

**CHAPTER lxxxvi.**

An Act for conferring further powers on the Wirral Railway Company and for other purposes. A.D. 1888.

[5th July 1888.]

**W**HEREAS by the Wirral Railway Certificate 1883 (hereinafter called "the Certificate of 1883") granted by the Board of Trade under the powers conferred upon them by the Railways Construction Facilities Act 1864 and the Railways (Powers and Construction) Acts 1864 Amendment Act 1870 the Wirral Railway Company (in this Act called "the Company") were incorporated with a capital of three hundred thousand pounds in shares and power to borrow one hundred thousand pounds on mortgage and authorised to make the railways in the hundred of Wirral in the county of Chester described in the said Certificate :

And whereas by the Wirral Railway Act 1884 (in this Act called "the Act of 1884") the Company were authorised to make a branch railway to Birkenhead and for that purpose to raise one hundred and sixty-five thousand pounds by ordinary or preference shares and to borrow fifty-five thousand pounds on mortgage :

And whereas by the Wirral Railway Act 1885 (in this Act called "the Act of 1885") the Company were authorised to extend their railway to the Manchester Sheffield and Lincolnshire Railway at the River Dee and for that purpose to raise three hundred and sixty thousand pounds not exceeding one-half of which might be preference and the balance ordinary shares and to borrow one hundred and twenty thousand pounds on mortgage :

And whereas the railway in this Act described would be of public and local advantage and it is expedient that the Company should be empowered to make the same :

And whereas it is expedient that some of the railways authorised by the Certificate of 1883 and the Act of 1885 should be abandoned and that the time for completing and opening other of such railways and also a portion of the railway authorised by the Act of 1884 should be extended :

A.D. 1888.

And whereas it is expedient that the powers of the Company for the compulsory purchase of land for the purposes of some of the said railways should also be extended and that the Company should be authorised to purchase the land required for certain railways authorised by the Certificate of 1883 the agreements for that purpose having lapsed :

And whereas the Company have not granted any mortgages or created any debenture stock under the Certificate of 1883 and it is expedient that the capital thereby authorised should be reduced :

And whereas plans and sections showing the line and levels of the railway authorised by this Act and also books of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act or for the purposes of the Certificate of 1883 were duly deposited with the clerk of the peace for the county of Chester and are hereinafter respectively referred to as the deposited plans sections and books of reference :

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

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

Short title.

1. This Act may be cited for all purposes as the Wirral Railway Act 1888.

Incorporation of general Acts.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 (hereinafter referred to as 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 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect



to which the expression is used were a simple contract debt and not a debt or demand created by statute. A.D. 1888.

4. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railway hereinafter described with all proper stations junctions approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. Power to make railway.

The railway hereinbefore referred to and authorised by this Act is:—

A railway 1 mile 1 furlong and 8·30 chains in length commencing in the township of Prenton and parish of Woodchurch in the county of Chester by a junction with Railway No. 2 described in and authorised by the Act of 1885 at the point on the southern boundary of the field numbered 42 on the 25-inch Ordnance map of the parish of Woodchurch where the centre line of the said Railway No. 2 as shown on the plans thereof deposited with the clerk of the peace for the county of Chester in the month of November one thousand eight hundred and eighty-four intersects the boundary between the parishes of Woodchurch and Bebington at a distance of seventy-three yards in a westerly direction from the south-east corner of the said field and terminating in the township of Oxton in the same parish by a junction with Railway No. 3 described in and authorised by the Certificate of 1883 at a point in the field numbered 162 on the said 25-inch Ordnance map distant one hundred and twenty-one yards or thereabouts in a northerly direction from the place where the eastern boundary of the enclosure of Euston Cottage abuts upon the Woodchurch Road.

5. The Company may take by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 any quantity of land not exceeding one acre but nothing in this Act shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them upon any lands taken under the powers of this section. Lands for extra-ordinary purposes.

6. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

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



A.D. 1888. — 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 rent-charges 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.

Provision  
respecting  
the crossing  
of Wood-  
church Road  
and Prenton  
Lane.

8. The Company shall carry Woodchurch Road over the railway by means of a girder bridge capable of carrying a rolling load of at least twenty tons and the said bridge shall be of the full width between its parapets of the said road at the point at which the railway intersects such road including the footpaths thereof and from hedge to hedge and on each side of the bridge screens shall be provided to protect the road from steam.

The Company shall carry Prenton Lane under the railway by means of a girder bridge having a clear span of thirty feet and a clear height of sixteen feet from the surface of the road to the under side of the girders.

For the  
protection of  
the owner of  
Prenton.

9. (a.) The Company shall provide for the benefit of William Thomson owner or reputed owner of the township of Prenton (in this section called the owner) in respect of the railway by this Act authorised two girder bridges (to pass over two roadways) of thirty-six feet clear span and of not less than seventeen feet in height and an arch for an accommodation road for agricultural purposes And the Company shall also provide the like accommodation works in respect of Railway No. 1 authorised by the Act of 1885.

(b.) Such bridges shall be placed in such positions between the commencement of the railway and Prenton Lane as the owner shall fix and the Company shall level the ground for the approaches thereto at their own expense to the satisfaction of the owner's surveyor.

(c.) The Company shall at their own expense tip such part as the owner shall desire of the surplus spoil from the excavation of the railway by this Act authorised and of the Railways Nos. 3 and 4 authorised by the Certificate of 1883 as shall not be required for the purposes of the railway and works of the Company upon any part of the land of the owner to the eastward of the railway to his reasonable satisfaction in or so far as the same will extend towards the raising of the sloping ground to the level of the railway but so that the Company shall not be required to tip uphill from the level of the railway:

(d.) The Company shall give the owner the right to carry the drainage of Prenton township from the private road numbered 13 on the deposited plans southward along the line of the railway and under the ditch of the railway fence to the watercourse at or near



A.D. 1888.

the point marked 3 furlongs on the said plans and the owner shall for ever thereafter have full access and the right to connect with such sewer at all times.

(e.) If a station be not provided in the township of Prenton towards the southern end thereof convenient access shall be provided by the Company from the nearest station to the south.

(f.) In lieu of carrying the said private road numbered 13 on the deposited plans under the railway by a bridge the Company may with the consent of the Wirral Waterworks Company divert the road into and join the same to the public road numbered 10 on the deposited plans to the east of the railway by this Act authorised the point of diversion and the point of junction to be fixed to the reasonable satisfaction of the owner and with the like consent they may stop up that part of the said private road lying between the point of diversion and the present junction thereof with the aforesaid public road to the west of the railway.

(g.) If the Company divert the said private road they shall build a culvert under the railway on the site thereof three feet wide by four feet high and relay therein the water-mains of the Wirral Waterworks Company and construct manholes at each end of the culvert and provide proper access thereto for that Company and also provide effectual means of draining the culvert.

**10.** The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

Restriction as to displacing persons belonging to labouring class.

For the purposes of this section the expression "labouring class" includes mechanics artizans 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.

**11.** Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of nine hundred and six pounds eight shillings and four pence which with so much of the deposit fund mentioned in section 16 of the Act of 1885 as is applicable to Railway No. 6 authorised by that Act and by this Act

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



A.D. 1888.

directed to be abandoned is equal to five per centum upon the amount of the estimate in respect of the railway by this Act authorised has been deposited with the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act which sum and portion of deposit fund (or the stocks or securities in which the same may be invested) are referred to in this Act as "the deposit fund" Be it enacted that notwithstanding anything contained in the said recited Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the said railway for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the 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.

12. If the Company do not previously to the expiration of the period limited by this Act for the completion of the railway hereby authorised to be made complete the said railway and open it for the public conveyance of passengers then in every such case the deposit fund or so much thereof as shall not have been paid or transferred to the depositors shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any land-owners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the said railway or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or



A.D. 1888.

inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court of Justice in England may seem fit and if no such compensation shall be payable or if a portion of the deposit fund shall have been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court thinks fit to order on the application of the Solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof. Provided that until the deposit fund shall have been repaid to the depositors or shall have become otherwise applicable as hereinbefore 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.

**13.** If the railway is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Period for  
completion  
of works.

**14.** The railway by this Act authorised shall for the purposes of tolls and charges and for all purposes whatsoever be part of the railway of the Company.

Railway to  
form part of  
Company's  
railway.

**15.** The Company shall abandon the construction of the following railways and portion of railway (that is to say) :—

Certain  
railways to  
be aban-  
doned.

(1.) Railways No. 1 and No. 2 described in and authorised by the Wirral Railway Certificate 1883 ;

(2.) So much of Railway No. 3 described in and authorised by the same Certificate as was intended to be situate between the termination of Railway No. 2 to be abandoned as aforesaid and a point in the field numbered 40 on the 25-inch Ordnance map in the township of Noctorum and parish of Woodchurch distant three hundred and twenty yards or thereabouts measured in a southerly direction from the northern corner of the said field ;

(3.) Railway No. 6 described in and authorised by the Wirral Railway Act 1885.



A.D. 1888.

Compensation for damage to land by entry &c. for purpose of railways abandoned.

**16.** The abandonment by the Company under the authority of this Act of any railway or portion of any 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 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 Certificate of 1883 or the Act of 1885.

Compensation to be made in respect of railways abandoned.

**17.** 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 any portion of 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 lands but notwithstanding 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.

Powers for compulsory purchase of lands extended.

**18.** The powers granted to the Company by the Act of 1885 for the compulsory purchase of lands for the purposes of the railways by that Act authorised other than Railway No. 6 by this Act directed to be abandoned are hereby extended and may be exercised by the Company for and during a period of two years from the thirty-first day of July one thousand eight hundred and eighty-eight and on the expiration of that period those powers shall cease.

Power to acquire land for certain railways authorised by Certificate of 1883.

**19.** Subject to the provisions of the Lands Clauses Acts and this Act the Company may enter upon take and use such of the lands delineated on the deposited plans referred to in the Certificate of 1883 as may be required for the purposes of Railways Nos. 3 and 4 authorised by that Certificate other than the portion of Railway No. 3 by this Act directed to be abandoned but such powers of compulsory purchase shall not be exercised after the



expiration of two years from the nineteenth day of June one A.D. 1888.  
thousand eight hundred and eighty-eight:

Provided always that the owners of and other persons interested in the said lands who were parties to any of the agreements specified in the schedule to the Certificate of 1883 shall be entitled to claim and be paid compensation in pursuance of the provisions of the Lands Clauses Acts and this Act or in their option in accordance with the before-mentioned agreements entered into with them respectively and for that purpose the terms specified in the said agreements shall be deemed to be extended and the agreements capable of being enforced during the existence of the powers of the Company for the compulsory purchase of the said lands.

Option to  
vendor to  
be compen-  
sated under  
Act or  
agreement.

**20.** The time limited by the Certificate of 1883 for the completion and opening of the railways thereby authorised other than the railways and portion of railway by this Act directed to be abandoned shall be and the same is hereby revived extended and enlarged until the expiration of three years from the nineteenth day of June one thousand eight hundred and eighty-eight the time limited by the Act of 1884 for the completion and opening of so much of the railway by that Act authorised as has not been already completed and opened shall be and the same is hereby extended and enlarged until the expiration of two years from the fourteenth day of August one thousand eight hundred and eighty-nine and the time limited by the Act of 1885 for the completion and opening of the railways by that Act authorised other than Railway No. 6 by this Act directed to be abandoned shall be and the same is hereby extended and enlarged until the expiration of one year from the thirty-first day of July one thousand eight hundred and ninety and on the expiration of those respective periods the powers granted to the Company by the Certificate of 1883 the Act of 1884 the Act of 1885 and this Act for constructing the said railways or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Extension  
of time for  
completion  
of certain  
authorised  
railways.

**21.** The capital which the Company have raised or may raise by shares under the Certificate of 1883 is hereby limited to the sum of two hundred thousand pounds and the sum which the Company were by the same Certificate authorised to borrow on mortgage or raise by the creation and issue of debenture stock is hereby limited to the sum of sixty-six thousand six hundred pounds.

Reducing  
capital under  
Certificate  
of 1883.

**22.** The Company may apply for the purposes of this Act to which capital is properly applicable any money which they are for the time being authorised to raise and which is not required for the purposes for which the same was authorised to be raised.

Power to  
apply funds.



A.D. 1888.

Provision as  
to general  
Railway  
Acts.

**23.** 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.

**24.** 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.

---

London : Printed for HER MAJESTY'S STATIONERY OFFICE,  
By EYRE AND SPOTTISWOODE, Printers to the Queen's most Excellent Majesty.

---

And to be purchased, either directly or through any Bookseller, from  
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or  
ADAM AND CHARLES BLACK, 6, NORTH BRIDGE, EDINBURGH; or  
HODGES, FIGGIS, & CO., 104, GRAFTON STREET, DUBLIN.