



CHAPTER lxx.

An Act to authorise the Wallasey Tramways Company to
 abandon parts of their authorised tramways and for other
 purposes. A.D. 1886.
[25th June 1886.]

WHEREAS by the Wallasey Tramways Act 1878 (in this Act called the Act of 1878) the Wallasey Tramways Company (in this Act called the Company) was incorporated with a share capital of thirty thousand pounds and with power to borrow on mortgage seven thousand five hundred pounds and was empowered to construct and maintain the tramways and works in the parish of Wallasey in the county of Chester in that Act mentioned:

And whereas the Company has raised the sum of twenty-two thousand two hundred and forty pounds part of its share capital and has borrowed on mortgage the sum of five thousand three hundred pounds part of the said sum of seven thousand five hundred pounds and has expended on the undertaking the whole of the sums so respectively raised:

And whereas it is expedient that the Company be empowered to abandon portions of the tramways authorised by the Act of 1878 and that the other powers in this Act contained should be conferred upon the Company:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. This Act may be cited as the Wallasey Tramways Act 1886. Short title.

2. The Company shall abandon the construction of so much and such of the tramways and works authorised by the Act of 1878 as are next herein-after specified that is to say Tramway No. 2 Abandonment of certain tramways

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 authorised
 by the Act
 of 1878.

Tramway No. 2 A Tramway No. 2 B So much and such part of Tramway No. 11 as is situate to the north of the junction of Rowson Street and Saint George's Mount in the said parish of Wallasey Tramway No. 11 A Tramway No. 11 B Tramway No. 11 C Tramway No. 12 Tramway No. 12 A Tramway No. 12 B Tramway No. 12 C Tramway No. 12 D Tramway No. 13 and Tramway No. 14 in the said parish of Wallasey and county of Chester and the works respectively connected with the said tramways and portion of tramway and on and after the passing of this Act the Company shall be absolutely freed from all obligations with respect to or consequent on the constructing and maintaining of the said tramways and portion of tramway hereby authorised to be abandoned.

Compensation for damage to land by entry &c. for purposes of tramways abandoned.

3. The abandonment by the Company under the authority of this Act of the said authorised tramways and portion of tramway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of taking levels or setting out the line of tramway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Lands Clauses Consolidation Act 1845 or the Act of 1878.

Compensation to be made in respect of tramways abandoned.

4. When before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any tramways or portion of tramway or works authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding such release full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Release of portion of deposit fund.

5. Whereas pursuant to the Standing Orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter 20 a sum of one thousand and fifty pounds

being five per centum upon the amount of the estimate in respect of the tramways authorised by the Act of 1878 was deposited with the Chancery Division of the High Court of Justice in England and the said sum of one thousand and fifty pounds was invested by an Order of the said Chancery Division in the purchase of one thousand and ninety-five pounds three shillings and sixpence Consolidated Three Pounds per Centum Annuities And whereas the sum of four hundred and forty-two pounds seventeen shillings like annuities represents the proportion of the said deposit fund paid into the said Chancery Division and invested as aforesaid in respect of the tramways and portion of tramway by this Act authorised to be abandoned Therefore be it enacted that notwithstanding anything contained in sections 6 and 7 of the Act of 1878 the said Chancery Division shall at any time after the passing of this Act on the application of the persons or the majority of the persons named in the warrant or order referred to in section 6 of the Act of 1878 or of the survivors or survivor of such persons or of the executors or administrators of such survivor order that the said sum of four hundred and forty-two pounds seventeen shillings Consolidated Three Pounds per Centum Annuities with any dividends thereon be transferred and paid to such persons as aforesaid or to any other persons or person whom they or he may appoint on their or his behalf.

6.—(1.) The Company if required by the Postmaster General shall perform with respect to any tramway owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster General from time to time requires Provided as follows :

Carrying of
mails by
Company.

(a.) Nothing in this section shall authorise the Postmaster General to require mails in excess of the following weights to be carried by the Company in or upon any carriage that is to say :

(i.) If the carriage is conveying or intended to convey passengers and not goods or parcels then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers; and

(ii.) If the carriage is conveying or intended to convey parcels only then in excess of such maximum weight as is for the time being fixed for ordinary parcels or if that maximum appears to the Postmaster General to be so low as to exclude him from availing himself of the use of any such carriage then as is for the time being fixed by agreement or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England; and

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(iii.) If the carriage is conveying or intended to convey both parcels and passengers but not goods then in excess of the maximum weight for the time being fixed for ordinary parcels or for the luggage of ordinary passengers whichever is the greater.

(b.) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with.

(c.) Nothing in this section shall authorise the Postmaster General to require any mails to be carried by the Company in or upon a carriage conveying or intended to convey passengers but not goods or parcels except in charge of an officer of the Post Office travelling as a passenger.

(d.) If the Company carry goods as well as passengers and parcels the enactments relating to the conveyance of mails by railway shall subject to the provisions of this section apply in like manner as if the Company were a railway company and the tramway were a railway.

(2.) The remuneration for any services which have been performed by the Company in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster General and the Company or in default of agreement by a referee to be appointed by the Lord Chief Justice of England at the request of either party and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section.

(3.) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882.

(4.) For the purposes of this section a requisition by Her Majesty's Postmaster General may be signified by writing under the hand of any person who is at the time either such Postmaster General or a Secretary or Assistant Secretary of the Post Office or the Inspector General of Mails and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

7. Nothing in this Act contained shall exempt the Company or the tramways of the Company from the provisions of any general Act relating to tramways now in force or which may hereafter pass

Tramways
not exempt
from pro-
visions of
present and

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 tolls or charges authorised to be taken by the Company.

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future general Tramway Acts.

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

Expenses of Act.