



CHAPTER lxxvii.

An Act to authorise the Wirral Railway Company to make an extension Railway and other Works in the County of Chester and to abandon the Railway authorised by the Act of 1895 and to convert their debenture stocks and for other purposes.

A.D. 1898.

[1st July 1898.]

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

And whereas by the Wirral Railway Act 1895 (herein-after called "the Act of 1895") the Company were authorised to make a railway and other works near Seacombe:

And whereas it is expedient that the Company be authorised to make the railways and other works herein-after described and to abandon the railway authorised by the Act of 1895:

And whereas it is expedient that the Company be empowered to enter into and carry into effect agreements and arrangements with the Wallasey Urban District Council as herein-after mentioned and that the other powers in this Act contained should be conferred on the Company:

And whereas it is expedient that the different debenture stocks of the Company should bear a uniform rate of interest and that the authorised share capital of the Company should be reduced and a portion thereof converted as herein-after provided:

And whereas plans and sections showing the lines and levels of the railways and works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this

A.D. 1898. — Act were duly deposited with the clerk of the peace for the county of Chester and are herein-after referred to as the deposited plans sections and book of reference :

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

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

Short title.

1. This Act may be cited as the Wirral Railway Act 1898.

Incorporation of general Acts.

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

The Lands Clauses Acts ;

The Railways Clauses Consolidation Act 1845 ; and

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

Extending certain provisions of Companies Clauses Acts.

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

The distribution of the capital of the company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and means of enforcing payment of calls ;

The forfeiture of shares for nonpayment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of the borrowed money into capital ;

The consolidation of shares into stock ;

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

The making of dividends ;

The giving of notices ; and

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

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

or stock or borrowing or debenture stock and the proprietors thereof. A.D. 1898.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to or inconsistent with such construction : Interpretation.

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

The expression "the railway" or "the railways" means the railways by this Act authorised.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways in the county of Chester herein-after described with all proper stations sidings approaches roads junctions works and conveniences connected therewith and may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited book of reference as may be required for those purposes The railways herein-before referred to and authorised by this Act are — Power to make new railways and works.

(1) A Railway (No. 1) one furlong eight chains seventy-seven links in length situate wholly in the township of Poulton-cum-Seacombe in the parish of Wallasey in the county of Chester commencing by a junction with the Seacombe Branch Railway of the Company at a point immediately under the eastern parapet of the bridge carrying Luke Street over the said Seacombe Branch Railway and terminating near to the Seacombe Ferry Stage at a point on the eastern boundary wall of the bowling green at the back of the Ferry Hotel equi-distant from the northern and southern extremities of such boundary wall :

(2) A Railway (No. 2) two furlongs three chains twenty links in length commencing in the township and parish of Wallasey by a junction with the Seacombe Branch Railway of the Company at a point in the field No. 436 on the $\frac{1}{2500}$ Ordnance map published in the year 1881 for the said parish two hundred and thirty-one yards distant or thereabouts measured in a westerly direction from the west side of the bridge carrying Breck Road over the said Seacombe Branch Railway and terminating in the township of Poulton-cum-Seacombe in the parish of Wallasey by a junction with the railway authorised by section 13 of the Wirral Railway Act 1895.

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Inclination
of road.

6. In altering for the purposes of this Act the road next hereinafter mentioned the Company may make the same of any inclination not steeper than the inclination herein-after mentioned in connexion therewith (that is to say) :—

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
6	Wallasey	Victoria Road	1 in 30

But if the Wallasey Urban District Council consent thereto such inclination may be made steeper than that before prescribed but not steeper than the inclination prescribed by the Railways Clauses Consolidation Act 1845.

For protection of
Wallasey
Urban
District
Council.

7. For the protection of the Wallasey Urban District Council (in this section called "the council") the following provisions shall have effect (that is to say) :—

(A) The existing bridge of the Company carrying Church Street (No. 2 on the deposited plans) over Railway No. 1 shall not be altered :

(B) The bridge for carrying Victoria Road (No. 6 on the deposited plans) over Railway No. 1 shall have a clear space between the fences and parapets thereof of fifty-five feet and shall be so constructed as to provide a depth of two feet three inches from the upper surface of the road to enable the council to make maintain and use a tramway together with all electrical and other ancillary works for the working of such tramway and if the council shall at any time apply for power to construct the tramway over the said bridge the Company will not oppose the application so far as the said bridge is concerned :

The Company shall pave the roadway of the bridge for carrying Victoria Road over Railway No. 1 with four-inch granite or syenite cubes laid upon concrete and shall pave the footpaths with concrete flags and kerb the same with granite kerbs or with such other material as may be agreed between the council and the Company and the Company shall construct screens on both sides of the said bridge similar to those on the bridge carrying Church Street over the railway of the Company :

(c) Upon the completion of the bridge for carrying Victoria Road over Railway No. 1 and the making of the road over the same and the footpaths in accordance with the aforesaid

provision the council shall for ever thereafter at their own cost maintain and repair the said road and footpaths and shall exonerate the Company from any statutory or other liability in regard thereto Provided that nothing herein contained shall make the council liable to repair the said bridge or the parapets thereof or the fences of the approaches thereto :

- (D) If the railway or any work by this Act authorised shall interfere with any sewer or drain of the council or in any way affect the sewerage or drainage of the district the Company shall not commence such railway or work until they shall have given to the council twenty-eight days' previous notice in writing of their intention to commence the same by leaving such notice at the principal office of the council with all necessary particulars relating thereto nor until the council shall have signified their approval of the same unless the council do not signify their approval disapproval or other directions within twenty-eight days after service of the said notice and particulars as aforesaid and the Company shall comply with and conform to all reasonable directions and regulations of the council in the execution of the said works and shall provide by new altered or substituted works in such manner as the council shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by or by reason of the railway and shall save harmless the council against all and every the expense to be occasioned thereby and all such works shall be done under the direction superintendence and control of the surveyor or other officer or officers of the council at the reasonable costs charges and expenses in all respects of the Company and when any new altered or substituted work as aforesaid or any work or defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the council and be maintained by them as any other sewers or works in their district :
- (E) The council shall at their own expense before or simultaneously with the making of the Railway No. 1 construct and thereafter maintain and use a sewer under the Railway No. 1 and the bridge carrying Victoria Road over it (in substitution for the existing sewer under Victoria Road) and the Company shall give to the council all reasonable facilities for the purposes aforesaid But the council shall not in maintaining and using the said sewer unnecessarily obstruct impede endanger or in any way interfere with the working of the railway or

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with the traffic of the Company or of any company running over or using their railway :

- (F) Before opening Railway No. 1 for public traffic the Company shall dedicate to the public as part of the public highway a strip of land adjoining the highway fronting the River Mersey sufficient in extent to enable the council to make such highway of a clear width of fifty feet from the outside edge or face of the river wall co-extensive with the lands to be acquired by the Company under the powers of this Act and the said strip of land shall thenceforth form part of the said highway and the council shall at their own expense level form pitch macadamize or pave and kerb channel and sewer the said strip of land and adopt the same as part of the said highway and shall not thereafter make any claim or demand against the Company for levelling forming pitching macadamizing paving kerbing channelling sewerage or lighting the said highway or any part thereof Provided that the western footpath of the said highway shall not be less than eight feet wide and that the Company may erect and maintain over the western footpath and roadway a projecting cover or roof giving not less than fourteen feet of clear height above the said footpath and extending not more than ten feet over the said footpath and roadway and may support the same on iron pillars placed on the line of the kerbs of the said footpath but with power nevertheless to the council and Company by agreement to vary or extend the aforesaid height and projection :
- (G) The Company shall for the purpose of widening or improving Church Road Victoria Road or Victoria Place sell to the council such parts of their lands (adjoining such streets) as will make the same of a width not exceeding sixty feet and the council shall forthwith after the purchase thereof dedicate the same to the public as part of such streets respectively But this subsection shall not apply to any land occupied by or supporting or required for any bridge abutment retaining wall or other railway work The price to be paid for such lands shall be determined (in default of agreement) by arbitration as herein-after provided :
- (H) The Company shall not acquire any part of Fell Street but they shall construct and for ever after maintain a retaining wall sufficient for the support of the street and shall make good any damage or injury which may be occasioned to the said street and the sewers drains gas or water pipes or electric lines therein by the exercise of any of the powers of this Act :
- (I) Notwithstanding anything contained in this Act the Company shall not acquire any part of the land on the northern side

of the New Brighton Branch Railway numbered 2 on the deposited plans for the township of Wallasey situate beyond a line one hundred yards from the centre line of the existing New Brighton Railway of the Company Provided that the council shall not object to or prevent the Company using any part of the said lands numbered 2 beyond the said line one hundred yards from the said centre line for the purpose only of erecting thereon barricades or guides for the protection of their railway from sand drifts but the Company shall remove all such barricades or guides within six months after service upon them by the council of a notice requiring them to do so :

- (j) Simultaneously with acquiring any part of the said lands numbered 2 the Company shall acquire and convey to the council without any money consideration the fee simple (except the mines and minerals therein) of a piece of land part of the lands numbered 4 on the deposited plans for the township of Liscard equal in area to the piece of land (part of the said land numbered 2) to be acquired by the Company as aforesaid :

The land to be conveyed to the council under this subsection shall have a northern frontage of the same length as the southern frontage to the piece of land numbered 3 on the deposited plans of the piece of land part of the said land numbered 2 to be acquired by the Company and shall be bounded on the west by the remainder of the said land numbered 2 and on the north by the Irish Sea :

The council shall for ever thereafter hold the said land (part of the land numbered 4) for the benefit and recreation of the public and may make and maintain roads footpaths promenades pleasure grounds or gardens therein but shall not (without the consent of the Company) build or erect any building or erection thereon :

- (k) If the council shall at any time desire to construct and maintain a road over the Railway No. 2 by this Act authorised or over the railway authorised by section 13 of the Wirral Railway Act 1895 for the purpose of the traffic now or hereafter using the Poulton Bridge Road the Company shall give all reasonable facilities to enable the council to construct and maintain the same Provided that the works for that purpose shall be constructed and maintained to the reasonable satisfaction of the engineer of the Company or in case of difference to the reasonable satisfaction of an engineer to be appointed on the application of either party by the President

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of the Institution of Civil Engineers Provided also that the bridge shall be a flat-topped girder bridge with a clear headway of not less than fourteen feet three inches from the upper surface of the rails to the underside of the said bridge and a clear span between the piers or abutments of not less than twenty-five feet six inches :

- (L) The Company shall construct and maintain efficient fences or parapets to their bridges and to their lands where the same abut upon any street and the height of such fences or parapets shall be not less than six feet above the level of the roadways :
- (M) The provisions of the Railways Clauses Consolidation Act 1845 contained in sections 18 to 23 shall subject to the provisions of this Act extend and apply to the water and gas mains pipes and apparatus of the council and whenever in those sections the words "company" and "society" are used the same shall for the purposes of this section be held to extend to and include the council :
- (N) Whenever the water or gas mains pipes or apparatus of the council shall be severed or interfered with in the execution of any of the powers of this Act and whenever during the execution of any of the powers of this Act it is necessary for maintaining the supply of water or gas to lay down substituted or additional mains or pipes the same shall previous to the severance or interference be laid down by the council at the expense of the Company :
- (O) If by reason of the execution of any of the powers of this Act the council shall necessarily incur any costs in altering any existing sewer drain or gas or water main or apparatus except the aforesaid sewer in Victoria Road the Company shall repay to the council such costs :
- (P) In case it shall be necessary to construct the railways over any sewer drain or gas or water main or apparatus of the council provision shall be made to the satisfaction of the council for protecting such sewer drain or gas or water main or apparatus from injury and for affording easy access thereto for the purpose of examination alteration renewal or repair :
- (Q) Any difference which may arise between the council and the Company with reference to the effect or construction of this section or to anything to be done or not to be done thereunder or as to the reasonableness of any requirements of the council or the Company in pursuance thereof shall unless otherwise agreed upon or provided for be determined by arbitration under the provisions of the Arbitration Act 1889.

- 8.** The quantity of land to be taken by the Company by agreement under this Act for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed three acres but nothing in this Act or in that Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken. A.D. 1898.
Lands for extraordinary purposes.
- 9.** The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.
- 10.** If the railways by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railways or otherwise in relation thereto shall cease except as to so much thereof as is then completed. Period for completion of works.
- 11.** Whereas in the construction of the railways and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the First Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority, to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise. Owners may be required to sell parts only of certain lands and buildings.
- 12.** The railways and the works connected therewith executed under the authority of this Act shall for the purposes of tolls rates and charges and all other purposes whatsoever be part of the Wirral Railway and comprised in the undertaking of the Company. Railways to form part of railways of the Company.
- 13.** Whereas pursuant to the Standing Orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of one hundred and forty-two pounds thirteen shillings and sixpence Deposit money not to be repaid except so far

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 as railway
 opened.

which with one thousand seven hundred and seventy-nine pounds sixteen shillings mentioned in section 18 of the Wirral Railway Act 1895 now in the custody of the court as applicable to the railway authorised by that Act and by this Act directed to be abandoned is equal to five per centum upon the amount of the estimate in respect of the railway and works authorised by this Act has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act which sums together are referred to in this Act as "the deposit fund" Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for the completion of the railway open the same for the public conveyance of passengers and if the Company shall make default in so opening the railway the deposit fund shall be applicable and shall be applied as provided for by the next following section Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the Chancery Division of the High Court of Justice in England shall on the application of the depositors order the portion of the deposit fund so specified in the certificate as aforesaid to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall if signed by the secretary or by an assistant secretary of the said Board be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the recited Act to the contrary notwithstanding.

Application
 of deposit.

14. If the Company do not previously to the expiration of the period limited for the completion of the railway complete and open the same for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid or transferred to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the

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commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the depositors Provided that until the deposit fund has been repaid or re-transferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

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

Power to take easements &c. by agreement.

16. Subject to the provisions of this Act and in addition to the other lands which the Company are by this Act authorised to acquire the Company may enter upon take hold use and appropriate for stations sidings and other accommodation and purposes connected with the undertaking of the Company the lands in the county of Chester herein-after described or referred to so far as the same are delineated on the deposited plans and described in the deposited book of reference relating thereto (namely) : —

Power to acquire additional lands.

- (1) Certain lands or portions thereof in the townships of Wallasey and Liscard in the parish of Wallasey adjoining the northern side of the New Brighton Branch Railway of the Company

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lying between Greenhall Street and the bridge carrying Wallasey Village Road over the said branch railway :

- (2) Certain lands or portions thereof in the township of Poulton-cum-Seacombe aforesaid adjoining the northern side of the Seacombe Branch Railway of the Company lying between Oakdale Road and Gorsey Lane.

For protection of
Mary Baily.

17. For the protection of the estate of Mary Baily or other the owners of the John Smith Estate situate in the township of Poulton-cum-Seacombe in the parish of Wallasey in the county of Chester who and whose heirs and assigns or successors in title are included in the expression "Mrs. Baily" whenever employed or referred to in this section the following provisions shall have effect (that is to say) :—

- (1) Before interfering with the road known as Lateral Road the Company shall construct in substitution therefor another road of a clear width of forty-five feet to connect Cinder Lane with Oakdale Road at such levels and gradients as may be agreed upon between the Company and Mrs. Baily and in the position shown on the plan signed by Mrs. Baily and Ernest Shepley Wilcox the engineer of the Company or in such other position as may be agreed upon between Mrs. Baily and the Company :
- (2) Mrs. Baily will provide free of expense to the Company the part of her land numbered 2 on the deposited plans required for the said new road :
- (3) The Company will lay out form and level the new road but shall not be called upon to pitch macadamize or kerb the same nor to fence the same from the adjoining land of Mrs. Baily :
- (4) The Company shall restore and make good all fences destroyed or broken down in forming the said new road :
- (5) The Company shall relay the present sewer in the Lateral Road under the said new road at such depth and levels as shall be approved by the Wallasey Urban District Council and shall with their consent and to their satisfaction connect such sewer with the sewer of the Wallasey Urban District Council under Oakdale Road :
- (6) All works to be made and executed by the Company in pursuance of the provisions of this section shall be so made and executed by the Company at their sole costs and expenses in all respects and to the reasonable satisfaction of the surveyor of Mrs. Baily :

- (7) Nothing in this section contained shall prejudice abridge or defeat the right of Mrs. Baily to compensation for land acquired from or injury occasioned to her for or in consequence of the works or acts of the Company or to the construction of all such necessary accommodation works as are provided for by the Railways Clauses Consolidation Act 1845 : A.D. 1898.
- (8) Mrs. Baily will dedicate her part of the said new road to the public as and when the adjoining owners dedicate their respective portions of the said road :
- (9) Until the said new road shall be dedicated to the public the owners and occupiers of all lands adjoining thereto shall have and may exercise and enjoy the same rights over the said new road as if the same were a public road :
- (10) Any difference between the Company and Mrs. Baily shall as often as the same shall arise be referred to the arbitration of a surveyor to be nominated by the President of the Surveyors' Institution on the application of either party.

18. The following provisions for the protection of the estate of Harry Gordon Smith who and whose heirs and assigns or successors in title are included in the expression "Mr. Smith" wherever employed or referred to in this or the following section shall be binding on the Company and full effect shall be given thereto (that is to say) :—

For protection of Harry Gordon Smith.

- (1) Before interfering with the road known as the Lateral Road the Company shall construct in substitution therefor another road of a clear width of forty-five feet to connect Cinder Lane with Oakdale Road at such levels and gradients as may be agreed upon between the Company and Mr. Smith and in the position shown on the plan signed by William Edward Mills on behalf of Mr. Smith and by Ernest Shepley Wilcox the engineer of the Company Provided that Mr. Smith may require the Company to vary the position of the said road in his land within the limits of deviation shown on the deposited plans and provided further that its position at the boundary of Mrs. Baily's land referred to in the foregoing section of this Act be not varied without her consent and that there shall be a space of not less than sixty or more than one hundred feet between the land taken by the Company from Mr. Smith and the southern side of the said road :
- (2) Mr. Smith to provide free of expense to the Company the portion of his land numbered 3 on the deposited plans required for the said new road :

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- (3) The Company will lay out form and level the said new road but shall not be called upon to pitch macadamize or kerb the same nor to fence the same from the adjoining land of Mr. Smith :
- (4) The Company shall restore and make good all fences destroyed or broken down in forming the said new road :
- (5) The Company shall relay the present sewer in the Lateral Road under the said new road at such depth and levels as shall be approved by Mr. Smith and the Wallasey Urban District Council and shall with their consent and to their satisfaction connect such sewer with the sewer of the Wallasey Urban District Council under Oakdale Road :
- (6) All works to be made and executed by the Company in pursuance of this section shall be made and executed by the Company at their sole costs and expenses in all respects and to the reasonable satisfaction of the surveyor of Mr. Smith :
- (7) Mr. Smith will dedicate his part of the said new road to the public whenever required by the Company so to do and the Company shall simultaneously dedicate their part of the said road to the public :
- (8) Until the said new road shall be dedicated to the public the owners and occupiers of all lands adjoining thereto shall have and may exercise and enjoy the same rights over the said new road as if the same were a public road :
- (9) Any difference between the Company and Mr. Smith touching any of the matters aforesaid shall as often as the same shall arise be referred to the arbitration of a surveyor to be nominated by the President of the Surveyors' Institution on the application of either party.

Saving
agreement
of 27th May
1881.]

19. Nothing in this Act contained shall prejudice or affect the rights if any of Thomas Ridgway Bridson the trustee of the estate of the late Richard Smith deceased or of Mr. Smith under the terms of Article 2 of the Agreement dated the 27th day of May 1881 scheduled to and confirmed by the Seacombe Hoylake and Deeside Railway Act 1881 so far as the same relate to the conveyance of land to the said trustee or Mr. Smith under the said Article 2 of the said Agreement or any subsequent variation thereof.

Restriction
on taking
houses of
labouring
class.

20.—(1.) The Company shall not under the powers of this Act purchase or acquire in any city borough or urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of

the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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(2.) For the purposes of this section the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

21. Notwithstanding anything to the contrary in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company with which that Act is incorporated the periods for and within which the Company may hold sell and dispose of any superfluous lands connected with the railways or situate in the parishes described or mentioned in the Second Schedule to this Act as the case may be are hereby extended for the periods following (that is to say) As regards such of the said lands as are situate near to or adjoining any railway or station of the Company for the period of ten years from the passing of this Act and as regards the other of the said lands for the period of three years from the passing of this Act.

Extending time for dealing with superfluous lands.

22. The Company may grant leases of their lands or any part or parts thereof adjoining or near to any of their stations for any term or terms not exceeding ninety-nine years and on such conditions as the Company may think proper to any person or persons who will erect and build thereon houses and outbuildings for the Company's servants Provided that the Company and such person or persons shall enter into arrangements for the occupation thereof by the Company's servants and the Company may guarantee the rents thereof or may become tenants thereof on such terms as they may think fit and may sub-let the same to their servants upon such conditions as the Company may think proper.

Power to grant building leases.

23. The Company shall abandon the railway authorised by section 5 of the Wirral Railway Act 1895 which will be rendered unnecessary by the construction of the Railway No. 1 by this Act authorised.

Company to abandon railway authorised by Act of 1895.

24. The abandonment by the Company under the authority of this Act of the railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such

Compensation for damage to land by entry &c.

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—
for purpose
of railway
abandoned.

land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or in the said Act of 1895 as extended by any subsequent Acts.

Compensa-
tion to be
made in
respect of
railway
abandoned.

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

Agreements
with Walla-
sey Urban
District
Council.

26. The Company may enter into agreements with the Wallasey Urban District Council for and with respect to the diversion or alteration of streets and roads and interference with any tramways laid down thereon.

Running
powers to
North Wales
and Liver-
pool Railway
Committee.

27.—(1.) The North Wales and Liverpool Railway Committee (acting in pursuance of the Wirral Railway Transfer Act 1889 and the Manchester Sheffield and Lincolnshire Railway Act 1896 and herein-after called "the committee") and any company or persons lawfully working or using the railways of the committee or any part thereof by agreement or otherwise may run over and use with their engines carriages waggons officers and servants for the purposes of traffic of every description the railways authorised by this Act together with all stations sidings roads platforms junctions points signals water watering places engine sheds standing room for engines and carriages booking and other offices warehouses machinery works and conveniences connected with the aforesaid railways.

(2:) The terms conditions and regulations to be observed and fulfilled and the tolls rates charges rent or other consideration to

be paid by the committee or any such other company or persons as aforesaid for and in respect of the use of the said railways stations sidings works and conveniences shall be such as are from time to time agreed upon between the said owning company and the committee or failing agreement as may from time to time be determined by the Railway and Canal Commissioners or any two of them on the application of either the Company or the committee or other parties interested.

A.D. 1898.

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

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

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

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

Company may apply their funds towards purposes of Act.

30. Whereas the debenture stock issued by the Company under the Wirral Railway Amalgamation Act 1891 bears interest at the rate of three per centum per annum and it is desirable to empower

Conversion of debenture stocks of Company.

A.D. 1898. — the Company to convert the fifty-five thousand pounds four per centum debenture stock issued by them prior to that Act into three per centum stock so that all their debenture stock may bear a uniform rate of interest :

Therefore the power of the Company under section 10 of the Act of 1891 is hereby extended and the Company may borrow a further eighteen thousand three hundred and forty pounds by the creation and issue of a further sum of eighteen thousand three hundred and forty pounds debenture stock for the following purpose :—

If the holders of all or any part of the fifty-five thousand pounds of four per centum debenture stock shall be willing to convert the same into three per centum debenture stock the Company may issue and give to such holders £133½ of three per centum debenture stock in exchange for every one hundred pounds of such four per centum debenture stock and thereupon such four per centum debenture stock shall be cancelled and extinguished :

The converted debenture stock to be given in exchange under this enactment shall remain and be vested in the person or persons to whom it is issued upon the same trusts and subject to the same powers provisoes declarations agreements charges liabilities and incumbrances as at the time of the issue thereof affect the debenture stock in substitution for which the converted debenture stock is issued and so as to give effect to and not revoke any deed will or other instrument disposing of or affecting the same and every such deed will or other instrument affecting such first mentioned debenture stock shall be held to apply to the debenture stock so substituted therefor or a proportionate part thereof as the case may be :

Provided always that until the issue of such new certificates the existing certificates of debenture stock and the holders thereof shall bear and possess the same rights and advantages as they would have had and possessed if this Act had not passed But when such new certificates are issued the existing certificates shall be deemed to be cancelled :

Provided also that notwithstanding anything in this section contained no person shall become entitled under this section to any fractional part of a pound of debenture stock but in every case in which any such person or corporation would but for this enactment have become entitled to a fractional part of a pound of such stock the Company may pay to such person a sum in cash equal to the market value of such fractional part and the Company may from time to time create and issue such further additional amount of three per centum debenture stock as they may find requisite for giving effect to the provisions of this section :

Provided also that the Company shall not issue any new certificate unless and until the existing certificate in substitution for which it is issued is given up to be cancelled or is proved to the reasonable satisfaction of the Company to be lost or destroyed. A.D. 1898.

31. Trustees executors and administrators may accept the converted debenture stock created and issued under the authority of this Act in substitution for any of the said four per centum debenture stock held by them and may hold dispose of or otherwise deal with the same in all respects as they might have held disposed of or otherwise dealt with the four per centum debenture stock for which such converted debenture stock was substituted. Trustees &c. may accept converted debenture stock for existing debenture stock.

32. And whereas part of the capital of the Company consists of five thousand four hundred and forty shares upon which five pounds per share has been called up and five pounds per share is uncalled and of two thousand one hundred shares upon which two pounds per share has been called up and eight pounds per share is uncalled and it is unnecessary for the purposes of the Company to make any further calls on the aforesaid shares Therefore be it enacted that the amount of capital uncalled upon the aforesaid shares and all powers of raising or calling the same are hereby cancelled and extinguished And the said five thousand four hundred and forty shares on which five pounds a share only has been called and paid up shall be converted into two thousand seven hundred and twenty fully paid shares of ten pounds each and one of such last-mentioned shares shall be exchanged for every two of the shares on which five pounds only has been paid and new share certificates issued and the old certificates cancelled And the said two thousand one hundred shares on which two pounds a share only has been called and paid up shall be converted into four hundred and twenty fully paid shares of ten pounds each and one of such last-mentioned shares shall be exchanged for every five of the shares on which two pounds only has been paid and new share certificates issued and the old certificates cancelled. Reduction of capital of Company and conversion of portion of capital.

33. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845. Interest not to be paid on calls paid up.

A.D. 1898.

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

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

Provision as
to general
Railway
Acts.

35. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels.

Costs of Act.

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

SCHEDULES referred to in the foregoing Act.

A.D. 1898.

THE FIRST SCHEDULE.HOUSES BUILDINGS OR MANUFACTORIES of which Portions only may
be required.

Parish.	Number on deposited Plans.
RAILWAY No. 1.	
Wallasey	7 8 9 and 10
RAILWAY No. 2.	
Wallasey	3
ADDITIONAL LANDS No. 1.	
Wallasey	5

THE SECOND SCHEDULE.

SUPERFLUOUS LANDS OF THE COMPANY.

Parish of West Kirby in the county of Chester.

Parish of Moreton in the county of Chester.

Parish of Bidston-cum-Ford in the county of Chester.

Parish of Wallasey in the county of Chester.

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