



CHAPTER cciv.

An Act to repeal the Mersey Docks and Harbour Board (Overhead Railways) Act 1878 and to confer new and further powers upon the Board for the construction of overhead or high level railways in connexion with their docks on the Liverpool side of the River Mersey and for other purposes relating to the Board and their docks. A.D. 1882.

[10th August 1882.]

WHEREAS by the Mersey Docks and Harbour Board (Overhead Railways) Act 1878 (in this Act referred to as "the Act of 1878") the Mersey Docks and Harbour Board (in this Act called "the Board") were authorised to make and maintain certain overhead or high level railways therein described in connexion with certain of their docks on the Liverpool side of the River Mersey and there was scheduled to and confirmed by the said Act an agreement made the 25th day of June 1878 between the mayor aldermen and burgesses of the borough of Liverpool (therein and in this Act called "the corporation") of the one part and the Board of the other part (which agreement is in this Act referred to as "the agreement of 1878"):

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And whereas the Board when promoting and obtaining the Act of 1878 contemplated the construction of the said railways as a single line only with passing-places and many of the provisions of the Act of 1878 were based upon that assumption and it was provided by the agreement of 1878 that the said railways should be constructed with a single line only throughout with such passing-places and sidings as the Board might think necessary for the proper working of the railways:

And whereas the Board have not constructed any or any part of the railways authorised by the Act of 1878 or exercised any of the powers of that Act and it is expedient both for convenience of working and for the greater safety of the public that the said railways should be constructed throughout as a double line and that

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36 & 37 Vict. c. cxliii. And whereas by the Mersey Dock (Liverpool Dock Extension) Act 1873 (in this Act called "the Act of 1873") it was provided (section 14) that the Board might if they should think fit during the period of ten years from the passing of that Act charge differential rates as therein expressed in respect of any of their docks or of any portion of any of their docks or in respect of any particular trade or trades using any such dock or portion of dock :

And whereas it is expedient that the provisions of the said section 14 of the Act of 1873 should be extended as herein-after mentioned :

And whereas plans and sections showing the lines and levels of the railways authorised by this 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 :

Short title. **1.** This Act may be cited as the Mersey Docks and Harbour Board (Overhead Railways) Act 1882.

Incorporation of Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 8 & 9 Vict. c. 20. 26 & 27 Vict. c. 92. 21 & 22 Vict. c. xcii. **2.** The Lands Clauses Consolidation Acts 1845 1860 and 1869 the Railways Clauses Consolidation Act 1845 Part I. (relating to construction of a railway) of the Railways Clauses Act 1863 and so much of the Mersey Dock Acts Consolidation Act 1858 as relates to the meanings to be assigned to certain words and expressions (being section 3 of that Act) and the whole of Part XIII. of that Act (with respect to borrowing powers and dock debt) are

(except where expressly varied by this Act) incorporated with and form part of this Act. A.D. 1882.

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. Interpretation.

4. The railways and works by this Act authorised shall for the purposes of section 4 of the Mersey Docks (Money) Act 1859 be deemed to be a work authorised to be erected established and maintained by the Board and the income which shall be received by the Board from the said railways and works whether arising from tolls and charges or from rent or any lease of such railways and works or any part thereof or from payments made to them under any agreement for the working or use of such railways works or any part thereof shall be deemed to be rates within the meaning of the said section. Income from railways to be deemed to be rates. 22 Vict. c. xx.

5. The Act of 1878 is hereby repealed, and the agreement of 1878 is hereby cancelled and annulled. Repealing Act of 1878 and annulling agreement scheduled thereto.

6. 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 and sufficient viaducts columns bridges rails sidings turntables stations approaches roads buildings yards and other 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 : Power to make railways.

(1) A Railway (No. 1) 6 miles 3 furlongs and 3 chains in length commencing at a point about 150 feet southward from the northern boundary of the Board's Liverpool Dock estate, and about 250 feet south-westward from the southern end of Fort Road and terminating at or near the southern end of the east quay of the Herculaneum Half Tide Dock ;

(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

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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-eastward of the north-eastern corner of the Clarence Dock.

Board to
provide
customs
depôts.

7. If in the construction of the railways by this Act authorised it shall become necessary to remove the existing customs depôts at Princes Dock and Nelson Dock the Board shall provide other and equally suitable accommodation for the officers of customs.

For the pro-
tection of
the Cheshire
Lines Com-
mittee.

8. Notwithstanding anything in this Act contained it shall not be lawful for the Board without the previous consent in writing of the Cheshire Lines Committee under their common seal to enter upon take use or interfere with any works lands or property at any time belonging to or in the possession or under the power and control of that committee.

For protec-
tion of the
Lancashire
and York-
shire Rail-
way Com-
pany.

9. With respect to the Railways Nos. 1 and 2 for the protection of the Lancashire and Yorkshire Railway Company (in this section referred to as "the company") the Board shall unless the Board and the company otherwise agree observe perform and be bound by the following provisions stipulations and conditions that is to say :

- (1) The Board in making and maintaining the Railways Nos. 1 and 2 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 15 feet measured from the level of the existing rails and with such spans or openings as to leave not less than 4 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. 1 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 65 feet in width and a headway of 14 feet 6 inches measured from the level of the present dock rails in Regent Road which said two spans shall always so long as the proposed railway is maintained be kept open and unbuilt upon and in the construction of any wall by the Board at any time hereafter between the said land and property of the company at Bootle and the said viaduct the Board shall provide in such wall in two places to be agreed upon between the engineers of the company and the Board

gateways for giving access to the said two spans of 65 feet in width in the said viaduct; A.D. 1882.

- (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 3 feet 6 inches above the ground of at least 11 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 operation after such period of sixty hours unless there shall have been unreasonable delay in the execution of such work or operation

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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 in this section expressly provided nothing contained in 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.

For the protection of the London and North-western Railway Company.

10. The Board shall for the protection of the London and North-western Railway Company (in this section referred to as the company) unless the Board and the company otherwise agree observe perform and be bound by the following provisions stipulations and conditions (that is to say) :

- (1) The Board in making the Railway No. 1 where the same respectively shall cross over the following lines of rails belonging to or used by the company shall construct and maintain the bridges for all such crossings of the clear height of not less than 15 feet measured from the level of the existing rails and with clear spans over the whole of the rails at each such crossing and so that no column or other fixed work shall be nearer to either of the outside rails at each such crossing than 3 feet that is to say :

The lines of rails leading to the company's Alexandra Dock Station ;

The lines of rails leading to the company's Canada Dock Station ;

The lines of rails leading to the company's Waterloo Station ;

The lines of rails leading to the company's Wapping Station ;

The lines of rails leading to the goods shed in Sefton Street (held by the company as tenants of the Board) ;

(2) For the purpose of enabling the company to lay down rails to connect the station intended to be constructed by them on land enclosed by Caryl Street Sefton Street Northumberland Street and Warwick Street with the dock lines of the Board the Board shall construct and maintain two bridges each of which shall have a clear span of 76 feet 3 inches measured parallel with the existing lines of rails of the Board and a clear headway throughout of 15 feet above such rails and the Board shall also construct and maintain a bridge with the same headway and with a clear span of 54 feet 6 inches measured as aforesaid for the purpose of enabling the company to lay down rails to connect their said Alexandra Dock Station at its northern end with the said dock lines The position of each of the said bridges shall be agreed upon between the engineer of the company and the engineer of the Board or in default of agreement shall be determined by an engineer to be appointed at the request of either the company or the Board by the president for the time being of the Institution of Civil Engineers ;

(3) The viaduct for carrying the Railway No. 1 shall for the entire length thereof co-extensive with the frontage to Regent Road of the land and property of the company at their Alexandra Dock Station be constructed on a viaduct with arches pillars or other supports of clear spans of not less than 50 feet measured from centre to centre of the nearest column ;

(4) 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 ;

(5) 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 a clear distance of at least 3 feet between every such pillar and the point of intersection of two lines one drawn vertically from the

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outer side of any rail and the other drawn horizontally from the face of the pillar at any point not less than 3 feet 6 inches from the ground 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 ;

(6) 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 ;

(7) 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 except as herein-before provided 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 ;

(8) Save as in this Act expressly provided nothing contained in 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.

11. In the construction of the railways and works and in the exercise of the powers in the borough of Bootle-cum-Linacre by this Act authorised the following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Bootle-cum-Linacre (in this section called the Bootle Corporation) shall have effect except so far as from time to time the Bootle Corporation and the Board may agree upon any alteration (that is to say) :

For protection of the corporation of Bootle-cum-Linacre.

The word "street" in this section shall mean any highway whether repairable by the inhabitants at large or not ;

The Board shall not place any columns or supports or construct any part of the railway on or over any part of Regent Road and the width and level of that road shall remain unaltered ;

In order to afford a direct communication from Regent Road to the docks or River Mersey the railway shall at six different places in the borough of Bootle be carried on open spans of not less than 50 feet each measured from centre to centre of the nearest columns and the railway at such spans shall be so constructed that there shall be a clear height of not less than 15 feet from every part of the surface of the ground beneath such spans to the under side of the girders of the bridges over the said spans respectively and of the parts between the girders and the portions of the railway carried on the said spans shall be constructed and maintained so as to prevent as far as may be reasonably practicable the dripping of water therefrom : Provided that between sunset and sunrise the above-mentioned openings may in the discretion of the Board be closed by gates ;

All columns or supports of the railway in the vicinity of any existing public sewer or public drain and the foundations thereof shall be carried to such a depth below the surface of the ground

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as shall be necessary to admit of the repair renewal and maintenance of any such sewer or drain and the Bootle Corporation shall not be liable for any injury done to the railway or works of the Board by reason of any subsidence occasioned by the repair renewal or maintenance in a proper and skilful manner of any such sewer or drain ;

Every locomotive steam engine to be used on the railway 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 Bootle 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 ;

The Board shall not break up any street vested in the Bootle Corporation or interfere with any public sewer or drain affecting the borough of Bootle until they shall have given to the town clerk at least three clear days notice in writing of their intention to commence the intended works accompanied by plans sections elevations and other necessary particulars showing the works proposed to be executed by the Board so far as they affect the streets sewers and drains proposed to be interfered with ;

Where the surface of any street vested in the Bootle Corporation has been interfered with or disturbed by the Board in constructing the works or performing the operations by this Act authorised the Board shall well and sufficiently and to the satisfaction of the Bootle Corporation restore the surface so interfered with or disturbed and shall keep the same in efficient repair for one year from such restoration ;

Whenever it may be necessary to intercept or interfere with any existing public sewer or public drain the Board shall before intercepting or interfering with such existing sewer or drain construct according to a plan to be reasonably approved of by the Bootle Corporation another sewer or drain in lieu of and of equal capacity with the sewer or drain so proposed to be intercepted or interfered with and such substituted sewer or drain shall be connected by and at the expense of the Board with any existing sewer or drain which may be intercepted or interfered with and in such manner as shall be reasonably approved of by the Bootle Corporation ;

If by reason of the execution of any of the powers of this Act the Bootle Corporation shall necessarily incur any cost in

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altering any existing public sewer or public drain the Board shall repay to the Bootle Corporation such additional cost ;

If by reason of the execution of any of the powers of this Act any increased length of public sewers or public drains shall become necessary the same shall be forthwith constructed and laid by the Board upon such plan and in such manner as shall be approved of by the Bootle Corporation ;

The Board shall afford all reasonable facilities to the Bootle Corporation for laying under the railway and works any sewers or drains which the Bootle Corporation are now or shall hereafter be legally entitled so to lay and for the necessary repair or inspection of the same but all such works shall be done under the superintendence and to the reasonable satisfaction of and according to such plans and sections and at such times only as shall be reasonably approved by the engineer of the Board and shall also be so done as not to interrupt the traffic passing on the railway ;

The Board shall construct at least three passenger stations with conveniences and approaches within the said borough and shall cause a reasonable number of trains to stop thereat respectively ;

The Bootle Corporation and the Board may enter into and carry into effect agreements for any variation of these provisions and in the works to be done under this section or in the mode of executing the same ;

Any difference which may arise between the Bootle Corporation and the Board as to the true intent and meaning of any of the provisions of this Act relating to the works to be executed and powers to be exercised in the borough or as to the mode of giving effect thereto shall be determined in the manner prescribed in the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

12. The agreement made between the 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.

Confirming agreement with corporation of Liverpool.

13. 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.

Applying certain sections of 8 & 9 Vict. c. 20.

14. Where the railways are shown on the deposited plans and sections as crossing any road or street or any railway or line of rails

Bridges &c. over roads and railways

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to be of not
less height
and span
than those
marked on
deposited
sections.

belonging to any railway company the bridge or opening for such crossing except where otherwise expressly provided shall be constructed of a clear height or headway and with a clear span or width between the piers or columns of the viaduct of the railways not less than the height headway and span marked in the case of such crossing upon the deposited sections: Provided always that nothing in this section shall give to any company or person any greater or other right for maintaining any railway or line of rails upon any part of the estate of the Board than they would have if this section had not been enacted.

Lands for
extraordi-
nary pur-
poses.

15. 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.

Period for
compulsory
purchase of
lands.

16. 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.

Power to
take ease-
ments &c. by
agreement.

17. 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.

Period for
completion
of works.

18. If the railways are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the 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.

Tolls for
passengers.

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

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

Tolls for
propelling
power.

20. 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 in addition to the several other tolls or sums by this Act authorised to be taken.

21. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act (that is to say) : A.D. 1882.
Regulations
as to tolls.

For all passengers conveyed on the railways for a less distance than four miles the Board may demand tolls and charges as for four miles ; Short
distances.

In respect of passengers conveyed beyond four miles or beyond any greater number of miles every fraction of a mile beyond an integral number of miles shall be deemed a mile. Fractional
parts of a
mile.

22. With respect to parcels not exceeding five hundred pounds in weight the Board may demand and take any tolls not exceeding the following (that is to say) : Tolls for
parcels.

For any parcel not exceeding seven pounds in weight threepence ;
 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.

23. 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) : Maximum
rates for
passengers.

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

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

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

For 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.

24. 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 Passengers
luggage.

A.D. 1882. thirty pounds in weight for third-class passengers without any charge being made for the carriage thereof.

Foregoing charges not to apply to special trains.

25. The restrictions as to the charges to be made for passengers shall not extend to any special trains run upon the railways 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 railways.

Board may take increased charges by agreement.

26. 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 parcels by agreement with the owners or persons in charge thereof by reason of any special service performed by the Board in relation thereto.

Further borrowing powers.

27. Subject to the provisions of this Act the Board may from time to time for the purposes of this Act borrow at interest on the security of the rates for the time being belonging to them (exclusive of any sum or sums of money required for the completion of the Birkenhead Docks and works and for the purposes specially provided for by the Mersey Docks and Harbour Act 1857) any further sum or sums not exceeding in the whole six hundred and fifty thousand pounds.

20 & 21 Vict. c. clxii.

Application of moneys borrowed under this Act.

28. All moneys borrowed by the Board under the authority of this Act shall be applied by them for purposes of this Act to which capital is properly applicable and not otherwise.

Provisions as to general railway Acts.

29. 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.

Board may lease or sell railways.

30. The Board may from time to time demise or lease to any company incorporated by Act of Parliament the railways by this Act authorised and the works lands buildings and conveniences connected therewith or any or either of them or any part or parts thereof respectively and all or any of the rights powers and privileges for or connected with the working and maintenance of the proposed railways and works or any of them or any part or parts thereof respectively and of taking demanding levying and recovering tolls rates and charges conferred on the Board by this Act upon

such terms (pecuniary or other) and conditions and for such period or periods not exceeding in any case twenty-one years as may be agreed and the Board and any such company from time to time may enter into carry into effect vary and rescind contracts agreements or arrangements for any such purpose or (as regards any such company subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Regulation of Railways Act 1873) for the working use maintenance and management of the railways or either of them or any part or parts thereof respectively by any such company the management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the railways or either of them or any part or parts thereof respectively the supply and maintenance under any agreement for the intended railways or either of them or any part or parts thereof respectively being worked and used by any such company corporation body or persons of engines stock and plant necessary for the purposes of such agreement the fixing collection payment and appropriation of the tolls rates income and profits arising from the railways or either of them or any part or parts thereof respectively and the employment of officers and servants and any such company may accept a lease or enter into vary and rescind contracts agreements or arrangements accordingly and may apply their funds or revenue for the purposes of such lease and of any such agreement as aforesaid and may have hold exercise and enjoy all or any of the rights powers and privileges demised or agreed to be demised to or to be exercised by them as aforesaid.

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36 & 37 Vict.
c. 48.

31. The consideration for any such lease or agreement may as the Board and any such company as aforesaid (herein-after called the lessees) agree be by way of yearly or other payment whether fixed fluctuating terminable contingent or otherwise or by way of immediate or future payment of any fixed contingent or other sum of money or by more than one of those ways or by making and securing any other benefit to the Board and either with or without any consideration or compensation in any one or more of those ways: Provided that any premium which may be paid to the Board for or upon such lease shall be applied in the repayment of the moneys for the time being borrowed by the Board.

Consideration for lease or sale.

32. In accordance with the terms agreed on under this Act between the Board and the lessees the lessees and their officers and servants respectively shall be entitled under the agreement in that behalf and from the time thereby appointed for the lease or agreement to take effect and to the extent and in manner therein mentioned

Lease, &c. to entitle lessees to premises leased, &c.

A.D. 1882. — to the management regulation maintenance user working and enjoyment of the premises comprised in the respective contract and of the traffic thereon and to the regulating taking and enjoying of the tolls fares rates charges and other payments and advantages in respect thereof.

Powers of Board as to premises leased, &c. to be exercised by lessees.

33. All the rights powers and privileges of the Board and their officers and servants respectively which by virtue of any of the Acts relating to the Board and this Act respectively might be exercised and enjoyed by them respectively with respect to the premises included in the lease or agreement and which in accordance with the terms and conditions of the agreement or this Act are to be exercised and enjoyed by the lessees and their officers and servants respectively with respect to such premises shall be exercised and enjoyed accordingly under and with the same regulations restrictions conditions obligations penalties and immunities in accordance with those Acts and this Act respectively as by the Board and their officers and servants respectively.

Transfer to lessees of premises leased, &c.

34. In accordance with the terms and conditions of any lease or agreement in that behalf entered into under this Act between the Board and the lessees all the premises included in or forming the subject matter of any such lease or agreement as aforesaid and the rights powers privileges and authorities to be in accordance with this Act exercised and enjoyed by the lessees with respect to the same shall at the time by the agreement appointed in that behalf be by this Act and subject to the provisions thereof and subject also to the other provisions (if any) of any lease conveyance or agreement executed in accordance with this Act transferred to and vested in the lessees absolutely.

Amending section 14 of Act of 1873.

35. From and after the passing of this Act section 14 of the Act of 1873 shall be read and have effect as if for the words "during the period of ten years from the passing of this Act" the words "during the period of thirty years from the passing of this Act" were substituted.

Costs of Act.

36. 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.

The SCHEDULE referred to in the foregoing Act.

AGREEMENT made this twentieth day of May one thousand eight hundred and eighty-two between the MAYOR ALDERMEN AND CITIZENS OF THE CITY 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. A.D. 1882.

WHEREAS a Bill is now pending in Parliament intituled "A Bill to repeal the Mersey Docks and Harbour Board (Overhead Railways) Act 1878 and to confer new and further powers upon the Board for the construction of overhead or high level railways in connexion with their docks on the Liverpool side of the River Mersey and for other purposes relating to the Board and their docks" (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 city of Liverpool certain public streets vested in the corporation will be interfered with it is hereby agreed between the corporation and the Board as follows :

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 city 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)

A.D. 1882. 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 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 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 city 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.

5. 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 near the north-west angle of the police station in Sefton Street it is hereby agreed :

(I.) That no part of such railways stations 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 E 1 E 2 E 3 and E 4 and signed by the city engineer and the engineer of the Board ;

(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 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 portions 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 underside of the girders of the bridges over the said open spans respectively and of the parts between the girders ;

(IV.) That 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 six inches" 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 six inches" 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. The Board in constructing the railway along Queen Anne Street between the south-west corner of Sedley Street and the police station shall leave a clear space of one hundred feet between the columns carrying the girders of the said railway and shall pave the entire area for the full width of the railway between the columns at a uniform level with the adjoining pavement on both sides thereof so as to be available for traffic in any direction the paving to be executed as a uniform pavement similar to that usually laid down by the corporation.

A.D. 1882.


12. The railways authorised by the Act shall be constructed as a double line throughout.

13. 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.

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

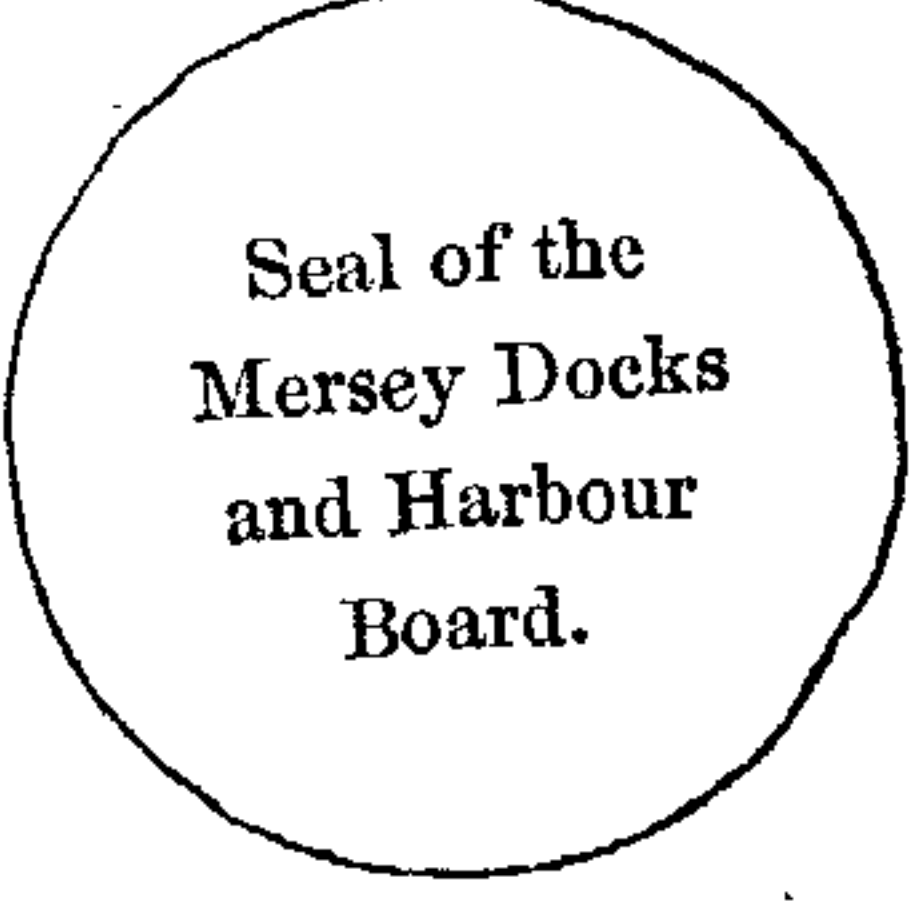
15. In witness whereof the corporation and the Board have hereto set their respective corporate common seals the day and year first above written.

J. HUGHES,
Mayor.



Seal of the
Corporation
of Liverpool.

T. D. HORNBY,
Chairman.



Seal of the
Mersey Docks
and Harbour
Board.