ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. clxi.

An Act for enabling the *Huddersfield and Manchester* Railway and Canal Company to alter a Portion of the Line of their *Oldham* Branch, and for other Purposes. [9th *July* 1847.]

WHEREAS an Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway* 8 & 9 Vict.
from the Sheffield, Ashton-under-Lyne, and Manchester *Railway at* c. 105.
Staleybridge *to the* Manchester and Leeds *Railway at* Kirkheaton, *with a Branch therefrom, and for consolidating into One Undertaking the said proposed Railway and the* Huddersfield *Canal Navigation:* And whereas an Act was passed in the last Session of Parliament, intituled *An Act for enabling the* Huddersfield and Manchester *Rail-* 9 & 10 Vict.
way and Canal Company to divert their Main Line of Railway in c. 259.
Huddersfield, *and to make a Branch therefrom near* Cooper Bridge *in the Township of* Huddersfield: And whereas another Act was passed in the said last Session of Parliament, intituled *An Act for enabling* 9 & 10 Vict.
the Huddersfield and Manchester *Railway and Canal Company to* c. 380.
make a Branch Railway from their Main Line of Railway to Oldham: And whereas it would be attended with local and public Advantage if the said *Huddersfield and Manchester* Railway and Canal Company were authorized to make a new Line to *Oldham* in lieu of the *Oldham* Branch already authorized: And whereas it is also expedient that

some of the Powers and Provisions of the said recited Acts should be amended and enlarged; but the Purposes aforesaid 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, That all the Provisions contained in the said recited Acts, so far as the same are or may be applicable and now in force, and except such of them as are by this repealed, altered, or otherwise provided for, shall extend to this Act and to the several Purposes thereof, and to the several Matters and Things hereby authorized to be done, as fully and effectually as if the said Provisions were re-enacted in this Act in reference to such Purposes, Matters, and Things, and the said recited Acts and this Act shall be construed and read together as forming one Act.

Provisions of recited Acts extended to this Act.

Power to raise Money by Creation of new Shares, which are to form Part of general Capital.

II. And be it enacted, That it shall be lawful for the said Company to raise the Sum of Seventy-nine thousand Pounds by the Creation of new Shares or Stock, in addition to the Sums of Money they are authorized to raise by their former Act, or may be authorized to raise by any Act to be passed during the present Session of Parliament, upon such Terms and in such Manner as may be or may have been agreed upon at any General Meeting or Meetings of the Company specially convened for the Purpose, and the new Shares or Stock to be created by virtue of this Act shall be considered Part of the general Capital of the Company.

Power to borrow Money on Mortgage.

III. And be it enacted, That after Shares for the whole of the Capital in Shares by this and the said recited Acts limited or authorized to be raised shall have been taken, and One Half of such Capital shall have been paid up, it shall be lawful for the Company to borrow on Mortgage such Sums of Money as shall from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company, not exceeding in the whole, in addition to the Sum authorized to be borrowed by the said recited Acts, and in addition to any further Sum which they may be authorized to borrow by any Act to be passed during the present Session of Parliament, the Sum of Twenty-six thousand Pounds, and to secure the Repayment of the Sum so to be borrowed, with Interest, by Mortgage of the Undertaking, as by the Companies Clauses Consolidation Act, 1845, provided, and subject to the several Provisions therein contained with respect to the borrowing of Money on Mortgage.

Former Mortgages to have Priority.

IV. Provided always, and be it enacted, That all Mortgages or Bonds granted by the Company before the passing of this 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 or Bonds to be created by virtue of this Act.

Mortgages, Transfers, &c. to be stamped.

V. And be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Share, Stock, Mortgage, Bond, or other Security for Money, to be granted or made by virtue of the said recited Acts or this Act shall be by Deed duly stamped,

stamped, wherein the Consideration for the same shall be truly stated, any thing herein or in the said recited Acts contained to the contrary notwithstanding.

Interest not to be paid on Calls paid up.

VI. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him, beyond the Amount of the Calls actually made, as shall be in conformity with the Provisions in the Companies Clauses Consolidation Act, 1845, in that Behalf contained.

Deposits for future Bills not to be paid out of the Company's Capital.

VII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament now in force or hereafter to be in force may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

New or altered Line of Railway to be made according to deposited Plans.

VIII. And whereas Plans and Sections showing the Line and Levels of the proposed new or altered Line of Railway to *Oldham*, together with a Book of Reference to the said Plans, containing the Names of the reputed Owners and Lessees and of the Occupiers of the Lands which may be required to be taken for the Purposes of the same, have been deposited with the respective Clerks of the Peace for the County of *Lancaster* and the West Riding of the County of *York*; be it enacted, That, subject to the Powers of Deviation contained in the Railways Clauses Consolidation Act, 1845, it shall be lawful for the Company to make and maintain the said new or altered Line of Railway herein-after mentioned, with all proper Stations, Works, and Conveniences connected therewith, in the Line or Course and upon the Lands delineated on the said Plans and referred to in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as may be required for such Purposes respectively.

Line of Railway.

IX. And be it enacted, That the new or altered Line of Railway to be made under the Authority of this Act shall be the following; (that is to say,)

A Railway commencing at or by a Junction with the Main Line of the *Huddersfield and Manchester* Railway now in course of Construction at or near *Shaw Hall Bank* in the Township of *Quick* in the West Riding of the County of *York*, and terminating at or in the Town of *Oldham* in the Township of *Oldham* in the Parish of *Prestwich-cum-Oldham* in the County of *Lancaster* by a Junction

a Junction with the proposed *Mumps* Extension of the *Manchester and Leeds* Railway at or near *Mumps Mill*, and passing in, through, into, or along the several Parishes, Townships, extra-parochial, and other Places of *Rochdale*, *Saddleworth*, *Quick*, *Lydgate*, and *Lees*, in the West Riding of the County of *York*, and *Ashton-under-Lyne*, *Prestwich-cum-Oldham*, *Knottlanes*, *Hartshead*, *Lees*, and *Oldham*, *Oldham-above-Town*, and *Oldham-below-Town*, in the County of *Lancaster*.

Branch to Oldham under 9 & 10 Vict. c. 380. to be abandoned.

X. And be it enacted, That the said Company shall and they are hereby required to abandon the Branch to *Oldham* authorized by the Third herein-before recited Act which by reason of the Construction of the new Line of Railway by this Act authorized will become unnecessary, and from and after the passing of this Act all the Powers and Authorities vested in the Company by the said thirdly herein-before recited Act for making and maintaining the said Branch shall cease and determine.

Regulations as to the Railway from Shaw Hall to Oldham, crossing under the Turnpike Road at Ashes.

XI. And whereas the Line of the said Railway from *Shaw Hall* to *Oldham* will cross underneath the Turnpike Road leading from *Standedge* to *Oldham* at or near to a Place called *Ashes* by means of a Bridge under the said Turnpike Road, and the Levels or Line of the said Turnpike Road are not to be altered or varied, but it is expedient that Provision should be made with reference to the Dimensions of such Bridge, and the Width and Form of the said Turnpike Road, and for protecting the same Road; be it therefore enacted, That, for the Purpose of carrying the said Railway underneath the said Turnpike Road at the Point or Part where the same Railway and Road will respectively cross at *Ashes* aforesaid, the said Railway Company shall and will erect and build a good, firm, and substantial Bridge, with substantial and proper Battlements, Fences, and Approaches thereto, and which said Bridge and the Approaches thereto respectively, so far as any Alteration in or Interference with the said Road, at the Point or Part aforesaid shall extend, shall be made of the clear Width of Thirty-six Feet at the least within the said Battlements and Fences thereof, and shall and will make and erect the Battlements and Fences of the said Bridge and of the Approaches thereto respectively, so far as any Alteration in or Interference with the said Road shall extend, in a proper and substantial Manner, and lineable with the said Road at a Point or Part aforesaid, and of the Height of Four Feet Six Inches at the least above the Surface of the said Road, and for ever after repair, maintain, and keep the said Bridge, Battlements, and Fences respectively in good Order, Repair, and Condition, and also shall and will make, form, and restore the said Road, and the Foundation and Surface thereof, over the said Bridge and Approaches thereto respectively, so far as any Alteration in or Interference with the said Road shall extend, in a firm, proper, and substantial Manner, and pave with good Sets of Stone the whole Extent of the said Road over the said Bridge, and macadamize to the same Extent the Approaches thereto respectively, so far as any Alteration in the said Road shall extend, and do and shall make good and sufficient Drains and Culverts for the Purpose of draining and laying dry so much of the said Road as shall be

altered or interfered with at the Point or Part aforesaid; and which said Road shall be so formed and restored as aforesaid, in every respect where the same shall be altered or interfered with as aforesaid, to the Satisfaction of the Surveyor of the said Road; and the said Railway Company shall and will maintain and keep the said Road, so far as the same shall be altered or interfered with as aforesaid, and all Matters and Things relating thereto, in good and substantial Repair and Condition for the full Term of Twelve Calendar Months after the same shall be so completely formed, paved, macadamized, and restored as aforesaid.

Regulations restricting Deviations on certain Parts of the Standedge and Oldham Turnpike Roads.

XII. And whereas certain Parts or Places on the *Standedge* and *Oldham* Turnpike Roads at or near *Shaw Hall Bank* aforesaid are included within the Limits or Lines of Deviation marked on the said Plans, and at or near the following respective Numbers in the said Plans and Book of Reference, namely, Number 178, Number 192, and Number 176, but it is not intended, for the Purposes of the said Railway or otherwise, to take or interfere with the said Roads at the said Parts or Places; and it is expedient that the said Railway Company shall accordingly be restrained therefrom; be it therefore enacted, That it shall not be lawful for the said Railway Company to encroach upon or otherwise in any Manner howsoever interfere with the said Roads at the several Points or Places above enumerated or referred unto, any or either of them, without the Consent in Writing of the Trustees of the said Turnpike Roads, or their Clerks, for that Purpose first had and obtained.

Railway to be carried over Messrs. Whitehead's private Road by a Bridge, and the Road to be diverted.

XIII. And whereas the said Branch Railway will intersect a private Road, Number 150 on the Plans of the said Branch Railway, in the Parish of *Saddleworth*, in which Road *Ralph Radcliffe Whitehead*, *James Heywood Whitehead*, *Francis Frederick Whitehead*, and *John Dicken Whitehead* claim to be interested as Owners, and it hath been agreed that the said Branch Railway shall not cross the said Road on a Level, and that the same Road shall be diverted, and the Gradient of such diverted Road shall not be steeper than One in Seven; be it therefore enacted, That it shall not be lawful for the Company to carry or make the said Branch Railway across the said private Road on a Level, but the Company shall and they are hereby required to carry the said Branch Railway over the said private Road by means of a Bridge, to be constructed and built at some Point to be selected by the Engineer of the Company, within One Hundred Yards of the Point where by the said Plans the said Branch Railway intersects the said Road; and it shall be lawful for the said Company, and they are hereby required, at their own Expence, to divert or alter the said Road, so as to lead to and over such Bridge, and so as to lead and continue from such Bridge into the *Stockport* and *Newhouses* Turnpike Road; and such diverted or new Road shall be so made and be so carried over such Bridge and completed by the Company as that the Inclination thereof shall not be steeper than One in Seven in any Part thereof, and so that the same when completed shall be of not less Width in any Part thereof than the present Road is between the Points of the Commencement and Termination of the diverted Part of such present Road.

For Protection of Property of J. Collinge and E. A. Wright.

XIV. And be it enacted, That the said Railway from *Shaw Hall* to *Mumps* shall, in passing near to and along the Premises belonging to *James Collinge* and *Edward Abbott Wright*, at or near *Vineyard*, within *Oldham* aforesaid, be constructed with such covered Way and in such Manner as effectually to protect the said Premises from the Possibility of Damage by Fire, and such covered Way shall for ever afterwards be kept in repair by the said Company.

Land for extraordinary Purposes.

XV. And be it enacted, That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes not exceeding Twenty Acres, in addition to the Lands which the Company are authorized by the said recited Acts to take for such Purposes.

Compulsory Purchase of Lands limited.

XVI. And be it enacted, That 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 the Completion of Railway.

XVII. And be it enacted, That the said Railway hereby authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said former Acts granted to the Company for executing the same shall cease to be exercised, except as to so much of the same as shall then be completed.

Railway Company to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

XVIII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and another Act was passed in the last Session of Parliament, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the said last Session of Parliament, intituled *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same are applicable.

Railway to be subject to Provisions of any future general Acts.

XIX. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Acts relating to Railways, 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 authorized by the said recited Acts or this Act.

Saving Rights of the Manchester and Leeds Railway Company.

XX. And be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities of or vested in or belonging to the *Manchester and Leeds* Railway Company; but all their Rights, Privileges, Powers, and Authorities under their several Acts of Parliament or otherwise are hereby expressly saved and reserved, not only as against and with respect to the said *Huddersfield and Manchester* Railway and Canal Company, but also as against and with respect to all other Companies and Persons whomsoever.

Expences of Act.

XXI. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act, or incidental thereto, shall be paid by the said Company *pari passu* with the Costs, Charges, and Expences of any other Act of Parliament passed in the present Session to which they may be liable, out of the first Monies that shall come to their Hands, and in preference to any other Payment whatsoever.

Short Title.

XXII. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to refer to and describe it by the Title of "The *Huddersfield and Manchester* Railway (Deviations and Alterations in *Oldham* Branch) Act, 1847."

Public Act.

XXIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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