ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

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Cap. ccxxxvi.

An Act for the Extension of the *Hoylake* Railway to *New Brighton*; and for other Purposes.

[5th *July* 1865.]

WHEREAS by "The *Hoylake* Railway Act, 1863," the *Hoylake* Railway Company (herein-after called "the Company") were incorporated with a Capital of One hundred thousand Pounds, and Power to borrow not exceeding Thirty-three thousand three hundred Pounds, and were authorized to make and maintain Railways from *Birkenhead* and *Poulton-cum-Seacombe* to *Hoylake* in the County of *Chester*: And whereas it is expedient that the Company should be empowered to extend their Railway to *New Brighton*: And whereas Plans and Sections showing the Lines and Levels of the proposed Railways, and the Lands which the Company are by this Act empowered to acquire for the Purposes thereof, and Books of Reference to such Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands, have been deposited with the Clerk of the Peace for the County of *Chester*: And whereas it is expedient that the Company should be empowered to raise a further Sum of Money for the Purposes of this Act: And whereas the Objects of this Act cannot be effected without the Authority of Parliament: 26 & 27 Vict. c. ccvii.

The Hoylake Railway (New Works) Act, 1865.

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 *Hoylake* Railway (New Works) Act, 1865."

8 & 9 Vict. cc. 16., 18., & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 92. & 118. incorporated.

2. The Provisions—

With respect to the Distribution of the Capital of the Company into Shares;

With respect to the Transfer or Transmission of Shares;

With respect to the Payment of Subscriptions, and the Means of enforcing the Payment of Calls;

With respect to the Forfeiture of Shares for Nonpayment of Calls;

With respect to the Remedies of Creditors of the Company against the Shareholders;

With respect to the borrowing of Money by the Company on Mortgage or Bond;

With respect to the Conversion of the borrowed Money into Capital;

With respect to the Consolidation of Shares into Stock;

With respect to the Provision to be made for affording Access to the Special Act;

of "The Companies Clauses Consolidation Act, 1845," and Part I. (relating to Cancellation and Surrender of Shares), and Part II. (relating to Additional Capital), and Part III. (relating to Debenture Stock) of "The Companies Clauses Act, 1863," and "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to Construction of a Railway) of "The Railways Clauses Act, 1863," (save so far as any of the Sections or Provisions of those Acts and Parts respectively are expressly excepted or varied by this Act,) are incorporated with this Act.

Same Meaning of Words as in incorporated Acts.

3. Except as is by this Act otherwise provided, the several Words and Expressions to which in the Acts incorporated wholly or partially with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Power to raise new Capital by Shares.

4. The Company may raise, for the Purposes of this Act, by the Creation and Issue of new Shares, such Amount of Capital as they think fit, not exceeding Ninety thousand Pounds.

5. It

Power to attach a Preference Dividend to certain Shares.

5. It shall be lawful for the Company, with the Assent of Three Fifths of the Shareholders present at any General Meeting specially convened for the Purpose, to attach to any particular Shares which under the Powers of their Acts, or the Acts incorporated therewith, they may issue, in lieu of cancelled Shares, a Preference or Priority in Payment of Dividend over the Ordinary Shares of the Company, and to issue such Shares upon such Terms and Conditions as they shall think fit.

Shares not to issue until One Fifth paid up.

6. It shall not be lawful for the Company to issue any Share, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Qualification of new Shares.

7. Except as by or under the Powers of this Act otherwise provided, all new Shares issued under the Powers of this Act shall, in proportion to the aggregate Amount from Time to Time paid up on the new Shares held by the same Person at the same Time, entitle the respective Holders thereof to the same Dividends and Profits, and confer on them the like Qualifications and the like Rights of voting, as the like Amount paid up on existing Shares or Stock of the Company.

Calls.

8. Twenty-five *per Centum* on the Amount of every new Share shall be the greatest Amount of any One Call which the Directors may make on or in respect of any of the new Shares, and Two Months at the least shall be the Interval between successive Calls; and the aggregate Amount of Calls on any Share in any One Year shall not exceed Four Fifths of the Amount of such Share.

Debenture Stock.

9. The Company from Time to Time may create and issue Debenture Stock.

Debenture Stock not to confer Votes or Qualification.

10. No Debenture Stock of the Company issued after the passing of this Act shall confer any Right of voting or any Qualification, except so far as the Company resolve that such Stock shall confer any such Right or Qualification.

Power to borrow on Mortgage.

11. When the whole of the additional Capital of Ninety thousand Pounds has been subscribed, and One Half thereof paid up, the Company may borrow on Mortgage any further Sum or Sums of Money, not exceeding in the whole Thirty thousand Pounds, but no Part of such last-mentioned Sum of Thirty thousand Pounds shall be borrowed until the whole of the said additional Capital of Ninety thousand Pounds shall have been *bonâ fide* subscribed and issued, and One Half thereof paid up, and the Company shall have proved to the Justice who is to certify under the Provisions

contained in the Fortieth Section of the "Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the said additional Capital of Ninety thousand Pounds has been subscribed for *bonâ fide* and issued, and that not less than One Fifth of the Amount of each Share has been paid on Issue of the same, and that such Shares are held by the Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, of which Proof having been given the Certificate of the Justice under that Section shall be sufficient Evidence.

Receiver for Mortgagees.

12. The Mortgagees of the Company under this Act from Time to Time may enforce the Payment of the Arrears of Interest or Principal and Interest due on their respective Mortgages by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver is Three thousand Pounds.

Former Mortgages to have Priority.

13. All Mortgages or Bonds granted under the Authority of the recited Act, and which shall be in force at the Time of the passing of this Act, shall, during the Continuance thereof, have Priority over any Mortgages to be granted by virtue of this Act.

Application of Monies.

14. All and every Part of the Money to be raised under this Act, whether by Shares or by borrowing, shall be applied to the Purposes of the Railways by this Act authorized, and to no other Purpose.

Company may apply Corporate Funds to Purposes of Act.

15. The Company from Time to Time may apply, for or towards all or any of the Purposes of this Act, any Sums of Money which they have already raised, or are authorized to raise by the recited Act, and which are not required for the Purposes to which they are by that Act made specially applicable.

Power to take Lands.

16. Subject to the Provisions of this Act, and of the Acts and Parts of Acts incorporated herewith, the Company may, for the Purposes of the Railways by this Act authorized, from Time to Time enter upon, take, and use such or any of the Lands defined on the deposited Plans and described in the deposited Books of Reference, as are required for those Purposes; but it shall not be lawful for the Company under the Powers of this Act to enter upon, take, or use any Lands defined on the said Plans, and situate in the Extra-parochial Place of *Birkenhead*, or any other Lands belonging to the *Birkenhead* Improvement Commissioners, except with the Consent of the Owners for the Time being of such Lands.

Lands of Mersey Docks, &c. not to be taken without Consent.

17. It shall not be lawful for the Company to enter upon, take, or use any of the Lands or Property of the *Mersey* Docks and Harbour Board, without the Consent in Writing of that Board under their Common Seal first had and obtained.

18. Not-

Saving Rights of R. Vyner, Esq.

18. Notwithstanding anything in this Act, or the Acts and Parts of Acts incorporated herewith, contained, the Company shall not enter upon, take, or use, otherwise than by Agreement, any Part of the Lands shown upon the said deposited Plans and numbered 1 in the Parish of *Bidston*, belonging to *Robert Vyner* Esquire, and the whole Powers and Provisions in relation to the Land and Estate of the said *Robert Vyner* Esquire, contained in the recited Act, or secured to him by Agreement with the Company or otherwise, shall be and the same are hereby reserved in as full Force and Effect as if this Act had not been passed.

Powers for compulsory Purchase of Lands.

19. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years from the passing of this Act.

Lands for extraordinary Purposes.

20. The Company from Time to Time, in addition to the other Lands which they are by this Act authorized to purchase, may, by Agreement, purchase any Quantity of Land, not exceeding Five Acres, adjoining or near to the Railways to be made under the Authority of this Act, for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845."

Power to make Railways according to deposited Plans.

21. Subject to the Provisions of this Act, and of the Acts and Parts of Acts incorporated herewith, the Company from Time to Time may make, in the Lines and in accordance with the Levels shown on the deposited Plans and Sections, and in and upon the Lands which the Company are by this Act authorized to enter upon, take, and use, the Railways following, with all proper Stations, Sidings, Works, and Conveniences connected therewith; (that is to say,)

A Railway (No. 1.) wholly situate in the Parish of *Wallasey* in the County of *Chester*, commencing by a Junction with the authorized Line of the *Hoylake* Railway Company and terminating at *Grove Road* near *New Brighton*:

A Railway (No. 2.) wholly situate in the said Parish of *Wallasey*, commencing by a Junction with the authorized Line of the *Hoylake* Railway Company and terminating by a Junction with Railway No. 1. in a Field called *Mill Hey*.

Period for Completion of Railways.

22. The Railways by this Act authorized shall be completed within Four Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act granted for making the same, or otherwise in relation thereto, shall cease, except as to so much thereof as shall then be completed.

Bond for Completion of Railways.

23. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to the Act of the Session of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Twenty, a Sum of

Seven thousand two hundred Pounds, being Eight *per Cent.* upon the Sum of Ninety thousand Pounds, the Amount of the Estimate in respect of the Railways by this Act authorized, has been deposited with the Court of Chancery with respect to the Application to Parliament for this Act: Therefore, notwithstanding anything in that Act, the Sum so deposited, or the Interest or Dividends thereof, shall not, except upon the Execution and Deposit of such a Bond as herein-after mentioned, 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 lodged in pursuance of that Act, or the Survivors or Survivor of them, unless the Company, before the Expiration of the Period limited for the Completion of the Railways, either open the Railways for the public Conveyance of Passengers or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half; and if that Period expire before the Company either open the Railways for the public Conveyance of Passengers or give the aforesaid Proof, to the Satisfaction of the Board of Trade, the Sum so deposited, and the Interest and Dividends thereof, shall immediately from and after the Expiration of that Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they are then deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom: Provided, that at any Time after the passing of this Act if a Bond in twice the Amount of the Sum so deposited be executed by the Company, with One or more Sureties, (the Bond to be prepared to the Satisfaction of, and the Surety or Sureties to be approved by, the Solicitor to the Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the Sum so deposited, if the Company do not, within the Time limited for the Completion of the Railways, either open the Railways for the public Conveyance of Passengers or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of that Capital, and if the Bond be deposited with the Solicitor to the Treasury, then that Sum of Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed; and the Monies recovered on the Bond shall be dealt with in like Manner as the deposited Sum of Money, and the Interest or Dividends thereof, would be dealt with under this

Act

Act if the Bond were not so executed and deposited; and the Certificate of that Solicitor that the Bond has been so executed and deposited, and the Certificate of the Board of Trade that the Proof has been given to their Satisfaction, shall respectively be sufficient Evidence of the Facts so certified.

Railways as to Tolls and otherwise to form Part of Company's Undertaking.

24. The Company may demand and receive for and in respect of the Railways hereby authorized the same Tolls and Charges as they are now empowered to receive in respect of their existing Undertaking, and the Railways shall in all respects be deemed Part of the Railways of the Company, as if authorized to be made by the recited Act.

Interest not to be paid on Calls paid up.

25. The Company shall not, out of any Money by this Act authorized to be raised by Shares or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of Calls made on the Shares held by him: Provided, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as is in conformity with the Provisions in that Behalf of "The Companies Clauses Consolidation Act, 1845," incorporated with this Act.

Deposits for future Bills not to be made out of Capital.

26. The Company shall not, out of any Money by this Act authorized to be raised by Shares or by borrowing, pay or deposit any Sum of Money 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 authorizing the Company to make any other Railway or execute any other Work or Undertaking.

Railways not exempt from Provisions of present and future General Acts.

27. Nothing in this Act shall exempt the Railways by this Act authorized from the Provisions of any General Act relating to Railways, or to 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or the Rates for small Parcels by this Act authorized.

Expenses of Act.

28. All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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