



CHAPTER xxvi.

An Act to extend the time for the completion of certain authorised railways of the Wirral Railway Company and renew the powers for the purchase of land for one of such railways to reduce the capital of the Company and for other purposes. A.D. 1893.
[12th May 1893.]

WHEREAS by the Seacombe Hoylake and Deeside Railway Act 1881 (in this Act called "the Act of 1881") the Seacombe Hoylake and Deeside Railway Company (in this Act called "the Seacombe Company") were authorised to extend their railway to Seacombe:

And whereas by the Seacombe Hoylake and Deeside Railway Act 1886 (in this Act called "the Act of 1886") the Seacombe Company were authorised to further extend their railway and to abandon a portion of the Railway Number 1 authorised by the Act of 1881 and the time for the completion of the remainder of the said Railway Number 1 was extended:

And whereas by the Seacombe Hoylake and Deeside Railway Act 1890 (in this Act called "the Act of 1890") the time for completing such of the said railways as had not then been completed or abandoned was extended:

And whereas by the Wirral Railway (Amalgamation) Act 1891 (in this Act called "the Act of 1891") the undertakings of the Wirral Railway Company (in this Act called "the Wirral Company") and the Seacombe Company were amalgamated under the name of the Wirral Railway Company (in this Act called "the Company"):

And whereas it is expedient to revive and extend the powers for the compulsory purchase of such portions of the land required for the Railway Number 1 authorised by the Act of 1881 (except the portion of that railway abandoned by the Act of 1886) as have not been already purchased:

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And whereas it is expedient further to extend the time granted by the Act of 1890 for completing the said Railway Number 1 (except as aforesaid) and also the unconstructed portions of the railways numbered 2 4 and 5 authorised by the Act of 1886 :

And whereas it is expedient to extend the time for holding and disposing of superfluous lands of the Company :

And whereas by the Wirral Railway Transfer Act 1889 provision was made for the transfer of the unconstructed portions of the Wirral Railway authorised by the Wirral Railway Certificate 1883 and the Wirral Railway Acts of 1884 1885 and 1888 to the Manchester Sheffield and Lincolnshire and the Wrexham Mold and Connah's Quay Railway Companies at such date and on such terms and conditions as failing agreement might be determined by an arbitrator appointed by the Board of Trade :

And whereas at the passing of the Act of 1891 the date terms and conditions of the said transfer had not been ascertained and the amount of the share and loan capital raised and authorised to be raised by the Wirral Company is set out in the schedule to that Act and has not since been altered but inasmuch as the unconstructed portions of railway to which a large proportion of such capital was applicable have now been transferred as provided by the said Act of 1889 it is expedient that such capital be reduced and the unexercised powers of raising money cancelled :

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 as the Wirral Railway Act 1893.

Incorporation of Acts.

2. Part I. of the Companies Clauses Act 1863 relating to cancellation and surrender of shares and Part II. of the Railways Clauses Act 1863 relating to extension of time 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.

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4. The powers granted by the Act of 1881 for the compulsory purchase of the lands mentioned in the First Schedule to this Act for the purposes of so much of the Railway Number 1 authorised by that Act as was not abandoned by the Act of 1886 are hereby revived and may be exercised by the Company for and during a period of one year from and after the eighteenth day of July one thousand eight hundred and ninety-three and on the expiration of that period the said powers shall cease.

Reviving powers for purchase of portion of lands under Act of 1881.

5. The time limited by the Act of 1881 as extended by the Acts of 1886 and 1890 for the completion of so much of the railway and works by the Act of 1881 authorised as was not abandoned by the Act of 1886 is hereby extended until the eighteenth day of July one thousand eight hundred and ninety-five.

Extension of time for completion of Railway Number 1 authorised by Act of 1881.

6. The time limited by the Act of 1886 as extended by the Act of 1890 for the construction and completion of the Railways Number 2 Number 4 and Number 5 described in and authorised by the Act of 1886 is hereby extended for a period of two years from the twenty-fifth day of September one thousand eight hundred and ninety-three.

Extension of time for completion of certain railways authorised by Act of 1886.

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 1881 1886 1890 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 not completed within extended periods powers to cease.

8. The Company shall not under the powers of this Act or under the powers of any former Act extended by this Act purchase or acquire ten or more houses in any parish which on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised as the case may be 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 respective fifteenth day of December but have been or shall be subsequently so occupied.

Restriction on taking houses of labouring class.

For the purposes of this section the expression "labouring class" includes mechanics artificers labourers and others working for wages

A.D. 1893. 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.

For protection of Wallasey Local Board.

9. For the protection of the Wallasey Local Board (in this section called "the board") the following provisions shall have effect (that is to say):—

(1.) The bridge for carrying Mill Lane (Number 14 on the deposited plans) over the railway shall have a clear space between the fences and parapets thereof of not less than thirty-six feet and the Company shall not without the consent of the board alter the present level of the road:

(2.) The bridge for carrying Poulton Road (Number 20 on the deposited plans) over the railway shall have a clear space between the fences and parapets thereof of not less than thirty-six feet:

(3.) The bridge for carrying Gorsey Lane (Number 40 on the deposited plans) over the railway shall have a clear space between the fences and parapets thereof of not less than forty-five feet:

(4.) The bridge for carrying Oakdale Road (Number 63 on the deposited plans) over the railway shall have a clear space between the fences and parapets thereof of not less than thirty-six feet:

(5.) The bridge for carrying Wheatland Lane (Number 68 on the deposited plans) over the railway shall have a clear space between the fences and parapets thereof of not less than forty feet:

(6.) The Company shall carry the two roads called Parry Street and Luke Street at Seacombe (which are not shown on the deposited plans) over their railway by bridges to be constructed under and in accordance with Section 10 of the Act of 1881:

(7.) Upon the completion of the bridges for carrying the said roads over the railways and the forming making metalling and channelling of the roads and the kerbing and paving of the footpaths over the said bridges in accordance with the requirements of the board the board shall for ever thereafter at their own costs maintain and repair the said roads and footpaths and shall exonerate the Company from any statutory or other liability in regard thereto. Provided that nothing herein

contained shall make the board liable to repair the said bridges or the parapets thereof or the fences of the approaches thereto :

(8.) The Company shall make a bridge under the railway on the land Number 41 on the deposited plans which bridge shall provide a clear width of not less than ten feet and a clear headway of not less than eight feet Such bridge may be at right angles to the line of railway :

(9.) The Company shall divert the road called Love Lane (Number 18 on the deposited plans) along the north side of the railway into the Poulton Road and such road diversion shall be of the clear width of eighteen feet between the fences :

(10.) The Company shall also divert the road called Cinder Lane (Number 28 on the deposited plans) along the north side of the railway and such road diversion shall be of the clear width of twenty-one feet between the fences :

(11.) Whenever hereafter any road over any bridge (carrying such road over the said railways) shall for a distance of 50 yards on either side of such bridge be wider than the width between the parapets of such bridge it shall be lawful for the board to require the Company to widen such bridge to the width of such road Such widening shall be executed by the Company at the expense of the board and the works necessary and proper for such widening shall be such as the engineer of the Company shall prescribe and shall include all temporary works for the accommodation of road traffic and for the prevention of interference with the traffic of the railway And the board shall provide the land which the Company may require for such works and the same shall be conveyed to the Company The board shall provide the money when and as the same may be required by the Company for the land and the aforesaid works.

10. 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 five years from the passing of this Act.

Extending time for dealing with superfluous lands.

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Reduction
of Wirral
capital.

11. The share and loan capital of the Company authorised by the Wirral Railway Certificate 1883 and the Wirral Railway Acts of 1884 1885 and 1888 amounts to the

sum of	-	£
	-	966,600
which is hereby reduced to the sum paid up on	-	£
shares issued	-	125,870
and to a sum reserved and hereafter to be	-	-
issued for contingencies	-	24,130
and the sum paid up on debenture stock	-	-
issued	-	55,000
	-	<hr style="width: 50%; margin: 0 auto;"/>
amount of reduced share and loan capital	-	205,000

And the balance of such authorised share and loan capital amounting to the sum of - - - 761,600 and all powers of raising the same are hereby cancelled and extinguished.

Every two
shares on
which five
pounds paid
to be con-
verted into
one ten
pound
share.

12. Sixteen thousand five hundred and fifty-two of the shares issued as aforesaid on which five pounds a share only has been called and paid up shall not be subject to any further call or payment but shall be converted into eight thousand two hundred and seventy-six 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.

Power to
apply
funds.

13. The Company may apply for any of the purposes of this Act to which capital is properly applicable any moneys which they have raised or are authorised to raise by shares or stock debenture stock or borrowing and which are not by the Act or Acts under which they were authorised to be raised made applicable to any special purpose or which being so made applicable are not required for such special purpose.

Interest not
to be paid
on calls
paid up.

14. No interest or dividend shall be paid out of any share or loan capital which the Company are by 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.

Deposits
for future
Bills not
to be paid

15. The Company shall not out of their capital 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.

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out of Com-
pany's
capital.

16. Nothing in this Act contained shall exempt the Company or their railways 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 authorised to be charged by the Company.

Provision
as to
general
Railway
Acts.

17. 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.

Expenses of
Act.

SCHEDULES.

A.D. 1893.

The **FIRST SCHEDULE** referred to in the foregoing Act.

Parish.	No. on Plans deposited in November 1880 with the Clerk of the Peace at Chester.	Description.
Wallasey.	44	Field and Pond.
	48	Field.

The **SECOND SCHEDULE** referred to in the foregoing Act.

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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