



CHAPTER ccliii.

An Act to authorise the Wirral Railway Company to make a Branch Railway to Birkenhead and for other purposes. A.D. 1884.

[14th August 1884.]

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 the branch railway 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 to raise additional capital for that purpose:

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

And whereas the Company has not created or issued debenture stock:

And whereas plans and sections showing the line and levels of the railway authorised by this Act and also books of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be 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 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:

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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 1884.

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.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. The expression "the railway" means the railway 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. A.D. 1884.

4. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railway 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. Power to make railway.

The railway herein-before referred to and authorised by this Act is as follows:—

A railway two miles three furlongs and 4·40 chains in length wholly in the county of Chester commencing by a junction with the authorised Wirral Railway at or near the point where that railway is shown upon the plans thereof deposited with the clerk of the peace for the said county to cross the northern boundary fence of the public road from Birkenhead to Moreton and terminating in the extra-parochial chapelry of Birkenhead at or near the north-western side of the street known as Arthur Street.

5. In making the railway 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 as is necessary for avoiding interference therewith Provided that the Company shall make full compensation to the owners and occupiers of all premises injuriously affected by such deviation. Lateral and vertical deviations.

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 one acre. Lands for extraordinary purposes.

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. Period for compulsory purchase of lands.

8. 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 Power to take easements &c. by agreement.

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Provision
respecting
roads in
Birkenhead.

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

- (a.) The street or road called Ilchester Road shall not be raised at the point of its intersection by the railway more than seven feet above its present level and the gradient from the north end of the bridge over the railway to a point thirty feet from the south side of Beaufort Road shall be of one uniform inclination and the gradient from the south end of the bridge up Ilchester Road aforesaid shall be not steeper than one in forty ;
- (b.) The street or road called Buccleugh Street shall not be raised at the point of its intersection by the railway more than eight feet eight inches above its present level and the gradient from the north end of the bridge over the railway to a point thirty feet from the south side of Beaufort Road shall be of one uniform inclination and the gradient from the south end of the bridge up Buccleugh Street shall not be steeper than one in forty ;
- (c.) The street or road called Lincoln Street shall not be raised at the point of its intersection by the railway more than three feet above its present level and the gradient of the road approach to the north end of the bridge over the railway shall not be steeper than one in forty and the road approach to the south end of that bridge shall be of one uniform inclination to Corporation Road ;
- (d.) The street called Patten Street shall not be raised at the point of its intersection by the railway more than one foot six inches above its present level and the road approach to the south end of the bridge over the railway shall be level and the road approach to the north end of that bridge shall be one in fifty ;
- (e.) The present levels of the streets called Corporation Road and Duke Street shall not be altered ;
- (f.) If the Company shall acquire the land situate within the borough of Birkenhead and bounded by Beaufort Road on the north Lincoln Street on the east the railway on the south and the borough boundary on the west and if the Company shall arrange with and obtain the consent of William Laird and the trustees of the will of the late Sir William Jackson Baronet and their respective heirs and their respective assigns (other than assigns for pecuniary value) whilst they respectively shall be

owners or lessees of any lands lying between the railway Corporation Road and Ilchester Road the Corporation and the Mersey Docks and Harbour Board respectively shall have full power and authority to give their consent to and (if the Corporation and the Mersey Docks and Harbour Board respectively shall think expedient so to do) to make arrangements and agree upon terms for the shutting up and closing of such parts of Ilchester Road and Buccleugh Street as pass through the land so acquired and the Company (upon such consents as aforesaid being given) shall have full power and authority to shut up and close the same accordingly and to make arrangements and agree upon terms and to observe and perform the same;

- (g.) If the Company shall deviate their centre line of railway from the centre line shown on the deposited plans they shall not alter the respective gradients of the roads or streets altered or interfered with so as to make them steeper than the respective gradients herein-before specified.

10. In the construction within the borough of Birkenhead (in this section called "the borough") of the railway and works by this Act authorised the following provisions shall subject and without prejudice to the provisions of the immediately preceding section apply and have effect unless otherwise agreed between the mayor aldermen and burgesses of the borough of Birkenhead (in this section called "the corporation") and the Company.

For the protection of the corporation and owners &c. of property in the borough of Birkenhead.

- (1.) At the intersection by the railway of Duke Street Cavendish Street and Corporation Road such streets shall be inclosed on both their sides and covered over at the top for a distance of ten yards on either side so as to prevent any smoke or steam from locomotives escaping into the open air from under or beside the bridges or for a distance of ten yards on either side thereof;
- (2.) Whenever by the appropriation or destruction of property by this Act authorised any gas or water mains or pipes laid for the supply of such property (except pipes inside such property) shall be rendered unnecessary the Company shall pay to the corporation the cost of laying an equivalent length of gas or water main or pipe and the cost of the works required for the discontinuance of such gas or water mains or pipes rendered unnecessary to such amount as shall be estimated by the gas engineer or water engineer of the corporation and the gas and water mains and pipes so rendered unnecessary shall be the property of the Company;

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- (3.) The cuttings bridges and tunnels or covered ways of the railways authorised to be constructed shall be of such strength and durability as is proper and sufficient for the effectual support of any street or roadway under or alongside which they respectively pass and shall be constructed with retaining walls or slopes at each side of the authorised railways sufficient to secure all buildings or streets adjoining or near the railways from any damage or any loss of stability and the Company shall at their own expense and to the reasonable satisfaction of the corporation for ever maintain the said cuttings bridges tunnels or covered ways and works ;
- (4.) Where any station building any part of which shall be constructed above the surface of lands acquired or to be acquired under the authority of this Act adjoins a street such station building shall be so arranged that a space of not less than ten feet in width and one hundred yards in length shall be left between the present line of the street and the station building for the purposes of the traffic to and from such station building which space shall be dedicated to the public and become part of the respective streets accordingly and shall be paved flagged and channelled at the expense of the Company to the reasonable satisfaction of the corporation ;
- (5.) The design of the elevation including the roof of any building erected or rebuilt by the Company fronting to or adjoining any street shall be subject to the reasonable approval of the corporation ;
- (6.) The Company shall not stop up divert alter or interfere with except for the bridges by this Act authorised Conway Street Beckwith Street Upper Beckwith Street Cavendish Street and Corporation Road and the Company shall in the execution of the works authorised carry Corporation Road Cavendish Street Beckwith Street Upper Beckwith Street and Duke Street respectively by bridges over the railway of such form material and construction and with such screens and parapets both as regards the said bridges respectively and their immediate respective approaches as shall be in all respects reasonably satisfactory to the corporation and so that the said streets and roads respectively shall be reconstructed of the full existing widths thereof respectively including footways and the Company shall reinstate and flag where now flagged the footways and reinstate so much of the carriageways in the said streets and roads respectively as shall be temporarily interfered with by the Company in the construction of the authorised works ;

- (7.) The Company shall not without the consent of the corporation under the hand of the town clerk (which consent the corporation are hereby empowered to give subject to such reasonable provisions and conditions as the corporation may deem expedient) temporarily close any street road passage or public place or construct any works or perform any operations which may unreasonably obstruct the traffic along or through such street road passage or public place ;
- (8.) In the event of the Company requiring for the purpose of constructing the authorised railways or any part thereof (subject to the restrictions in this section provided) to open or in any manner interfere with any portion of the surface of the footway or carriageway of any street passage or public place then and in such case the Company shall when required by and to the reasonable satisfaction of the corporation provide a temporary bridge or roadway of sufficient width for the traffic and such temporary bridge or roadway shall be constructed and maintained to the reasonable satisfaction of the corporation until the said street passage or public place and the footways thereof respectively have been reinstated ;
- (9.) Wherever any street passage or public place shall with the consent of the corporation be temporarily interfered with diverted or stopped up or obstructed by the Company in the execution of the authorised railways then in addition to the specific requirements herein-before contained proper accommodation for access to property and any additional accommodation for traffic that may be required shall be previously provided to the reasonable satisfaction of the corporation and shall thereafter during such diversion stoppage or obstruction be maintained fenced watched and lighted by the Company to the reasonable satisfaction of the corporation and at the expense of the Company ;
- (10.) Before commencing the construction of any work with such consent as aforesaid in any street passage or public place the Company shall give to the corporation seven days notice in writing and the works affecting such street passage or public place shall be done by the Company under the superintendence of the borough engineer to the reasonable satisfaction of the corporation ;
- (11.) The Company shall upon the expiration of the time limited for the completion of their works as and when required by the corporation in writing under the hand of the town clerk remove any obstruction or other work which may with the consent of the corporation have been constructed in any street passage or

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public place and well and sufficiently to the reasonable satisfaction of the corporation restore the surface of such street passage or public place and maintain in efficient repair the said surface so restored for the period of twelve months to the like satisfaction ;

- (12.) Whenever it may be necessary to intercept or interfere with any existing sewers or drains the Company shall before intercepting or interfering therewith construct according to plans and sections to be reasonably approved by the corporation other sewers or drains to be equally efficient in lieu of and of a capacity not less than the existing sewers or drains respectively or jointly so proposed to be intercepted or interfered with and such sewers or drains or substituted sewers or drains shall be constructed at such levels and gradients and shall be connected by and at the expense of the Company with such convenient and adequate outfall sewer or drain or sewers or drains as shall be reasonably approved by the corporation ;
- (13.) If by reason of the construction of the authorised railway any new or additional sewers or drains or any increased length or alteration of sewers or drains or any manholes airholes or other works or conveniences connected therewith shall in the opinion of the corporation become necessary the same shall be constructed by and at the expense of the Company of such size and capacity according to such plans and sections and in such manner as shall be reasonably approved by the corporation ;
- (14.) If by reason of the construction of the authorised railway any sewers belonging to the corporation crossed by the authorised railway shall be structurally injured or injuriously affected or in case any sewer collapses by reason of the execution of the works or working of the authorised railway the Company shall if required by the corporation at once repair and make good such sewer to the reasonable satisfaction of the corporation ;
- (15.) The Company shall after the construction of the authorised railway and works keep in good repair all sewers where the line or any part of the railway crosses or abuts upon the same so far as such repairs are rendered necessary by the construction or working of the railway ;
- (16.) Where by reason of the construction of the authorised railways it becomes in the opinion of the corporation necessary or desirable that any lands of the Company shall be fenced off from any street or road fronting adjoining or abutting thereon the Company shall enclose such lands with walls or suitable fencing such walls or fencing to be built or constructed of such

height as the corporation shall reasonably require and in all other respects to the reasonable satisfaction of the corporation ;

(17.) In construing sections 18 to 23 both inclusive of the Railways Clauses Consolidation Act 1845 for the purposes of this Act so far as those sections have operation within the borough the expression " company or society " or other like expression referring to the ownership of gas or water mains or pipes shall mean the corporation ;

(18.) Wherever the gas or water mains or pipes of the corporation will be severed or interfered with for the purposes of any of the works authorised by this Act the Company shall repay to the corporation all costs and expenses which may at any time or times within a period of five years from the completion of the railway be incurred by the corporation in repairing fractured mains or pipes or putting down new mains or pipes when such repair or putting down of new mains or pipes has been rendered necessary by subsidence of the ground or otherwise in any way owing to the construction of the railway or any of the operations of the Company in relation thereto all works necessary for maintaining uninterrupted the supply of gas or water in consequence of such severance or interference including the providing and laying down of new or additional mains or pipes when reasonably considered by the corporation to be necessary shall be executed by the corporation at the expense of the Company Provided that the corporation shall within seven days after receiving notice in writing from the Company of the contemplated severance or interference commence and diligently proceed with the work so as to complete the same within a reasonable time and if they fail within seven days to commence or to diligently proceed with and within a reasonable time to complete the work the Company may themselves do the work ;

(19.) If by reason of the construction of the authorised railways any increased length of gas or water mains or pipes shall become necessary the same shall be laid down by the corporation at the expense of the Company according to such plan and in such manner as shall be approved by the corporation ;

(20.) For the purposes of this Act any sewer drain gas or water main or service pipe tube or pipe the construction or alteration of which arises from the making of the said railways shall be considered works connected with the construction of the railways authorised as aforesaid ;

(21.) The Company shall not become owners of any part of the lands shown on the deposited plans or described in the deposited

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books of reference as public roads streets passages or public places but they may acquire and the corporation shall grant to them under the powers and subject to the provisions of this Act a perpetual easement for the purpose of making the said railways in cutting tunnel or covered way under such public roads streets passages and places and of maintaining repairing and using the same and the Company shall before constructing any works under any of such public roads streets passages or public places serve notice to treat upon the corporation and the amount of compensation if any shall be settled as provided in the Lands Clauses Consolidation Act 1845 in cases of disputed compensation ;

(22.) In case the Company construct their railway or any part thereof in open cutting adjoining any street or streets they shall erect and maintain between the said railway and such street or streets respectively a sufficient wall or walls and screens to the reasonable satisfaction of the corporation ;

(23.) The Company shall from time to time pay to the corporation all sanitary and other municipal rates leviable by or payable to the corporation upon the respective assessments of any lands or property shown upon the deposited plans or a proportion of such rates respectively from the time such lands or property shall be acquired by the Company until the railways and works are completed and assessed to such rates and the amount of such rates payable by the Company shall be computed according to the assessments of such lands or property in force at the time of the acquisition thereof by the Company notwithstanding that the buildings thereon or forming part thereof may have afterwards been taken down ;

(24.) The Company shall construct and maintain on each side and for the full length of every bridge or viaduct carrying any street over the railway and works a substantial parapet or close screen not less (except with the consent of the corporation) than seven feet in height above the level of the footway on such bridge or viaduct and shall construct a fence or close screen of the same height in continuation of the parapets to the extent of the Company's lands on either side thereof or to such less distance as the corporation may approve ;

(25.) Except as in this section provided every bridge or viaduct shall be of the full width between its parapets of the street which it intersects or of the street or road which it is intended to continue and carry over the railway including the footpaths thereof and shall have proper provisions for carrying the water and gas mains so as to admit (as far as practicable) of ready

access and that the parapets or fences of such bridges or viaducts shall be in the lines of the existing streets ;

- (26.) The corporation shall at all times have power to lay down alter repair or maintain in a reasonable manner on or under any lands acquired or to be acquired by the Company any sewer drain main or pipe whether for sewerage drainage water or gas But in the exercise of such powers the corporation shall act under the superintendence of the engineer of the Company and shall interfere as little as possible with the railways and works of the Company ;
- (27.) The Company shall close fence the land of the Company whether or not required for railway purposes where the same shall abut upon any street ;
- (28.) All parapets fences and screens of bridges made by the Company shall be constructed in such reasonably strong and ornamental manner as the corporation shall approve of and shall not be used for the posting of bills or other advertising purposes ;
- (29.) The Company shall upon the completion of the railway construct and for ever maintain a passenger railway station with all proper and convenient access and approaches thereto upon the land or some part thereof situated between Arthur Street Cavendish Street Beckwith Street and Conway Street ;
- (30.) The engines to be used on the railways shall be constructed and worked so as to consume as far as practicable their own smoke ;
- (31.) In case any dispute or question shall arise between the corporation and the Company under the foregoing provisions of this section the same shall be referred to the arbitration of some competent person to be appointed by the President for the time being of the Institution of Civil Engineers whose decision shall be final and the costs charges and expenses of such arbitration shall be in the discretion of the arbitrator and shall be paid as or in such proportion as the arbitrator shall order.

11. The following provisions for the protection of the estates of William Laird and the trustees of the will of the late Sir William Jackson Baronet deceased respectively (who and whose respective heirs and assigns or successors in title are included in the respective expressions "Mr. Laird" and "the Jackson trustees" whenever employed or referred to in this section) shall be binding on the Company and full effect shall be given thereto (that is to say):—

- (1) The Company shall lay out and construct the railway so that the centre line thereof shall at the point of intersection of

For protection of William Laird and the trustees of the will of Sir William Jackson Baronet ceased.

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Lincoln Street by the railway be ninety feet further south than the point of intersection thereof shown on the deposited plans and so that from the new point of intersection of Lincoln Street to the boundary of the borough of Birkenhead the centre line of the railway shall not be nearer to Beaufort Road than a straight line drawn from the aforesaid new point to the point of intersection by the railway of the Wallasey Bridge Road shown on the deposited plan :

- (2) The Company shall construct the bridge for carrying Corporation Road over the railway of such strength that the same will be sufficient to carry a rolling weight of 50 tons :
- (3) It shall be lawful for Mr. Laird and the Jackson trustees respectively in addition to such accommodation works (if any) which the Company are bound to construct under the provisions of the Railways Clauses Consolidation Act 1845 at any time hereafter at their own respective cost and expense to connect their respective lands by footbridges over and by sewers or drains under the railway but so that they respectively shall make construct and maintain such footbridges or sewers or drains under and subject to the provisions (which are hereby made applicable thereto) of the said Act with respect to accommodation works which an owner is by the said Act empowered himself to make construct and maintain.

For protection of Robert Charles de Grey Vyner.

12. The following provisions for the protection of the estate of Robert Charles de Grey Vyner (who and whose heirs and assigns or successors in title is and are included in the expression "Mr. Vyner" whenever employed or referred to in this section) shall be binding on the Company and full effect shall be given thereto (that is to say) :—

- (1) The Company shall not purchase or acquire any greater quantity of land belonging to Mr. Vyner than shall be bonâ fide required for the construction of the railway as a double line of railway with all usual necessary and incidental works and for dépôt sidings engine and carriage sheds and repairing shops and for a passenger and goods station and subsidiary works near the Birkenhead Docks :
- (2) The Company shall not acquire the freehold of any part of Wallasey Bridge Road but shall only acquire and Mr. Vyner shall grant an easement under across or through the same for a double line of railway with powers to repair and renew the same And the Company shall not acquire any other easement or right over the same whatsoever :

- (3) The gradients of the road approaches to the bridge carrying the Wallasey Bridge Road over the railway shall not be steeper than 1 in 40 :
- (4) The railway where it passes through Mr. Vyner's land shall be laid out in such line within the limits of deviation shown on the deposited plans as Mr. Vyner shall (subject to the provisions hereof) require. The Company shall not make any modification of the line of the railway as to its general purposes without Mr. Vyner's consent :
- (5) Mr. Vyner (and all persons and companies authorised by him) shall have an absolutely concurrent right with the Company (and equal as regards time and convenience) to run over and use the railway to and in Mr. Vyner's estate and also to all docks warehouses wharves and other commercial works which may at any time hereafter be thereon or connected therewith to the full extent of one half of the capacity of the railway for all purposes whatsoever :
- (6) Where such running and user as last aforesaid shall be over other railways connected with the Company's railways the rates to be charged or taken (within or below the maximum rates which the Company may charge or take) shall be in the absolute control and discretion of Mr. Vyner but the Company shall be entitled to their mileage proportion of such rates. And where such running shall be only over the Company's railways the Company shall be entitled to the rates usually charged by them :
- (7) The Company shall keep their railways in good repair and working order and shall afford all such facilities as Mr. Vyner may require for such running and user as aforesaid :
- (8) Mr. Vyner shall have full and free right and liberty to connect any other railways with the Company's railways and to authorise all other persons and companies so to do for the purposes and to the extent mentioned in subsection 5 hereof :
- (9) Mr. Vyner may also construct or authorise any other persons or companies to construct a bridge or as many bridges as he pleases (either for road or railway purposes) over or under the railway either in his own or any other lands (of or in which he may acquire the freehold a term or an easement) and also drains sewers watercourses gas and water mains and pipes and all such other works (for any purposes whatsoever) as he may think fit :
- (10) All the running powers connexions junctions and other works hereby authorised in favour of Mr. Vyner and any

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persons and companies authorised by him shall be exercised constructed and worked in the manner prescribed by and under and subject to the control and regulations of the Board of Trade:

(11) Provided that nothing contained in this section shall confer any power to run over use or otherwise interfere with the Mersey Railway or entitle Mr. Vyner or other person or company to fix prescribe or regulate the tolls rates or charges on that railway.

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

13. 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 eight thousand one hundred and eighteen pounds eleven shillings being five per centum upon the amount of the estimate in respect of the railway has been deposited with the Chancery Division of the High Court of Justice in England 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 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 same proportion as the length of the railway so opened bears to the entire length of the railway the Chancery Division 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.

14. 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

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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 court 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 court 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 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.

15. If the railway is 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.

Period for completion of works.

16. The railway by this Act authorised shall for the purposes of tolls and charges and for all purposes whatsoever be part of the undertaking of the Company and the Company may subject to the provisions of this Act demand and receive for and in respect thereof the same tolls fares rates and charges as they are empowered by the Certificate of 1883 to demand and receive in respect of the railway thereby authorised Provided always that the short distance charge

Railway to form part of Company's undertaking.

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Short distance charge.

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

17. 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 charge (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.

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 the Regulation of Railways Act 1873 section 14.

Power to raise additional capital.

18. 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 one hundred and sixty-five thousand pounds by the issue at their option of new ordinary shares or new preference shares or wholly or partially by either of those modes 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

19. 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.

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incidents as
other shares.

20. 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.

Dividends
on new
shares.

21. 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.

Restriction
as to votes
in respect
of pre-
ference
shares.

22. Subject to the provisions of the Certificate of 1883 and to the provisions 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 this Act respectively authorised to raise by the creation and issue of new shares.

New shares
raised under
this Act and
certificate
may be of
same class.

23. The Company may in respect of the additional capital of one hundred and sixty-five 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 fifty-five thousand pounds but no part thereof shall be borrowed until shares for the whole of such additional capital of one hundred and sixty-five 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.

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Power to
create and
issue de-
benture
stock.

24. 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 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.

Priority of
principal
moneys
secured by
existing
mortgages.

25. The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of the Certificate of 1883 before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Appoint-
ment of a
receiver.

26. 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.

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

Power to
enter into
traffic
arrange-
ments.

28. The Company on the one hand and the Mersey Railway Company and the Seacombe Hoylake and Deeside 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 construction and use of a joint station ;

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

The supply of rolling and working 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 railway ;

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

The interchange accommodation transmission conveyance and delivery of traffic from to and over the undertakings of the contracting companies;

The fixing collection payment division and appropriation of the tolls charges and other revenues 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.

29. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railway or any part thereof by any other company the railway 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 companies or parties.

Tolls on traffic conveyed partly on the railway and partly on other railways.

30. 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.

31. 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.

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Provision
as to gene-
ral Railway
Acts.

32. 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.

Costs of
Act.

33. 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.

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