



## CHAPTER xxxv.

An Act to revive and extend the powers for the purchase of land and the time limited for the completion of the railway authorised by the Wirral Railway Act 1898 to extend the time for disposing of and otherwise dealing with certain surplus lands of the Wirral Railway Company to increase the capital of that Company and for other purposes. A.D. 1903.

[30th June 1903.]

**W**HEREAS by the Wirral Railway (Amalgamation) Act 1891 the undertakings of the Wirral Railway Company and the Seacombe Hoylake and Deeside Railway Company were amalgamated and those companies were dissolved and re-incorporated under the name of the Wirral Railway Company (in this Act called "the Company"):

And whereas by the Wirral Railway Act 1895 the Company were authorised to make a railway and other works near Seacombe :

And whereas by the Wirral Railway Act 1898 the Company were authorised to make the railway and works therein described and to abandon the railway authorised by the Act of 1895 :

And whereas it is expedient that the powers contained in the Act of 1898 for the compulsory purchase of land should be revived and extended and that the time limited by the same Act for the completion of the railway therein described should also be extended :

And whereas it is also expedient that the Company should have power to raise additional capital and to deal with superfluous land as in this Act provided and that the other powers contained in this Act should be granted :

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

A.D. 1903.

—

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 as the Wirral Railway Act 1903.

Incorporation of general Acts.

**2.** The following Acts and part of Act are (except where the same are expressly varied by this Act) incorporated with and form part of this Act (namely) :—

The Lands Clauses Acts ;

The Railways Clauses Consolidation Act 1845 ; and

Part II (relating to extension of time) of the Railways Clauses Act 1863.

Extending certain provisions of Companies Clauses Acts.

**3.** The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested ;

and Parts I. II. and III. of the Companies Clauses Act 1863 (relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock) as amended by subsequent Acts shall subject to the provisions of this Act extend and apply to the capital and money hereby authorised to be raised by shares or stock or borrowing or debenture stock and the proprietors thereof.

Interpretation.

**4.** 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 or inconsistent with such construction : A.D. 1903.

The expression "the Company" means the Wirral Railway Company ;

The expression "the Act of 1898" means the Wirral Railway Act 1898 ;

The expression "the railway" means the railways authorised by the Act of 1898 the time for completing which is extended by this Act.

**5.** The powers granted to the Company by the Act of 1898 with respect to the compulsory purchase or taking of land are hereby revived and extended and shall continue in force and may be exercised for and during a period of two years from and after the date of the passing of this Act. Reviving and extending time for purchase of lands.

**6.** The powers granted by the Act of 1898 for the construction and completion of the railway and works thereby authorised are hereby extended for the period of three years from the first day of July one thousand nine hundred and three and on the expiration of that period those powers shall cease except as to so much of the said railway and works as shall then be completed. The said extended period shall with reference to the deposit fund mentioned in section 13 of the Act of 1898 be substituted for the period limited by that Act for the completion of the railway. Extension of time for construction of railway.

**7.** The Company shall not under the powers of the Act of 1898 as extended by this Act purchase or acquire in any borough or other urban district and elsewhere than in any borough or urban district any parish ten or more houses which on the fifteenth day of December next before the passing of the Act of 1898 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 fifteenth day of December but have been or shall be subsequently so occupied. Restriction on taking houses of labouring class.

If the Company acquire or appropriate any house or houses for the purposes of the Act of 1898 as amended by this Act in contravention of the foregoing provisions 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 think fit reduce such penalty.

A.D. 1903.

For the purposes of this section the expression “house” means any house or part of a house occupied as a separate dwelling and the expression “labouring class” means 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 of such persons who may be residing with them.

Power to  
apply funds.

**8.** The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they are by the recited Acts authorised to raise and which may not be required for the purposes of those Acts.

Power to  
raise addi-  
tional  
capital.

**9.** The Company may from time to time subject to the provisions of Part II. of the Companies Clauses Act 1863 raise for the purposes of the Act of 1898 and this Act and for other purposes connected with their authorised undertaking any additional capital not exceeding in the whole ninety thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or partly by one and partly by the other of those methods respectively which shares or stock shall form part of the general capital of the Company.

Shares not  
to vest until  
one fifth part  
paid up.

**10.** The Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person accepting the same until not less than one fifth of the amount of such share shall have been paid in respect thereof.

New shares  
to be subject  
to same  
incidents as  
other shares.

**11.** Except as by this Act otherwise provided the capital in new ordinary shares created by the Company under this Act and the new shares therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the existing capital of the Company of the same class or description and the new ordinary shares were shares in that capital.

Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new preference shares or stock.

Dividends on  
new shares.

**12.** Every person who becomes entitled to new shares shall in respect of the same be a holder of shares in the Company and shall be entitled to a dividend with the other holders of shares of

the same class or description proportioned to the whole amount from time to time called and paid on such new shares. A.D. 1903.

**13.** If any money is payable under this Act to a holder of shares stock mortgages or debenture stock being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

**14.** The Company may in respect of the additional capital of ninety thousand pounds which they are by this Act authorised to raise borrow on mortgage of their undertaking any sum not exceeding in the whole thirty thousand pounds but no part thereof shall be borrowed until shares for the additional capital of ninety thousand pounds are issued and accepted and one half of such capital 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 shares for the whole of such capital have 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 therein has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and that such persons or corporations or their executors administrators successors or 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.

**15.** All previous provisions as to the appointment of a receiver are hereby repealed but without prejudice to any appointment made or proceedings taken before the passing of this Act The mortgagees of the Company's undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole. For appointment of a receiver.

**16.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of Debenture stock.

A.D. 1903. — all debenture stock and of all mortgages at any time after the passing of this Act created and issued by the Company under any previous Act this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Existing mortgages to have priority.

**17.** All mortgages granted by the Company in pursuance of the powers of any Act before the passing of this Act and subsisting at the passing of this Act shall during the continuance of such mortgages have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Application of money.

**18.** All moneys by this Act authorised to be raised by shares debenture stock or borrowing shall be applied only for the purposes of this Act or for the general purposes of the Company to which capital is properly applicable.

Extending time for disposing of and dealing with superfluous lands.

**19.** 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 railway or situate in the parishes named in the 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 three years from the passing of this Act and the powers contained in section 22 of the Act of 1898 with respect to granting building leases and otherwise dealing with superfluous lands shall extend and apply to the superfluous lands referred to in this section.

Interest not to be paid on calls paid up.

**20.** 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 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. A.D. 1903.

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

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

**22.** 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 passed before or after the commencement of this Act 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 by the recited Acts.

Provision as to general Railway Acts.

**23.** 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.

Costs of Act

A.D. 1903

SCHEDULE referred to in the foregoing Act.

SUPERFLUOUS LANDS OF THE COMPANY.

Parishes of West Kirby Moreton Bidston-cum-Ford and Wallasey all in the county of Chester.

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