



## CHAPTER clxiii.

An Act to extend the time for the purchase of Land and for the completion of certain Railways in Liverpool and Birkenhead and to confer further powers on the Mersey Railway Company and for other purposes. A.D. 1890.

[4th August 1890.]

**W**HEREAS the Mersey Railway Company (in this Act called "the Company") were by the Mersey Railway Acts 1882 1885 and 1887 authorised to construct certain railways and works connected therewith in Liverpool and Birkenhead :

And whereas some of the said railways have been completed and others abandoned and it is expedient to extend the periods for the purchase of land and for the construction of such of the said railways and works as have not been constructed or are in course of construction and have not been abandoned :

And whereas provision was made by the Mersey Railway Act 1887 for forming Railway No. 2 Railway No. 3 and part of Railway No. 4 authorised by the Mersey Railway Act 1885 and Railway No. 1 and Railway No. 2 authorised by the Mersey Railway Act 1887 into a separate undertaking of the Company with separate capital to be called the Eastern Extension :

And whereas provision was made by the Mersey Railway Act 1888 for forming Railway No. 6 and Railway No. 7 described in and authorised by the Mersey Railway Act 1885 into a separate undertaking of the Company with separate capital to be called the Birkenhead Docks Extension :

And whereas by the Mersey Railway Act 1888 all unexercised powers of borrowing money under any former Act of the Company were extinguished and an equal amount of B Debenture Stock was authorised and directed to be applied with the sanction of the receivers and managers appointed by the High Court in payment of the contract and other debts and obligations of the Company :

And whereas upwards of three-fourths in number and value of the contract and other creditors of the Company other than



A.D. 1890. debenture holders and unpaid vendors of land have accepted in writing the said B Debenture Stock in payment of the sums due to them respectively :

And whereas in order to provide funds for constructing and completing the railways comprised in the said Eastern Extension and Birkenhead Docks Extension separate undertakings it is expedient that the Company should have power to create and issue debenture stock as herein-after provided :

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 for all purposes as the Mersey Railway Act 1890.

Incorporation of general Acts. 2. Part II. (relating to extension of time) of the Railways Clauses Act 1863 and Part III. (relating to debenture stock) of the Companies 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 partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Extension of time for purchase of lands for railways authorised by Act of 1885. 4. The powers granted to the Company by the Mersey Railway Act 1885 as extended by the Mersey Railway Act 1888 for the compulsory purchase of lands for such of the railways and works authorised by the first-mentioned Act as are not yet completed (other than the Railway No. 5 and portion of Railway No. 4 directed by the Mersey Railway Act 1887 to be abandoned) are hereby further extended and may be exercised for and during a period of one year from the fourteenth day of August one thousand eight hundred and ninety and on the expiration of that period those powers shall cease.

Extension of time for purchase of lands for railways authorised by Act of 1887. 5. The powers granted to the Company by the said Act of 1887 for the compulsory purchase of lands for Railway No. 1 and Railway No. 2 by that Act authorised as extended by the Mersey Railway Act 1889 are hereby further extended and may be exercised by the Company for and during a period of one year from the twenty-third day of August one thousand eight hundred and ninety-one and the period limited by section 5 of the last-mentioned Act for the compulsory purchase of the lands referred to in that section is also



hereby extended for one year from the twenty-third day of August one thousand eight hundred and ninety and on the expiration of those respective periods the said powers shall cease. A.D. 1890.

6. The time limited by the Mersey Railway Act 1882 for the construction and completion of the railways described in and authorised by that Act as extended by the said Act of 1887 is hereby further extended for a period of three years from the eighteenth day of August one thousand eight hundred and ninety and the time limited by the Mersey Railway Act 1885 as extended by the said Act of 1888 for the construction and completion of the railways and works described in and authorised by the Act of 1885 (other than the Railway No. 5 and portion of Railway No. 4 directed to be abandoned as aforesaid) is hereby further extended for a period of two years from the fourteenth day of August one thousand eight hundred and ninety-three and sections 29 and 30 of the said Act of 1882 and sections 34 and 35 of the Act of 1885 shall respectively be read and construed as if the extended periods limited by this Act for the construction and completion of the said railways and works had been the periods limited by the said Acts of 1882 and 1885.

Extension of time for completion of certain railways and works.

7. If the said railways and works are not respectively completed within the extended periods by this Act granted then on the expiration of those periods the powers by the Acts of 1882 and 1885 and this Act granted for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

If railways and works not completed within extended periods powers to cease.

8.—(1.) The Company shall not under the powers of any former Act extended by this Act purchase or acquire in any city borough or other urban sanitary district or 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 day of December next before the passing of the respective former Act by which such purchase or acquisition was originally authorised were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

Restrictions on displacing persons of labouring class.

(a.) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the respective fifteenth day of December aforesaid or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant

A.D. 1890.

suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case ; and

(b.) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4.) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the High Court.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it thinks fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purposes of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects



as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act. A.D. 1890.

(7.) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

(8.) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9.) The Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed shall have all such powers as the inspectors of the Local Government Board have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(10.) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

A.D. 1890.

(11.) For the purposes of this section the expression "labouring class" includes 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 of such persons who may be residing with them.

Refreshment  
rooms at  
stations on  
railway.

9. For the purposes of any license for any hotel refreshment rooms or other like accommodation erected or provided or to be erected or provided by the Company at any station on their railway the officer manager or other person employed by the Company to manage or conduct the business of any such hotel refreshment rooms or other like accommodation or the tenant thereof as the case may be if designated as such by the Company shall be deemed to be the real resident holder and occupier of the premises for which the license is required.

B Debenture  
Stock may be  
issued in  
satisfaction  
of balance of  
debts.

10. The Company may discharge and pay off the debts due to the remaining creditors of the Company (other than the holders of debenture stock and unpaid vendors of land) whose debts have been or may be included in the chief clerk's certificate in the said receivership proceedings by the issue to such creditors of Mersey Railway B Debenture Stock to the nominal amount of the debts found by any such certificate to be due to them respectively with interest if any legally due thereon and such creditors shall accept the same in settlement of their respective debts.

Persons  
under  
disability  
may accept  
B Debenture  
Stock in  
discharge of  
their debts  
or claims.

11. When any creditor of the Company (not being a holder of debenture stock or a creditor in respect of the unpaid purchase money of lands taken by the Company) is one of the persons described in section 7 of the Lands Clauses Consolidation Act 1845 and by that Act enabled to sell land thereunder or is a corporation or person not otherwise empowered to accept and hold Mersey Railway B Debenture Stock such corporation or person may accept or consent to accept and hold Mersey Railway B Debenture Stock created under the authority of the Mersey Railway Act 1888 in payment and satisfaction of his debt or claim against the Company.

Power to  
create and  
issue  
separate  
undertaking  
debenture  
stock.

12. The Company may subject to the provisions of Part III. of the Companies Clauses Act 1863 from time to time create and issue further debenture stock of such amount not exceeding in the whole three hundred thousand pounds to be called Mersey Railway Separate Undertaking Debenture Stock and when one-half of the share capital of the Company appropriated to the Birkenhead Docks Extension separate undertaking or as the case may be to



A.D. 1890.

the Eastern Extension separate undertaking has been paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such respective capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof or that stock for one half of the capital appropriated as aforesaid as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the Corporations or persons to whom the same were issued or their executors administrators or assigns the Company may charge upon their Birkenhead Docks Extension separate undertaking or as the case may be upon their Eastern Extension separate undertaking a portion of such debenture stock not exceeding in each case one-third of the amount of the share capital or stock appropriated to such separate undertakings respectively and the directors may issue such debenture stock at such price and on such terms and conditions as they may think fit and the terms and conditions on which the same is issued shall be stated in the certificates thereof.

**13.** The holders of the Mersey Railway Separate Undertaking Debenture Stock shall be entitled to interest at such rate or rates not exceeding five pounds per centum per annum as shall be attached to such debenture stock on the creation thereof and such debenture stock and the interest thereon shall not be a charge upon the general undertaking of the Company but shall be a first charge on the Birkenhead Docks Extension separate undertaking or on the Eastern Extension separate undertaking in the respective proportions and under the conditions before mentioned Notice of the priority of such debenture stock when charged as aforesaid shall be endorsed on all mortgages and certificates of debenture stock thereafter granted or issued by the Company on the security of the respective separate undertaking.

Interest and ranking of separate undertaking debenture stock.

**14.** The Mersey Railway Separate Undertaking Debenture Stock or the moneys to be raised by the issue thereof shall be applicable only for and applied in and towards the construction and completion of the railways comprised in the separate undertaking upon which any part thereof shall be charged and in acquiring land for such railways.

Application of separate undertaking debenture stock.



A.D. 1890.

Power to  
apply funds  
to purposes  
of Act.

**15.** The Company may apply for the purposes of their general undertaking to which capital is properly applicable any money which they for the time being have raised or are authorised to raise and which is not appropriated to any separate undertaking or required for the purposes for which the same was authorised to be raised.

Interest not  
to be paid  
on calls paid  
up.

**16.** 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 except so far as authorised by any such Act 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.

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

**17.** 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 railway or to execute any other work or undertaking.

Provision as  
to general  
railway  
Acts.

**18.** 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.

**19.** 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 or by the receivers and managers and may be paid out of Mersey Railway redeemable first debenture stock authorised by the Mersey Railway Act 1888 or out of the moneys raised by the issue thereof.

---

 Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., the Queen's Printer of Acts of Parliament.

---

 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.