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.
1	Wallasey -	Church Street - -	1 in 44
43	Wallasey -	Birkenhead Road -	1 in 35

But if the Wallasey Urban District Council consent thereto such inclinations may be made steeper than those before prescribed but not in either case steeper than the inclinations prescribed by the Railways Clauses Consolidation Act 1845.

For the protection of the Mersey Docks and Harbour Board and the Wallasey Urban District Council.

12. The Company shall execute the works shown on the deposited plans and sections under and subject to the following limitations and conditions :—

(*a*) The Company shall not (except with the consent of the Wallasey Urban District Council in this section referred to as "the council") enter upon take and use for railway purposes any more of the land belonging to the council or the land now forming part of Victoria Place Church Road and Birkenhead Road Seacombe than is situate within the limits shown upon the plan signed by the Right Honourable the Lord Fermanagh (Earl Erne) the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred and deposited in the Office of the Clerk of the Parliaments and herein-after referred to as the signed plan :

A.D. 1895.

(*b*) The Company shall make the diversions of Victoria Place Church Road and Birkenhead Road in the manner shown on the signed plan but such diversions may be further varied with the consent of the council so that the width of Victoria Place shall not be less than one hundred feet the width of Church Road shall not be less than fifty feet and the width of Birkenhead Road diversion shall not be less than forty feet and so that the width of the roadway and footpaths between the frontage line of the Seacombe Ferry buildings and the frontage of the station buildings of the Company shall not be less than seventy feet and so also that the southern boundary line of Birkenhead Road diversion as shown on the signed plan shall not be altered or varied without the consent of the Mersey Docks and Harbour Board:

(*c*) The Company shall acquire and take the piece of land now belonging to the Mersey Docks and Harbour Board and being part of the land shown on the signed plan as "Wallasey Ferries Coal Store" and shall cause the same to be conveyed to the council and the value thereof shall be taken into account in settling the value of the land to be acquired and taken by the Company from the council:

And the Company may also enter upon take and use for the purpose of the aforesaid diversion of the Birkenhead Road (but for that purpose only) the land of the Mersey Docks and Harbour Board shown red on the signed plan and except as aforesaid the Company shall not enter upon take or use any land of the Mersey Docks and Harbour Board without the consent of the Mersey Docks and Harbour Board in writing under their common seal nor shall the Company without the like consent in writing construct any portion of the railway by this Act authorised which will be situate to the southward of the Birkenhead Road diversion as shown on the signed plan:

(*d*) The Company shall not acquire the freehold of any of the land now belonging to the council and shown upon the signed plan as reserved for them but shall acquire only an easement over the same for the purpose of a branch railway for connecting the railways of the Company with the railways and land of the Mersey Docks and Harbour Board:

(*e*) In constructing the said branch railway over the land of the council the Company shall at the intersection of the said branch railway with the railways of the council make construct maintain and work a turntable and shall give efficient and reasonable facilities for the interchange of traffic between the railways of the council and the railways of the Company and of the Mersey

Docks and Harbour Board And the Company may run over and use the railways of the council for the interchange of traffic between the railways of the Company and the railways now existing on Birkenhead Road The Company may make such alterations in the railways of the council as may be necessary for the aforesaid purposes:

(*f*) The Company may erect build and maintain a roof or cover over the road between the Seacombe Ferry Buildings and the Company's station for the protection of passengers and such roof or cover shall be built in such manner and of such dimensions and of such height above the road as shall be agreed upon between the Company and the council or failing agreement as shall be determined 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:

(*g*) The Company shall erect and build a footbridge over the railway at the junction of Birkenhead Road and Church Road with approaches thereto by steps Such bridge and steps shall be 6 feet in width:

The Company may place the approach steps upon Victoria Place but so that the same shall not occupy more than 3 feet 6 inches from the boundary of the land which the Company is hereby authorised to take and (except as aforesaid) the said bridge and the southern approach steps shall be wholly upon the Company's land:

The bridge and steps shall be designed and built to the reasonable satisfaction of the surveyor of the council and in case of difference shall be settled by an engineer to be appointed at the instance of either party by the President for the time being of the Institution of Civil Engineers:

(*h*) Before the Company execute any work or do anything whereby the passage or flow of gas or water in any existing main or pipe belonging to or under the control of the Council may be interrupted or interfered with they shall at the cost of the Company provide to the reasonable satisfaction of the gas and water manager of the council a substituted main or pipe and connect the same with some other main or pipe of the council:

(*i*) If the railway or any work by this Act authorised shall interfere with any sewer or drain of the council or in any way affect the sewerage or drainage of the district the Company shall not commence such railway or work until they shall have given to the Council twenty-eight days previous notice in writing of their intention to commence the same by leaving such notice at the principal office of the council with all necessary particulars

A.D. 1895.

relating thereto nor until the council shall have signified their approval of the same unless the council do not signify their approval disapproval or other directions within twenty-eight days after service of the said notice and particulars as aforesaid and the Company shall comply with and conform to all reasonable directions and regulations of the council in the execution of the said works and shall provide by new altered or substituted works in such manner as the council shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by or by reason of the railway and shall save harmless the council against all and every the expense to be occasioned thereby and all such works shall be done under the direction superintendence and control of the surveyor or other officer or officers of the council at the reasonable costs charges and expenses in all respects of the Company and when any new altered or substituted work as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the council and be maintained by them as any other sewers or works in their district.

Company may construct railway at Poulton.

13. For the purpose of connecting the railways of the Company with the railways of the Mersey Docks and Harbour Board at the western end of the dock estate the Company may at any time lay down a double line of railway (to be used for merchandise traffic only) across and on the level of the road at Poulton (leading down to the Wallasey Bridge Road) but nothing in this Act shall be deemed to give the Company any right to connect their railways or any of them with or to use or interfere with the railways of the Mersey Docks and Harbour Board without the consent of that Board in writing under their common seal.

Lands for extraordinary purposes.

14. The quantity of land to be taken by the Company by agreement under this Act for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed one acre but nothing in this Act or in that Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

Period for compulsory purchase of lands.

15. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for completion of works.

16. If the railway and works herein-before authorised by this Act 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 and works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Railway to form part of railways of the Company.

17. The railway and the works connected therewith executed under the authority of this Act shall for the purposes of tolls rates and charges and all other purposes whatsoever be part of the Wirral Railway and comprised in the undertaking of the Company.

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

18. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of one thousand seven hundred and seventy-nine pounds sixteen shillings being five per centum upon the amount of the estimate in respect of the railway road diversions and works other than substituted works authorised by this Act has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund Be it enacted that notwithstanding anything contained in the said Act the said 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 the completion of the railway open the same for the public conveyance of passengers and if the Company shall make default in so opening the railway the deposit fund shall be applicable and shall be applied as provided for by the next following section.

Application of deposit.

19. If the Company do not previously to the expiration of the period limited for the completion of the railway complete and open the same for the public conveyance of passengers then and 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 has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred

A.D. 1895.

upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the deposit fund has 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 if a receiver has been appointed or the Company is insolvent or the railway has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors Provided that until the deposit fund has been repaid or retransferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Power to take easements &c. by agreement.

20. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than the parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Restrictions on displacing persons of labouring class.

21.—(1) The Company shall not under the powers of this Act or under the powers of any former Act revived or extended by this Act purchase or acquire in any city borough or urban district or in any parish or part of a parish not being within an urban district ten or more houses which after the passing of this Act have been or on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised as the case may be were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

(*a*) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the respective fifteenth day of December aforesaid or for such number of persons as the Local Government Board shall after inquiry

deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(*b*) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

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

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

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

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

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase Sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the

A.D. 1895.

purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

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

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

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

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

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

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

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

(11) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(12) 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.

Powers of purchasing certain lands revived.

22. The powers conferred on the Seacombe Hoylake and Deeside Railway Company by the Seacombe Hoylake and Deeside Railway Act 1881 as extended by subsequent Acts for the compulsory purchase of the properties numbered 19 22 22A 42 and 43 respectively on the plans of Railway No. 1 deposited in respect of the said Act of 1881 are by this Act revived and extended and may be exercised by the Company for and during a period of two years from and after the eighteenth day of July one thousand eight hundred and ninety-five.

Company to abandon portion of authorised railway.

23. The Company shall abandon so much of the said Railway No. 1 authorised by the Seacombe Hoylake and Deeside Railway Act 1881 as was intended to be situate between the western side of Victoria Road and the termination of that railway shown on the said deposited plans as will be rendered unnecessary by the construction of the railway by this Act authorised.

A.D. 1895.

Compensation for damage to land by entry &c. for purpose of portion of railway abandoned.

24. The abandonment by the Company 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 Company 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 Company 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 in the said Act of 1881 as extended by any subsequent Acts.

Compensation to be made in respect of portion of railway abandoned.

25. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portion of railway or works authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land 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 to be paid for lands taken under the provisions thereof.

Agreements with Mersey Docks Board and Wallasey District Council.

26. The Company may from time to time enter into agreements with the Mersey Docks and Harbour Board and the Wallasey Urban District Council or either of them for and with respect to the diversion of streets and roads with any tramways laid down thereon and the acquisition of any lands and property necessary for those purposes and any incidental matters.

Confirmation of agreement with Wallasey Urban District Council.

27. The agreement dated the third day of August one thousand eight hundred and ninety-three between the Company of the one part and the Wallasey Local Board (now the Wallasey Urban District Council) of the other part as set forth in the schedule to this Act annexed is hereby confirmed and made binding on the Company and the Urban District Council respectively.

Running powers.

28. The Company and any company or persons lawfully working or using the railways of the Company or any part thereof by agreement or otherwise may run over and use with their engines

carriages waggons officers and servants for the purposes of traffic of every description the railway next herein-after mentioned or any part thereof (that is to say) :—

The joint railway of the Manchester Sheffield and Lincolnshire Railway Company and Wrexham Mold and Connah's Quay Railway Company authorised by the Wirral Railway Act 1890:

Together with all terminal and other stations sidings platforms points signals telegraphs junctions approaches roads water watering places and water engines engine sheds standing room for engines and carriages booking and other offices warehouses machinery works and conveniences connected with the aforesaid railway and stations.

Terms of such user.

29. The terms conditions and regulations to be observed and fulfilled and the tolls rates charges rent or other consideration to be paid by the Company or any such other company or persons as aforesaid for and in respect of the use of the said railway stations sidings works and conveniences shall be such as are from time to time agreed upon between the said owning companies and the Company or failing agreement as may from time to time be determined by an arbitrator to be appointed by the Railway and Canal Commission or any three of the commissioners on the application of any of the companies interested and the cost of the arbitration shall be in his discretion and the decisions of the arbitrator shall be final and binding on all parties.

Bye-laws to be observed.

30. In running over and using the said railway and in using the stations sidings and conveniences in accordance with the provisions herein-before contained the regulations and byelaws for the time being in force on the undertaking so used shall be at all times observed so far as such byelaws shall be applicable.

Running powers to Wirral Railways Committee.

31.—(1) The Wirral Railways Committee (acting in pursuance of the Wirral Railway Transfer Act 1889 and herein-after called "the committee") and any company or persons lawfully working or using the railways of the committee or any part thereof by agreement or otherwise may run over and use with their engines carriages waggons officers and servants for the purposes of traffic of every description the railway authorised by this Act together with all stations sidings roads platforms junctions points signals water watering places engine sheds standing room for engines and carriages booking and other offices warehouses machinery works and conveniences connected with the aforesaid railway.

Terms of such user.

(2) The terms conditions and regulations to be observed and fulfilled and the tolls rates charges rent or other consideration to be paid by the committee or any such other company or persons as

A.D. 1895.

aforesaid for and in respect of the use of the said railway stations sidings works and conveniences shall be such as are from time to time agreed upon between the said owning company and the committee or failing agreement as may from time to time be determined by an arbitrator to be appointed by the Railway and Canal Commission or any three of the commissioners on the application of either the Company or the committee or other parties interested and the cost of the arbitration shall be in his discretion and the decisions of the arbitrator shall be final and binding on all parties.

Bye-laws to be observed.

(3) In running over and using the said railway and in using the stations sidings and conveniences in accordance with the provisions herein-before contained the regulations and byelaws for the time being in force on the undertaking so used shall be at all times observed so far as such byelaws shall be applicable.

Tolls on traffic conveyed partly on the railway and partly on the joint railway.

32. During the exercise of the running powers herein-before granted the railways of the Company and the joint railway of the Manchester Sheffield and Lincolnshire Railway Company and the Wrexham Mold and Connah's Quay Railway Company shall for the purpose of short distance rates and charges be considered as one railway and in estimating the amount of rates and charges in respect of passengers conveyed partly on the railway of the Company and partly on the joint railway for a less distance than three miles rates and charges may only be charged as for three miles and for every mile or fraction of a mile beyond three miles rates and charges as for one mile only and in estimating the amount of rates and charges in respect of merchandise traffic including perishable merchandise by passenger train conveyed partly on the railway of the Company and partly on the joint railway the Company shall be deemed to be a company connected with the Manchester Sheffield and Lincolnshire Railway Company and specified in the appendix to the schedule to the Railway Rates and Charges No. 12 (Manchester Sheffield and Lincolnshire Railway &c.) Order Confirmation Act 1892 Provided that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by passenger train no higher charge shall be made than the maximum authorised charge for parcels of the same weight.

Company may apply their funds towards purposes of Act and may raise additional capital.

33. The Company may apply towards the construction of the railway and works by this Act authorised and other purposes of this Act being in every case purposes to which capital is properly applicable any moneys which they are already authorised to raise and which may not be required by them for the purposes for which

the same were authorised to be raised and the Company may from time to time subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to the said moneys for the purposes of this Act and for other purposes of and connected with their authorised undertaking any additional sum or sums not exceeding in the whole sixty thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or partly by any one or more of those methods respectively which shares or stock shall form part of the general capital of the Company.

Shares not to vest until one fifth part paid up.

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

Receipt in case of persons not sui juris.

35. If any money is payable under this Act to a holder of shares stock mortgages or debenture stock being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

As to votes of proprietors of new shares or stock.

36. The proprietors of any ordinary shares or stock to be issued under the authority of this Act shall subject to the provisions of this Act be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares or stock of the Company.

Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new preference shares or stock.

Power to borrow.

37. The Company may in respect of the additional capital of sixty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole twenty thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital 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 shares for the whole of such capital have been issued and accepted and that one half of such capital has been paid up and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to

A.D. 1895.

be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares 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.

Appointment of receiver.

38. Section 39 of the Wirral Railway Act 1885 and Section 22 of the Seacombe Hoylake and Deeside Railway Act 1886 with respect to the appointment of a receiver by mortgagees are hereby repealed but without prejudice to any appointment made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under the said sections The mortgagees of the undertaking of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Debenture stock.

39. 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 at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Priority of principal moneys secured by existing mortgages.

40. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Application of moneys.

41. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act or for the general purposes of the Company to which capital is properly applicable and not otherwise.

Interest not to be paid on calls paid up.

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

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

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

Provision as to general Railway Acts.

44. Nothing in this Act contained shall exempt any Company named in this Act or the railway of any such Company 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.

Costs of Act.

45. 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.

A.D. 1895.

The SCHEDULE referred to in the foregoing Act.

AGREEMENT made and entered into the third day of August one thousand eight hundred and ninety-three between the Wirral Railway Company herein-after called "the Company" of the one part and the Wallasey Local Board herein-after called "the Board" of the other part Whereas by virtue of the Seacombe Hoylake and Deeside Railway Acts 1881 1886 and 1890 the Company have power to and intend to construct lines of railway connecting their present lines of railway with Seacombe terminating near the landing stage at Seacombe used by the Board in connection with their ferry to and from Liverpool And whereas it is anticipated that the number of passengers using the ferry will be greatly increased by the construction of the proposed line of railway.

It is agreed and declared as follows:—

1. On all passengers arriving at Seacombe by the proposed railway and proceeding without unnecessary delay from Seacombe to Liverpool by the ferry steamers and on all passengers coming from Liverpool by the said steamers for the proposed railway and who shall proceed without unnecessary delay by the proposed railway the board shall allow to the Company out of the gross receipts from such passengers in respect of the use of their ferry steamers thirty-three and one-third per centum of such gross receipts at the rate of toll charged for the time being by the board and such per-centage of receipts shall be paid to or accounted for by the board to the Company on the 30th day of June and the 31st day of December in each year unless otherwise agreed.

2. All luggage of such passengers as aforesaid carried free of charge by the Company shall be carried in the ferry steamers of the board free of any charge whatever but the board shall not be required to convey such luggage on board or to land the same but they shall afford all reasonable facilities to the servants of the Company and to such passengers to enable them to do so for the transit of such luggage.

3. The servants of the Company so employed or engaged on business connected with the passenger station at Seacombe shall be allowed to pass free of charge by the ferry steamers employed by the board and on the first day of each month or at such other time or times as may be agreed upon the Company shall furnish to the board a list of the persons aforesaid to whom

they desire free passes to be granted and the board shall thereupon grant such passes.

4. The board if required by the Company shall receive pass tickets issued by the Company to such passengers as aforesaid in lieu of demanding tolls from such passengers and the Company shall pay to the board their usual toll for each such passenger subject to the deduction of thirty-three and one-third per centum herein-before provided for.

5. The board shall afford all reasonable facilities to the Company for the conveyance of excess luggage of passengers and for parcel traffic usually carried by passenger trains in their steamers to and from the proposed railway and shall convey such excess luggage and traffic for the first year after the opening of the said railway for the sum of fifty pounds and thereafter on such terms and conditions as may from time to time be agreed upon between the Company and the board and in default of agreement the same shall be referred to arbitration as herein-after provided.

6. The board shall allow free of charge the use of the ferry approach road at Seacombe for passenger parcel and other traffic usually carried by passenger trains going to and from the proposed station at Seacombe subject to the rules and regulations from time to time of the board.

7. The board (so far as they legally can) shall permit the Company free of charge to construct erect and maintain a covered way for passengers along the footpath eighteen feet wide on the north side of Victoria Place Seacombe Such covered way shall be erected and constructed according to the plans already submitted to and approved by the board and to the satisfaction of the surveyor for the time being of the board.

8. The board shall at all times hereafter except otherwise agreed upon maintain as efficient a service of steamers to and from Seacombe and Liverpool between twelve o'clock at night and five o'clock in the morning as they have at the date of this agreement except at any time when in consequence of accident or of the state of the weather or from any other sufficient cause it shall be necessary to suspend the working of the ferry boats.

9. Notwithstanding anything herein contained the board shall not be required to afford greater facilities for either passenger luggage or parcel traffic than those now given at the Seacombe Ferry and the service of boats at the said ferry shall be subject to fogs storms strikes and other circumstances over which the board have no control and also to the byelaws rules and regulations of the board for the time being in force.

10. In the event of any difference arising between the Company and the board as to this agreement or as to any of the provisions thereof or arising thereunder the same shall be referred to and determined by arbitration in the manner provided by the Arbitration Act 1889.

11. This agreement (subject to any alterations which Parliament may make therein) shall be scheduled to the next Act of Parliament obtained by either the Company or the board.

A.D. 1895.

In witness whereof the said Company and the said board have caused their common seals to be hereunto affixed the day and year first before written.

W. D. Haswell Secretary of the Wirral Railway Company.

Seal of the Wirral Railway Company.

The common seal of the Wallasey Local Board was hereunto affixed in the presence of—

R. McGeoch Presiding Chairman of the Board.

Josh. Walmsley Presiding Chairman of the Finance Committee.

W. Danger Clerk to the Board.

Seal of the Wallasey Local Board.

Printed by Eyre and Spottiswoode,

FOR

T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.