



ANNO VICESIMO NONO & TRICESIMO

VICTORIÆ REGINÆ.

Cap. clxxxvi.

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

[16th July 1866.]

WHEREAS by "The *Hoylake* Railway Act, 1863," (herein-
after called "the recited Act,") the *Hoylake* Railway
Company (herein-after called "the Company") was in-
corporated, with a Capital of One hundred thousand Pounds, and Power
to borrow not exceeding Thirty-three thousand three hundred Pounds,
and was authorized to make and maintain Railways from *Birken-*
head and *Poulton-cum-Seacombe* to *Hoylake* in the County of *Chester*:
And whereas by The *Hoylake* Railway (New Works) Act, 1865, the
Company was empowered to extend their Railway to *New Brighton*,
to raise Ninety thousand Pounds by new Shares, and Thirty thousand
Pounds by borrowing on Mortgage: And whereas it is expedient that
the Company be empowered to extend their Railway to *Parkgate*:
And whereas Plans and Sections showing the Lines and Levels of
the proposed Railway, 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 those Plans, Sections, and Books of
Reference are herein-after referred to as the deposited Plans, Sections,
and Books of Reference: And whereas it is expedient that the

26 & 27 Vict.
c. ccvii.

28 & 29 Vict.
c. ccxxxvi.

[*Local.*]

28 P

Company

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Company be empowered to raise a further Sum of Money for the general Purposes of their Undertaking: And whereas the Objects 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 *Hoylake Railway (Extension) Act, 1866.*"

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 General Meetings of the Company and the Exercise of the Right of voting by the Shareholders;

With respect to the making Dividends and giving of Notices; and

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

Of The Companies Clauses Consolidation Act, 1845, Part I. (relating to Cancellation and Surrender of Shares), Part II. (relating to additional Capital), and Part III. (relating to Debenture Stock) of The Companies Clauses Act, 1863, The Lands Clauses Consolidation Act, 1845, The Lands Clauses Consolidation Acts Amendment Act, 1860, The Railways Clauses Consolidation Act, 1845, Part I. (relating to Construction of a Railway), and Part III. (relating to Working Agreements) of The Railways Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Interpreta-
tion of
Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; the Expression "the Company" shall mean the Company incorporated by the first recited Act; the Expression "the Railway" or "the Undertaking" shall mean the Railway or Undertaking by this Act authorized, or any Part thereof; and the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression

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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 common Simple Contract Debt, and not a Debt or Demand created by Statute.

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 herein-after described, with all proper Stations, 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. The Railway herein-before referred to and authorized by this Act is,—

Power to make Railway according to deposited Plans.

RAILWAY No. 1.

A Railway Six Miles or thereabouts in Length, commencing in the Parish of *West Kirby* in the County of *Chester* by a Junction with the authorized *Hoylake* Railway, and terminating in the Parish of *Heswell* in the said County of *Chester*, in a Field upon the South-eastwardly Side of the Road known as *Dick Manner's Lane*, leading from *Heswell* to the River *Dee*.

RAILWAY No. 2.

A Railway Two Miles and One Furlong or thereabouts in Length, commencing in the said Parish of *Heswell* in the said County of *Chester* by a Junction with the last-described Railway, and terminating in the Parish of *Neston* in the said County of *Chester*, in a Field on the North-westwardly or left Side of the public Road leading from *Neston* to *Leighton*, known as the *Leighton Road*.

5. The Company may from Time to Time raise by the Creation and Issue of new Shares or Stock, whether ordinary or preferential, or both, and in addition to the Capital which they are already authorized to raise, such Amount of Capital as they think fit, not exceeding Two hundred thousand Pounds.

Additional Capital.

6. The Company shall not issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth of the Amount of such Share shall have been paid in respect thereof.

Shares not to issue until One Fifth paid up.

7. One Fifth of the Amount of a Share shall be the greatest Amount of a Call, and Two Months at least shall be the Interval between successive Calls, and Four Fifths of the Amount of a Share shall be the utmost aggregate Amount of the Calls made in any Year upon any Share.

Calls.

8. Subject to the Provisions of this Act, the Company, with the Authority of Three Fourths of the Votes of the Shareholders present in person or by proxy at a General Meeting of the Company specially convened for the Purpose, may from Time to Time divide any Share in their Capital into Half Shares, of which one shall be called "Preferred Half Share," and the other shall be called "Deferred Half

Power to divide Shares.

Half

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Half Share:" Provided always, that the Company shall not divide any Share under the Authority of this Act unless and until not less than Sixty *per Centum* upon such Share has been paid up; and upon every such Division Fifty *per Centum* upon the entire Share shall be carried to the Credit of the Deferred Half Share (being the whole Amount payable thereon), and the Residue to the Credit of the Preferred Half Share.

Dividends
on Half
Shares.

9. The Dividend which would from Time to Time be payable on any divided Share, if the same had continued an entire Share, shall be applied in Payment of Dividends on the Two Half Shares in manner following; (that is to say,) first, in Payment of Dividend after such Rate not exceeding Five *per Centum per Annum* as shall be determined at a General Meeting of the Company specially convened for the Purpose on the Amount for the Time being paid up on the Preferred Half Share, and the Remainder (if any) in Payment of Dividend on the Deferred Half Share, and the Company shall not pay any greater Amount of Dividend on the Two Half Shares than would have from Time to Time been payable on the entire Share if the same had not been divided.

Dividend on
Preferred
Shares to be
paid out of
the Profits
of the Year
only.

10. Each Preferred Half Share shall be entitled, out of the Profits of each Year, to the Dividend which may have been attached to it by the Company as aforesaid in Priority to the Deferred Half Share bearing the same Number; but if in any Year ending the Thirty-first Day of *December* there shall not be Profits available for the Payment of the full Amount of Dividend on any Preferred Half Share for that Year, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year, or out of any other Funds of the Company.

Half Shares
to be regis-
tered and
Certificates
issued.

11. Forthwith after the Creation of any Half Shares the same shall be registered by the Directors, and each Half Share shall bear the same Number as the Number of the entire Share Certificate in respect of which it was issued, and the Directors shall issue Certificates of the Half Shares accordingly, and shall cause an Entry to be made in the Register of the entire Shares of the Conversion thereof: Provided always, that the Directors shall not be bound to issue a Certificate of any Half Share until the Certificate of the existing Share be delivered to them to be cancelled, unless it be shown to their Satisfaction that the Certificate is destroyed or lost, and on any such Certificate being so delivered up the Directors shall cancel it.

Terms of
Issue to be
stated in
Certificates.

12. The Terms and Conditions on which any Preferred Half Share or Deferred Half Share created under this Act is issued shall be stated on the Certificate of each such Half Share.

Forfeiture of
Preferred
Shares.

13. The Provisions of The Companies Clauses Act, 1845, with respect to the Forfeiture of Shares for Nonpayment of Calls, shall apply to all Preferred Half Shares to be created under the Authority of this Act, and every such Preferred Half Share shall for that Purpose be considered a whole Share, distinct from the corresponding Deferred
Half

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Half Share: Provided always, that until any forfeited Preferred Half Share shall be sold by the Directors of the Company, all Dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards Payment of any Expenses attending the Declaration of Forfeiture thereof, and of the Arrears of Calls for the Time being due thereon, with Interest.

14. No Preferred Half Share created under the Authority of this Act shall be cancelled or be surrendered to the Company.

Preferred Shares not to be cancelled or surrendered.

15. The several Half Shares under this Act shall be Half Shares in the Capital of the Company, and every Two Preferred or Deferred Half Shares held by the same Person shall confer such Right of voting at Meetings of the Company, and (subject to the Provisions herein-before contained) shall confer and have all such other Rights, Qualifications, Privileges, Liabilities, and Incidents as attach and are incident to an entire Share.

Half Shares to be Half Shares in Capital.

16. 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.

Qualification of new Shares.

17. The Company may from Time to Time borrow on Mortgage any Sum not exceeding in the whole Sixty-six thousand Pounds, but no Part thereof shall be borrowed until the whole additional Capital of Two hundred thousand Pounds is subscribed for, issued, and accepted, and One Half thereof is 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 the additional 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 has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same; and upon Production to such Justice of the Books of the Company, and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given, which Certificate shall be sufficient Evidence thereof.

Power to borrow on Mortgage.

18. The Mortgagees of the Company may enforce Payment of Arrears of Principal and Interest due on their Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of a Receiver the Amount owing to the Mortgagees by whom the Application for a Receiver shall be made shall not be less than Seven thousand Pounds in the whole.

Arrears may be enforced by Appointment of a Receiver.

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Debenture Stock.

19. The Company may create and issue Debenture Stock.

Debenture Stock, &c. not to confer Votes or Qualification.

20. No Debenture Stock, or Preferential Shares, or 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 or Preferential Shares shall confer any such Right or Qualification.

Existing Mortgages to have Priority.

21. All Mortgages granted by the Company in pursuance of the Powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such Mortgages have Priority over any Mortgages to be granted by virtue of this Act.

Application of Monies.

22. All Monies raised under this Act, whether by Shares, Debenture Stock, or borrowing, shall be applied for the Purposes of the recited Acts and this Act only.

Lands for extraordinary Purposes.

23. The Quantity of Land to be taken by the Company for the extraordinary Purposes mentioned in The Railways Clauses Consolidation Act, 1845, shall not exceed Two Acres.

Powers for compulsory Purchases limited.

24. 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 Completion of Works.

25. The Railway shall be completed within Four Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Inclination of Road.

26. In altering for the Purposes of this Act the Road next herein-after 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.
63	Heswell - -	Public Road -	1 in 15

Provision as to crossing of Roads in the Hundred of Wirral.

27. For the Protection of the Highway Board for the District of the Hundred of *Wirral* in the County of *Chester*, the following Provisions shall have Effect, and shall be observed and performed by the Company:

(a.) The Arches of the Bridges to be erected for carrying the Railway over the Roads under the Control and Jurisdiction of the said Board shall be made so as to leave thereunder a clear Width of not less than Twenty-five Feet, and a clear Height from the Surface of the respective Road of not less than Sixteen Feet:

(b.) The

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- (b.) The Approaches to the Bridges for carrying over the Railway the Roads numbered respectively on the deposited Plans 53, 81A, and 100 in the Township of *West Kirby*, and 40 in the Township of *Heswell-cum-Oldfield*, shall be made with Inclinations not steeper than One Foot in Thirty Feet :
- (c.) In carrying the Railway over the Roads numbered respectively on the deposited Plans 139 in the Township of *Caldy*, and 27 in the Township of *Heswell-cum-Oldfield*, it shall not be lawful for the Company to alter those Roads to any Inclinations steeper than One Foot in Thirty Feet :
- (d.) The Approach to the Bridge for carrying over the Railway the Road numbered on the deposited Plans 82, in the Township of *Gayton*, shall be made on the North-eastern Side thereof with an Inclination not steeper than One Foot in Thirty Feet, and on the South-western Side thereof with an Inclination not steeper than One Foot in Eighteen Feet :
- (e.) The Approach to the Bridge for carrying over the Railway the Road numbered on the deposited Plans 14, in the Township of *Leighton*, shall be made level on the North-eastern Side thereof, and on the South-western Side thereof with an Inclination not steeper than One Foot in Twenty Feet.

28. The Line of the said Railway shall in passing through the Land of *Richard Barton*, in the Parish of *West Kirby*, be deviated from that shown upon the said Plan thereof, as far towards the Bank of the River *Dee* as can be effected within the Limits of Deviation shown upon the said Plan.

Mode of passing through Land of *Richard Barton*.

29. Except as by this Act expressly provided, nothing herein contained shall prejudice, injure, or affect the Right, Title, or Interest of him the said *Richard Barton*, his Heirs or Assigns, in or to the Fore-shore of the said River *Dee* or any Part thereof, or any Right, Claim, or Demand in respect of the same.

Saving Rights of *Richard Barton*.

30. Notwithstanding anything to the contrary shown upon the said Plan and Section, the Eastern Limit of Deviation thereon shall, in passing through the Land of *James Goddard Lear* in the Parish of *West Kirby* be for all the Purposes of this Act considered as prolonged in a straight Line parallel to the centre Line of the said Railway from North to South, and at a Distance at no Part thereof exceeding One hundred and seventy-five Feet from the centre Line of the said Railway as shown upon the said Plan.

Mode of passing through Land of *James Goddard Lear*.

31. After the Expiration of the Period by this Act limited for the Completion of the Railways by this Act authorized, if the same are not then completed, the Company shall be liable to a Penalty of Fifty Pounds a Day, to be recoverable as a Debt due to the Crown, for every Day after the Period so limited until the Lines of Railway are completed and opened for public Traffic; but no Penalty shall

Penalty for Non-completion of Railways within Period limited for Completion thereof.

accrue

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accrue in respect of any Time during which it appears by a Certificate of the Board of Trade that the Company were prevented from completing or opening the Lines of Railway by any unforeseen Accident or Circumstances beyond their Control; provided that the Want of sufficient Funds shall not be held to be a Circumstance beyond their Control.

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

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

Interest not to be paid on Calls paid up.

33. The Company shall not, out of any Money by this Act authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not 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.

34. The Company shall not out of any Money by this Act authorized 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 authorizing the Company to construct any other Railway, or to execute any other Work or Undertaking.

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

35. Nothing herein contained shall be deemed or construed to exempt 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 authorized by this Act.

Expenses 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.

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