

[41 & 42 VICT.] *Mersey Docks and Harbour Board (Over-Head Railways) Act, 1878.* [Ch. cxcviii.]



### CHAPTER cxcviii.

An Act for authorising the construction by the Mersey Docks and Harbour Board of Over-Head or High Level Railways in connexion with their Docks on the Liverpool side of the River Mersey. A.D. 1878.  
[22d July 1878.]

**W**HEREAS the construction of the railways by this Act authorised would greatly increase and improve the means of access to the various docks on the Liverpool side of the River Mersey, and would otherwise be of great public advantage :

And whereas such railways would be constructed principally over lands belonging to the Mersey Docks and Harbour Board (in this Act called "the Board"), and the Board are desirous and it is expedient that they be authorised to construct such railways, and to apply their corporate funds and revenues for that purpose :

And whereas plans and sections showing the lines and levels of the railways authorised by the Act, and also books 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 used for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county palatine of Lancaster, and are herein-after respectively referred to as the deposited plans, sections, and books 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 :

1. This Act may be cited as the Mersey Docks and Harbour Board (Over-Head Railways) Act, 1878. Short title.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the Railways Clauses Consolidation Act, 1845, and Part I. (relating Incorporation of general Acts.  
[*Local.*-198.] A 1

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A.D. 1878. to construction of a railway) of the Railways Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act.

8 & 9 Vict. c. 18.  
23 & 24 Vict. c. 106.  
32 & 33 Vict. c. 15.  
8 & 9 Vict. c. 20.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and in construing for the purposes of this Act any Act wholly or partially incorporated herewith the expression "the Company" shall mean the Board, and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Power to make railways according to deposited plans.

4. Subject to the provisions of this Act the Board may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railways herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act are—

- (1.) A Railway (No. 1), 3 miles 5 furlongs and 2·8 chains in length, commencing at or near the termination of the existing tramway of the Board opposite or nearly opposite the north-west corner of Bankfield Street, and terminating at a point on the existing tramway of the Board opposite or nearly opposite to the western end of Warwick Street:
- (2.) A Railway (No. 2), 1 furlong and 6 chains in length, commencing by a junction with Railway No. 1 at a point about 150 feet from and to the south-eastward of the south-eastern corner of the Nelson Dock, and terminating by a junction with Railway No. 1 at a point about 100 feet from and south-eastwards of the north-eastern corner of the Clarence Dock:
- (3.) A Railway (No. 3), 6 furlongs in length, commencing by a junction with Railway No. 1 at or near its termination, and terminating on the western side of and at or near the southern end of Sefton Street:
- (4.) A Railway (No. 4), 1 mile 5 furlongs and 3·5 chains in length, commencing at or near the northern end and on

the west side of the Lancashire and Yorkshire Railway Company's intended timber station, and about 150 feet southward from the northern boundary of the Liverpool Dock Estate of the Board, and terminating by a junction with Railway (No. 1) at its intended commencement, as above described.

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5. The quantity of land to be taken by the Board by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed three acres.

Lands for extraordinary purposes.

8 & 9 Vict. c. 20.

6. The powers of the Board 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.

7. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Board any easement, right, or privilege, not being an easement of water, required for the purposes of this Act in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Power to take easements, &c. by agreement.

8 & 9 Vict. c. 18.

23 & 24 Vict. c. 106.

8. If the railways are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Board for making and completing the railways, 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.

9. The Board may demand and take in respect of the use of the railways any tolls not exceeding the following; (that is to say,)

Tolls for passengers and animals.

For every person conveyed on the railway, twopence per mile, and if conveyed in or upon a carriage belonging to the Board, an additional sum of one penny per mile:

For every small animal, threepence per mile, and if conveyed in or upon a carriage belonging to the Board, an additional sum of one penny per mile.

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

Tolls for propelling power.

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Regulations  
as to tolls.

Short dis-  
tances.

Fractional  
parts of a  
mile.

General  
weight.

Tolls for  
small parcels  
and single  
articles of  
great weight.

**11.** The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act; (that is to say,)

For all passengers and small animals conveyed on the railway for a less distance than four miles, the Board may demand tolls and charges as for four miles:

For a fraction of a mile beyond four miles, or beyond any greater number of miles, the Board may demand tolls and charges on small animals for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile, such fraction shall be deemed a quarter of a mile, and in respect of passengers, every fraction of a mile beyond an integral number of miles shall be deemed a mile:

With respect to all articles the weight shall be determined according to the usual avoirdupois weight.

**12.** With respect to parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding anything in this Act, the Board may demand and take any tolls not exceeding the following; (that is to say,)

For the carriage of parcels on the railway:

For any parcel not exceeding seven pounds in weight, three-pence;

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

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

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, ninepence; and for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight, the Board may demand any sum which they think fit:

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

Maximum  
rates for  
passengers.

**13.** The maximum rate of charge to be made by the Board for the conveyance of passengers upon the railways, including the tolls for the use of the railways, and for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following; (that is to say,)

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

For every passenger conveyed in a second-class carriage, the sum of twopence per mile : A.D. 1878.

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

For every passenger conveyed in an express train, the Board may take an additional sum not exceeding sixpence for every first-class passenger and threepence for every second-class passenger by any such train.

14. Every passenger travelling upon the railways may take with him his luggage, not exceeding sixty pounds in weight for first-class passengers, fifty pounds in weight for second-class passengers, and thirty pounds in weight for third-class passengers, without any charge being made for the carriage thereof. Passengers luggage.

15. The restrictions as to the charges to be made for passengers shall not extend to any special trains run upon the railway, in respect of which the Board may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Board for the conveyance of passengers and goods upon the railway. Foregoing charges not to apply to special trains.

16. Nothing in this Act shall prevent the Board from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Board in relation thereto, or in respect to the conveyance of animals or goods other than small parcels by passenger trains. Board may take increased charges by agreement.

17. The Board shall not be bound to carry on the railway any goods, articles, or merchandise other than parcels not exceeding fifty-six pounds in weight, or any cattle or other animals, or any offensive matter. Board not bound to carry goods.

18. The works by this Act authorised shall be deemed to be works authorised to be erected, established, and maintained by the Board within the meaning of section 284 of the Mersey Dock Acts Consolidation Act, 1858, and shall also be deemed to be works for the improvement of the Mersey Dock Estate on the Liverpool side of the River Mersey within the meaning of section five of the Mersey Docks (Various Powers) Act, 1867, and all moneys expended by the Board for or in connexion with the purchase of lands or for compensation for the injuriously affecting of lands, or otherwise for purposes of this Act, shall be deemed to be part of the cost of the works by this Act authorised, and the purposes of this Act shall Works to be deemed works within the meaning of 21 & 22 Vict. c. xcii. and 30 & 31 Vict. c. ccvi.

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A.D. 1878. be deemed to be purposes for which moneys received or receivable  
20 & 21 Vict. by the Board may be applied, in accordance with sub-section 5 of  
c. clxiii. section 56 of the Mersey Docks and Harbour Act, 1857.

Railways not  
exempt from  
provisions of  
present and  
future gene-  
ral Railway  
Acts.

**19.** Nothing in this Act contained shall exempt the railways from the provisions of any general Act relating to railways, or the better or 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, authorised by this Act.

For protec-  
tion of the  
London and  
North-  
western Rail-  
way Com-  
pany.

**20.** With respect to the Railways Nos. 1, 3, and 4 the Board shall, unless the Board and the Company otherwise agree, observe, perform, and be bound by the following provisions, stipulations, and conditions for the protection of the London and North-western Railway Company (herein-after referred to as the Company); that is to say,

(1.) The Board, in making the Railways Nos. 1, 3, and 4 where the same respectively shall cross over the following lines of rails belonging to or used by the Company, shall construct the bridges for all such crossings of the clear height of not less than fifteen feet measured from the level of the existing rails, and with the clear spans measured parallel with the existing lines of railway of the Board herein-after mentioned; that is to say,

As to Railway No. 1. Of the bridges over the lines leading from their Canada Dock goods station the most northerly bridge shall have a clear span of seventy-six feet three inches, and the most southerly bridge a clear span of fifty-nine feet three inches; over the lines leading from their Waterloo goods station there shall be one bridge with a clear span of seventy-four feet three inches; over the lines leading from their Wapping goods station there shall be one bridge with a clear span of seventy-eight feet three inches; and over the lines leading from the wharf and goods shed at the Queen's Dock (held by the Company as tenants of the Board) to the dock lines of railway of the Board there shall be one bridge of a clear span of eighty-nine feet three inches;

As to Railway No. 3. The bridge over the lines leading to the Company's wharf, offices, and goods shed near Brunswick Dock and alongside of Sefton Street (held by the Company as tenants of the Board) there

shall be one bridge with a clear span of eighty-one feet three inches ; A.D. 1878.

As to Railway No. 4. Of the bridges over the Company's lines of rails leading from their Bootle goods station to the dock lines of railway of the Board the most northerly bridge shall have a clear span of seventy-four feet three inches, and the most southerly bridge a clear span of seventy-six feet three inches ;

And at every such crossing the columns, pillars, or other supports for the Railways Nos. 1, 3, and 4 shall be placed and maintained in the positions in which the same are shown in blue colour on the plan marked F, and dated the 11th day of June one thousand eight hundred and seventy-eight, and signed by George Fosbery Lyster, the engineer of the Board, and by William Baker, the engineer of the Company, and not otherwise, unless the Company shall consent to the position of such columns, pillars, or supports or any of them being altered :

- (2.) The viaduct for carrying the Railway No. 4 shall for the entire length thereof, co-extensive with the frontage to Regent Road of the land and property of the Company at Bootle, be constructed on a viaduct with arches, pillars, or other supports, of clear spans of not less than fifty feet, measured from centre to centre of the nearest column, and having in two places to be agreed upon between the engineers of the Company and of the Board clear spans of seventy-six feet three inches :
- (3.) In case any damage or injury shall be caused to the railways, works, lands, or property of the Company which are crossed or interfered with by the works authorised by this Act, such damage or injury shall forthwith be made good by the Board to the Company, or the Company may make good such damage or injury, and recover the costs and expenses thereof from the Board in any court of competent jurisdiction :
- (4.) The pillars by which the proposed railways will be supported shall be placed in such positions that there shall be at all places along each of the lines of railway which now are or shall hereafter be maintained by the Board along the line of docks on the ground level a clear width between such pillars at and above the height of three feet six inches above the ground of at least eleven feet, but nothing herein contained shall limit or affect any of the rights

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or powers of the Board in relation to such last-mentioned lines of railway :

- (5.) In the construction of the said railways the Board shall, before commencing any work or operation which will obstruct or delay the passage of the Company's traffic over the lines of railway which are now or which shall hereafter be maintained by the Board along the line of docks on the ground level or over any branch line of the Company communicating therewith, give to the Company four clear days notice in writing, addressed to the Company at their Euston station, specifying the place or places at which such work or operation is to be performed, and the time at which the same will be commenced, and on the expiration of such notice the Board, or their agents or contractors, may for a period of sixty hours after the time named for the commencement of any such work or operation prosecute the same, and the Company shall not in any case have any claim on the Board for any compensation in respect of any obstruction or delay which may be caused to their traffic during such period of sixty hours. If on any occasion it shall be found that any work or operation in respect of which notice shall have been given as aforesaid cannot be completed within such period of sixty hours, then the Company shall have no claim on the Board, or their agents or contractors, for compensation for any obstruction or delay caused to their traffic by the continued prosecution of such work or operation after such period of sixty hours, unless there shall have been unreasonable delay in the execution of such work or operation, in which case the damage, if any, caused to the Company by the obstruction or delay of their traffic during any period after the expiration of the said period of sixty hours by such unreasonable delay in the execution of such work or operation shall be made good by the Board to the Company, and the amount of such damage may, if necessary, be recovered with costs by the Company from the Board in any court of competent jurisdiction :
- (6.) If hereafter the Board, at the request of the Company, should sanction the laying down by the Company of any other branch lines to connect any station or depôt of the Company with the Board's lines of dock railways, and it should in the opinion of the Board be necessary or desirable for the proper working of any such branch line that the



width of any of the longitudinal spaces between the columns by which the railway hereby authorised will be supported should be increased, the necessary works for effecting that object shall (subject to the provisions of this Act and the terms of the agreement between the Board and the Corporation of Liverpool herein-after mentioned) be carried out by the Board in such manner as shall from time to time be agreed upon between the engineers of the Board and the Company, and the Company shall on demand pay to the Board all costs, charges, and expenses properly incurred by the Board in carrying out such work : A.D. 1878.

- (7.) Save as herein-before in this Act expressly provided, nothing herein contained or to be done under this Act shall prejudice or affect the position of the Board or of the Company in respect of the Board's lines of dock railways or the branch lines connecting the same with any station of the Company.

21. With respect to the Railways Nos. 1, 3, and 4 the Board shall, unless the Board and the Company shall otherwise agree, observe, perform, and be bound by the following provisions, stipulations, and conditions for the protection of the Lancashire and Yorkshire Railway Company (herein-after referred to as "the Company"); that is to say, For protection of the Lancashire and Yorkshire Railway Company.

- (1.) The Board, in making and maintaining the Railways Nos. 1, 3, and 4 where the same respectively shall cross over the lines of rails belonging to or used by the Company, and which connect the railways or stations of the Company with the existing lines of railway of the Board, shall construct the bridges or openings for all such crossings of the clear height of not less than fifteen feet, measured from the level of the existing rails, and with such spans or openings as to leave not less than four feet clear from the outer edge of the outside rails of each of such lines of railway belonging to or used by the Company :
- (2.) The viaduct for carrying the Railway No. 4 shall for the entire length thereof, co-extensive with the frontage to Regent Road of the land and property of the Company at Bootle, be constructed on a viaduct with arches, pillars, or other supports having in two places to be agreed upon between the engineers of the Company and of the Board clear spans of sixty-five feet, which shall always so long as the proposed railway is maintained be kept open and unbuilt upon :

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- (3.) In case any damage or injury shall be caused to the railways, works, lands, or property of the Company which are crossed or interfered with by the works authorised by this Act, such damage or injury shall forthwith be made good by the Board to the Company, or the Company may make good such damage or injury, and recover the cost and expenses thereof from the Board in any court of competent jurisdiction :
- (4.) The pillars by which the proposed railways will be supported shall be placed in such positions that there shall be at all places along each of the lines of railway which are now or shall hereafter be maintained by the Board along the line of docks on the ground level a clear width between such pillars at and above the height of three feet six inches above the ground of at least eleven feet, but nothing herein contained shall limit or affect any of the rights or powers of the Board in relation to such last-mentioned lines of railway :
- (5.) In the construction of the said railways the Board shall, before commencing any work or operation which will obstruct or delay the passage of the Company's traffic over the lines of railway which are now or which shall hereafter be maintained by the Board along the line of docks on the ground level or over any branch line of the Company communicating therewith, give to the Company four clear days notice in writing, addressed to the Company at their principal office, Hunt's Bank, Manchester, specifying the place or places at which such work or operation is to be performed and the time at which the same will be commenced, and on the expiration of such notice the Board, or their agents or contractors, may for a period of sixty hours after the time named for the commencement of any such work or operation prosecute the same, and the Company shall not in any case have any claim on the Board for any compensation in respect of any obstruction or delay which may be caused to their traffic during such period of sixty hours. If on any occasion it shall be found that any work or operation, in respect of which notice shall have been given as aforesaid, cannot be completed within such period of sixty hours, then the Company shall have no claim on the Board, or their agents or contractors, for compensation for any obstruction or delay caused to their traffic by the continued prosecution of such work or opera-

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tion after such period of sixty hours, unless there shall have been unreasonable delay in the execution of such work or operation, in which case the damage, if any, caused to the Company by the obstruction or delay of their traffic during any period after the expiration of the said period of sixty hours by such unreasonable delay in the execution of such work or operation shall be made good by the Board to the Company, and the amount of such damage may, if necessary, be recovered with costs by the Company from the Board in any court of competent jurisdiction :

- (6.) If hereafter the Board at the request of the Company should sanction the laying down by the Company of any other branch lines to connect any station or depôt of the Company with the Board's lines of dock railways, and it should in the opinion of the Board be necessary or desirable for the proper working of any such branch line that the width of any of the longitudinal spaces between the columns by which the railway hereby authorised will be supported should be increased, the necessary works for effecting that object shall (subject to the provisions of this Act and the terms of the agreement between the Board and the said Corporation) be carried out by the Board in such manner as shall from time to time be agreed upon between the engineers of the Board and the Company, and the Company shall on demand pay to the Board all costs, charges, and expenses properly incurred by the Board in carrying out such work :
- (7.) Except as herein expressly provided, nothing herein contained or to be done under this Act shall prejudice or affect the position of the Board or of the Company in respect of the Board's lines of dock railways or the branch lines connecting the same with any lines or station of the Company.

22. Nothing in either of the two preceding sections of this Act (for the protection of the London and North-western and Lancashire and Yorkshire Railway Companies respectively) shall prejudice or affect any right or liability of the public, or of the Corporation (whether as a municipal corporation, or as the sanitary authority, or as owners of property), or of the Board in respect of the ownership or user of any street or land further or otherwise than to the extent to which the same may be limited or affected by the exercise of the powers of this Act, and only so long as such powers continue to be exercised and acted on, and in case the railways or works, or any of them, are not constructed, or are abandoned or

Saving] rights of the public and Corporation of Liverpool with reference to provisions for protection of railway companies.

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Confirmation  
of agreement  
between the  
Corporation  
and the Dock  
Board.

Certain pro-  
visions of  
8 & 9 Vict.  
c. 20. to ap-  
ply to mains,  
&c. of Cor-  
poration.

Saving rights  
of the public  
and of Cor-  
poration of  
Liverpool.

Expenses of  
Act.

discontinued, all such rights and liabilities shall continue or revive, as the case may be.

**23.** The agreement between the said Corporation and the Board set forth in the schedule to this Act is hereby confirmed and made binding on the Corporation and the Board respectively.

**24.** The provisions of the Railways Clauses Consolidation Act, 1845, sections 18, 19, 20, 21, and 23 inclusive, shall apply to the water mains and pipes of the Corporation as if the words "company" or "society," used with reference to a water or gas company, included the Corporation.

**25.** Nothing contained in or done under this Act or the said agreement shall prejudice, affect, or modify any right or liability of the public, or of the Corporation (whether as a municipal corporation, or as the sanitary authority, or as owners of property), or of the Board in respect of the ownership or user of any street or land or otherwise, except only to the extent to which the same may be limited or affected by the exercise of the powers of this Act or the provisions of the said agreement, and only so long as such powers and provisions continue to be exercised and acted on, and in case the railways or works, or any of them, are not constructed, or are abandoned or discontinued, all such rights and liabilities shall continue or revive, as the case may be.

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

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The SCHEDULE referred to in the foregoing Act.

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AGREEMENT made this twenty-fifth day of June 1878 between the Mayor, Aldermen, and Burgesses of the borough of Liverpool (herein-after called "the Corporation") of the one part and the Mersey Docks and Harbour Board (herein-after called "the Board") of the other part.

WHEREAS a Bill is now pending in Parliament entitled "A Bill for authorising the construction by the Mersey Docks and Harbour Board of Over-Head or High Level Railways in connexion with their Docks on the Liverpool side of the River Mersey" (herein-after referred to as "the Act"): And whereas by the construction of the railways proposed to be authorised by the said Bill to be constructed in the borough of Liverpool certain streets and

a footbridge in which the Corporation and the public are interested will be interfered with, it is hereby agreed between the Corporation and the Board as follows: A.D. 1878.

1. Notwithstanding anything contained in the Act or in the Acts incorporated therewith, or in the plans and sections deposited for the purposes of the Act, the Board shall (if and so far as they exercise any of their powers under the Act) conform to the provisions of this agreement, except so far as from time to time the Corporation and the Board agree upon any alteration.

2. No part of any of the railways or works authorised by the Act to be constructed upon or over or so as to project over or interfere with any part of the surface or carriageway or footway of any street or land dedicated to the public (whether the same be repairable by the public or not) shall be constructed otherwise than in accordance with the levels shown on the deposited plans and sections without the consent in writing of the Corporation.

3. The railways and works where the same cross Regent Road at or near or across Walter Street and Saltney Street respectively shall be constructed in all respects in accordance with the plan marked A, and signed by the borough engineer and the engineer of the Board; and the Board shall not erect any column, pillar, or obstruction in Regent Road or Walter Street or Saltney Street, except in the positions and manner and of not greater dimensions in any measurement or direction than the dimensions shown on the said plan A; and the said railway across Regent Road shall be so constructed that there shall be a clear height of not less than seventeen feet from the surface of every part of the carriageway to the underside of the girders of the bridge and of the parts between the girders.

Except as in this agreement mentioned no part of the railways, stations, or other works authorised by the Act (whether expressly mentioned therein or not) to the northward of the south end of the Prince's Dock enclosure or to the southward of a point opposite the west end of Hill Street shall, unless with the consent in writing of the Corporation, and subject to such conditions regarding the mode of construction and maintenance as they in or at the time of giving such consent prescribe, be constructed or maintained in or upon or so as to project over or interfere with any part of the surface or carriageway or footway of any street or land dedicated to the public (whether the same be repairable by the public or not).

4. Subject to the provisions herein-after contained with respect to the footbridge the railways and works to be constructed on the public street or place known as George's Dock Gates between the southern end of the Prince's Dock enclosure and the northern end of the George's Dock enclosure shall be constructed in all respects in accordance with the plan marked B and signed by the borough engineer and the engineer of the Board; and the Board shall not erect any column, pillar, or obstruction in the said street or place, except in the positions and manner and of not greater dimensions in any measurement or direction than the dimensions shown on the said plan B; and the portion of the said railway between the points F and G and H and K on the said plan shall be so constructed that there shall be a clear height of not less than sixteen feet six inches from every part of the surface of the carriageway to the underside of the girders of the bridges and of the parts between the girders.

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The existing footbridge, shown on the said plan B as "footbridge to be removed," shall not, without the consent in writing of the Corporation, be removed or interfered with until a new footbridge has been constructed as herein-after mentioned to the reasonable satisfaction of the Corporation and opened for traffic.

5. If within six months after the passing of the Act the Corporation give notice in writing to the Board requiring the construction of the new footbridge shown on the said plan B, the Board shall (in case they construct the railway between the Prince's Dock and George's Dock) construct the new footbridge (with the approaches and works in connexion therewith shown on the said plan B) in accordance with the said plan B and to the reasonable satisfaction of the Corporation, and shall thereafter at all times maintain the same for the use of the public, and the same (with the approaches thereto) shall be open for the use of the public during the whole twenty-four hours of every day, and shall at all times be effectually lighted and repaired and maintained in good order and condition by the Board to the reasonable satisfaction of the Corporation. If and when the said new footbridge is completed and open to the public the Corporation shall on demand by the Board pay to the Board one half of the cost of the construction of so much of the footbridge and approaches as are constructed between the points C and D shown on the said plan B, and shall also on the 31st day of December in each year, after the completion and opening thereof, pay to the Board on demand half of the cost of maintaining and repairing and lighting the same portion of the footbridge and approaches during the year ending on that day.

6. If any dispute or question arises with respect to the sufficiency of the execution of the works of the said new footbridge, or of the approaches thereto, or the conformity thereof with the plan, or with respect to any sum to be paid in respect of the construction or maintenance thereof by the Corporation to the Board as herein-before mentioned, or with respect to the sufficiency of the maintenance, repair, or lighting of the same, or any part thereof, such dispute or question shall from time to time be settled by the borough engineer and the engineer of the Board, or, in case they differ, then by an engineer to be appointed from time to time by the Board of Trade on the application of either of the parties hereto after notice to the other party. Any engineer so appointed shall have power to make such order as he thinks just with respect to costs. Any decision of an engineer so appointed shall be final and conclusive on the Corporation and the Board.

7. With respect to any of the railways or works to be constructed to the southward of the southernmost pillars or columns shown on the said plan B and to the northward of a point opposite the west end of Hill Street, it is hereby agreed :

(i.) That no part of such railways or works shall, without the consent in writing of the Corporation, be constructed or project or extend to the eastward of the line coloured pink, and shown on the plans numbered 1, 2, 3, and 4, and marked with the letter E and signed by the borough engineer and the engineer of the Board ; and

(ii.) That so much of the railways or works as may be erected on or over any street or land dedicated to the public (whether the same be repairable

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by the public or not) shall be erected on columns or pillars of similar structure to and of not greater dimensions in any measurement or direction than the columns or pillars to be erected as mentioned in the 3rd article of this agreement :

- (iii.) That opposite the end of James Street the railway shall be carried on two open spans of not less than sixty feet each and one of not less than fifty feet, opposite Redcross Street on one open span of not less than fifty feet, opposite Revenue Buildings on three open spans of not less than fifty feet each, opposite Orford Street on two open spans of not less than sixty feet each, opposite the north end of Wapping warehouses on one open span of not less than ninety-seven feet, opposite the south end of Wapping warehouses on one open span of not less than ninety feet, and opposite Stanhope Street on one open span of not less than eighty-two feet, all the above-mentioned spans being measured from centre to centre of the nearest columns, and that the said portion of the said railways shall be so constructed that there shall be a clear height of not less than fifteen feet from every part of the surface of the carriageway to the under side of the girders of the bridges over the said open spans respectively and of the parts between the girders :
- (iv.) That from James Street, along Strand Street, along the line shown on the said plans marked E and marked "Easternmost line of Dock Railway" to be moved to the eastward not more than two feet," and from Canning Place, along Wapping, along the line shown on the said plans and marked "Easternmost line of Dock Railway to be moved" to the eastward not more than two feet," and at the portion of the railway opposite or near Queen Anne Street, along the line shown on the said plans and marked "Westernmost line of Dock Railway to be moved to the westward not more than two feet," it shall be lawful for the Board, if they think fit, for the purposes of constructing and maintaining the railways to move the existing Dock Railway to the eastward or westward (as shown on the said plans) along the said lines respectively to the extent mentioned on the said plans.

8. Every locomotive steam engine to be used on any of the railways shall either use coke only, or be so constructed, maintained, and worked as effectually to consume its own smoke according to the best known mode of construction, or to prevent the emission of smoke, and, if any engine be not so constructed, maintained, and worked, the Board shall forfeit to the Corporation five pounds as and for liquidated damages and not as a penalty for every day during which any such engine shall be used on any of the said railways.

9. Whenever any of the water mains or pipes of the Corporation are severed or interfered with by the works authorised by the Act, and whenever it is necessary for maintaining the supply of water to lay additional water mains or pipes, such additional water mains or pipes shall, previous to the severance or interference, be laid by the Corporation at the expense of the Board.

10. If by reason of the execution of any of the powers of the Act any increased length of water mains or pipes become necessary, the same shall be laid down by the Corporation at the expense of the Board upon such plan and in such manner as may be approved of by the Corporation.

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11. Whenever by the appropriation or destruction of property by the Act authorised any water mains or pipes laid for the supply of such property (except pipes inside such property) are rendered unnecessary, the Board shall pay the Corporation the cost of laying an equivalent length of water mains or pipes and the cost of the works required for the discontinuance of such water mains or pipes rendered unnecessary as estimated by the water engineer of the Corporation, and the water mains and pipes so rendered unnecessary shall be the property of the Board.

12. Nothing in this agreement shall, except as herein expressly mentioned, bind the Board to construct or work or continue the railways or works authorised by the Act.

13. In case the new footbridge mentioned in this agreement is constructed and opened for traffic, then, unless and until the Corporation and the Board otherwise agree, the same (with the approaches) shall at all times thereafter continue to be open for the use of the public, and maintained, repaired, and lighted as in this agreement mentioned, and the provisions of this agreement with respect to contributions by the Corporation towards the construction or maintenance thereof shall continue to be observed, notwithstanding any non-completion, abandonment, or discontinuance of the railways or works, or any of them.

14. The railways authorised by the Act shall be constructed with a single line only throughout, with such passing-places and sidings as the Board may think necessary for the proper working of the railways.

15. Nothing in this agreement shall subject the Board to any obligation to exercise any of the powers of the Act or to do anything under this agreement, unless and until the Board actually enter upon the construction of the railways authorised by the Act.

16. This agreement is subject to such alterations (if any) as Parliament may see fit to make therein.

17. In witness whereof the Corporation and the Board have hereto set their respective corporate common seals the day and year first above written.

ARTHUR B. FORWOOD,  
Mayor.

The Seal of  
the Corporation  
of Liverpool.

T. D. HORNBY,  
Chairman.

The Seal  
of the Mersey  
Dock and  
Harbour  
Board.