ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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## *Cap.* 1.

An Act to alter, amend, extend, and enlarge some of the Provisions of the several Acts relating to the *Lancashire and Yorkshire* Railway, and for making Extensions of some of the Branches of the said Railway, and for making other Provisions in relation to the said Railway and to the *Lancashire and Yorkshire* Railway Company.

[13th *July* 1849.]

WHEREAS by the *Manchester and Leeds* Railway Act, 1836, a Company was incorporated by the Name of the *Manchester and Leeds* Railway Company, for the Purpose of making the Railway and Works in the said Act mentioned: And whereas further and additional Powers were granted to the said Company by the several Acts following; that is to say, "The *Manchester and Leeds* Railway Act, 1837;" "The *Manchester and Leeds* Railway Act, 1839;" "The *Manchester and Leeds* Railway Act, 1841;" "The *Manchester and Leeds* Railway Act, 1844;" "The *Manchester and Leeds* Railway Act, No. 1., 1845;" "The *Manchester and Leeds* Railway Act, No. 2., 1845;" "The *Manchester*

*and Leeds* Railway Act, 1846;" "The *Manchester and Leeds* Railway Act, No. 1., 1847;" "The *Manchester and Leeds* Railway Act, No. 2., 1847;" "The *Manchester and Leeds* Railway Act, No. 3., 1847;" and "The *Lancashire and Yorkshire* Railway Act, 1848:" And whereas by "The *Ashton, Stalybridge, and Liverpool Junction* Railway Act, 1844," the *Ashton, Stalybridge, and Liverpool Junction* Railway Company were incorporated, with Power to make a Railway from *Manchester* to *Ashton-under-Lyne* and *Stalybridge*, and under the Powers of the same Act the *Manchester and Leeds* Railway Company purchased the said Railway, whereupon the said first-mentioned Company were dissolved, and their Undertaking, Powers, and Authorities became and were vested in the *Manchester and Leeds* Railway Company; and by "The *Ashton, Stalybridge, and Liverpool Junction* Railway Act, 1845," the *Manchester and Leeds* Railway Company were empowered to make a certain Extension of the said last-mentioned Railway: And whereas by "The *Manchester and Leeds* Railway Act, No. 3., 1847," the Name of the *Manchester and Leeds* Railway Company was changed to that of the *Lancashire and Yorkshire* Railway Company: And whereas it is expedient that the said *Lancashire and Yorkshire* Railway Company should be empowered to make an Extension of the Railway formerly known as the *Ashton, Stalybridge, and Liverpool Junction* Railway, and now called the *Ashton and Stalybridge* Branch of the *Lancashire and Yorkshire* Railway, at and from its present Terminus at *Stalybridge* to join the *Huddersfield and Manchester* Railway: And whereas, in order to make such Extension, and effect a Junction with the said *Huddersfield and Manchester* Railway, it will be necessary to alter the Levels of a Part of the said Branch Railway as herein-after mentioned: And whereas by "The *Manchester, Bolton, and Bury* Canal and Railway Act, 1831," the Company of Proprietors of the *Manchester, Bolton, and Bury* Canal Navigation and Railway were incorporated, with Powers to make a Railway from *Manchester* to *Bolton* and *Bury;* and by "The *Manchester, Bolton, and Bury* Canal and Railway Act, 1832," "The *Manchester, Bolton, and Bury* Canal and Railway Act, 1835," "The *Manchester, Bolton, and Bury* Canal and Railway Act, 1838," and "The *Manchester, Bolton, and Bury* Canal and Railway Act, No. 2., 1846," the said Company of Proprietors were empowered to alter and extend their Railway, and their Powers were altered, amended, and enlarged: And whereas by the *Manchester, Bolton, and Bury,* and *Manchester and Leeds* Canal and Railways Act, 1846, the said Company of Proprietors were amalgamated with, and their Undertakings, Powers, and Authorities became vested in, the *Manchester and Leeds* Railway Company, now the *Lancashire and Yorkshire* Railway Company: And whereas it is expedient that the said *Lancashire and Yorkshire* Railway Company should be empowered to make an Extension of the *Clifton* Branch of the Railway formerly called the *Manchester and Bolton* Railway, and now Part of the said *Lancashire and Yorkshire* Railway, and a Branch Railway from such Extension to the *Wardley* Branch of the *Manchester and Southport* Railway, thereby effecting a Junction with such last-mentioned Railway: And whereas by "The *Manchester and Leeds* Railway Act, No. 3., 1847," the said *Lancashire and Yorkshire* Railway Company were empowered to make an Extension of the

said

said *Clifton* Branch of their Railway, and it is expedient that a Part of such last-mentioned Extension Railway should not be made, and that the Construction thereof should be abandoned: And whereas by "The *Liverpool and Bury* Railway Act, 1845," the *Liverpool and Bury* Railway Company were incorporated, with Power to make a Railway from *Liverpool* to *Bury*, and by the *Liverpool and Bury* Railway Act, 1846, the same Company were empowered to make certain Branches from and Extensions of their said Railway, and, among others, a certain Branch or Extension Railway to commence at or near the intended Terminus of the *Liverpool and Bury* Railway at or near *Love Lane*, and to terminate at or near the Junction of *Tythe Barn Street* and *Key Street* in *Liverpool*, being the Branch Railway first described in the said last-mentioned Act: And whereas by "The *Liverpool and Bury* and *Manchester and Leeds* Railway Act, 1846," the *Liverpool and Bury* Railway Company were amalgamated with, and their Undertaking, Powers, and Authorities became vested in, the *Manchester and Leeds* Railway Company, now the *Lancashire and Yorkshire* Railway Company, and the said *Liverpool and Bury* Railway is now Part of the said *Lancashire and Yorkshire* Railway: And whereas it is expedient that the Time for making the said last-mentioned Branch or Extension Railway prescribed and limited by the said *Liverpool and Bury* Railway Act, 1846, should be extended: And whereas the said *Lancashire and Yorkshire* Railway Company require to raise a further Capital for certain Purposes hereinafter specified: And whereas by "The *Lancashire and Yorkshire* Railway Act, 1848," Powers were given to the *Lancashire and Yorkshire* Railway Company to convert, divide, and distribute the Share Capital of the said Company, and to make Arrangements as therein mentioned, and it is expedient that the Provisions of the said Act should be extended to Capital hereafter to be raised or to become Part of the Share Capital of the said Company: And whereas it is expedient that the Provisions of the said recited Acts, or some of them, should be in other respects altered, amended, and enlarged: And whereas the said several Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it 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 (unless there be something in the Subject or the Context repugnant to such Construction) Words in this Act importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number, and Words importing the Masculine Gender shall include Females, and the Expression "the Company" shall mean "The *Lancashire and Yorkshire* Railway Company," and the Word "Shareholder" shall mean Shareholder of the said Company.

Interpretation of Terms.

II. And be it enacted, That the several Acts herein-before recited (except so far as the same are altered or varied, or except where it is otherwise provided by this Act, or by "The Lands Clauses Consolidation Act, 1845," or "The Railways Clauses Consolidation Act, 1845,") shall, so far as they are applicable to the Subject of this Act, apply to and form Part of this Act.

Provisions of recited Acts and 8 & 9 Vict. cc. 18. & 20. extended to this Act.

III. And

Short Title.

III. And be it enacted, That in citing this Act it shall in all Cases be sufficient to use the Expression "The *Lancashire and Yorkshire* Railway Act, 1849."

Power to make Branch Railways according to deposited Plans.

IV. And whereas Maps or Plans and Sections of the several proposed Extension and Branch Lines of Railway herein-before mentioned, and herein-after more particularly described, showing the Lines and Levels thereof respectively, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of Lands through which the same respectively are intended to pass, have been deposited with the Clerk of the Peace for the County of *Lancaster*: Be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Company to make and maintain the said several Extension and Branch Lines of Railway and Works in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference respectively, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purposes respectively; and that such Extension and Branch Lines of Railway shall be the following:

Ashton Branch;

An Extension Railway, being an Extension of the *Ashton and Stalybridge* Branch of the said *Lancashire and Yorkshire* Railway (heretofore called "The *Ashton, Stalybridge, and Liverpool Junction* Railway"), commencing at or near the Terminus of the said *Ashton and Stalybridge Branch* Railway at or near the Town of *Stalybridge* in the *Hartshead* Division in the Parish of *Ashton-under-Lyne* in the County of *Lancaster*, and terminating by a Junction with the *Huddersfield and Manchester* Railway in the said Division and Parish about Eighty-two Yards on the West Side of *Stamford Street* in *Stalybridge* aforesaid, and passing through the several Parishes, Townships, or Places following, or some of them, (that is to say,) *Ashton-under-Lyne*, *Hartshead* Division, and *Stalybridge*, all in the County of *Lancaster*:

Clifton Branch;

An Extension Railway, being an Extension of the *Clifton* Branch of the said *Lancashire and Yorkshire* Railway, commencing by a Junction with the said *Clifton* Branch in the Township of *Clifton* in the Parish of *Eccles* in the said County of *Lancaster* at the Distance of Twenty-one Chains or thereabouts from and on the Westerly Side of the Point where that Branch Railway crosses the Turnpike Road leading from *Manchester* to *Bolton*, and terminating at or near to certain Vitriol Works in the Occupation of *Harrison Blair* Esquire in the Township of *Kearsley* in the Parish of *Dean*, there to form a Junction with the Extension Line authorized by the "*Manchester and Leeds* Railway Act, Number 3., 1847," of the said *Clifton* Branch, which said Extension hereby authorized will pass through the several Parishes, Townships, or Places following, or some of them, (that is to say,) *Eccles*, *Dean*, *Clifton*, *Kearsley*, *Little Hulton*, and *Worsley*, all in the said County of *Lancaster*:

Wardley Branch.

A Branch Railway from the said last-mentioned Extension Railway hereby authorized to be made, commencing by a double Junction therewith on the South-easterly Side of a certain Moss called *Kearsley Moss* in the Township of *Kearsley* in the Parish of *Dean*,

*Dean*, and terminating in a certain Field called *Moreton Moss*, Part of the *Wardley Hall* Estate, in the Township of *Worsley* in the Parish of *Eccles*, occupied by *Peter Nightingale*, there to form a Junction with the *Wardley* Branch of the *Manchester and Southport* Railway at the Terminus thereof; and passing through the several Parishes, Townships, or Places following, or some of them, (that is to say,) *Dean*, *Eccles*, *Kearsley*, *Little Hulton*, and *Worsley*, all in the said County of *Lancaster*.

Power to alter Levels of Part of Ashton Branch.

V. And whereas Sections showing the proposed Alteration in the Levels of a Portion of the said *Ashton and Stalybridge* Branch of the *Lancashire and Yorkshire* Railway, heretofore called "The *Ashton, Stalybridge, and Liverpool Junction* Railway," have been deposited with the Clerk of the Peace for the County of *Lancaster*: Be it enacted, That it shall be lawful for the Company to alter, in the Manner and to the Extent shown upon the said Sections, the Levels of the Portion of the said Branch Railway which lies between a certain Occupation Road in the *Hartshead* Division in the Parish of *Ashton-under-Lyne* in the County of *Lancaster*, numbered 8 on the Plan of the said *Ashton, Stalybridge, and Liverpool Junction* Railway referred to in the *Ashton, Stalybridge, and Liverpool Junction* Railway Act, 1844, and the present Terminus of the said *Ashton and Stalybridge Branch* Railway at or near the Town of *Stalybridge* in the said last-mentioned Division and Parish, which Alteration will extend from, in, through, or into or be made within the several Parishes, Townships, and Places following, or some of them, (that is to say,) *Ashton-under-Lyne*, *Hartshead* Division, and *Stalybridge*, all in the County of *Lancaster*.

As to Communications with Huddersfield and Manchester Railway.

VI. And be it enacted, That all Communications with the said *Huddersfield and Manchester* Railway, and all such Openings in the Ledges or Flanches of the same as may be necessary or expedient for effecting such Communication, shall be made at the Expense of the Company, under the Direction and Superintendence and to the reasonable Satisfaction of the Engineer for the Time being of the *London and North-western* Railway Company.

Power to Duke of Bridgewater's Trustees to make Communications through the Railway.

VII. And whereas the said Extension and Branch Railways hereby authorized, and secondly and thirdly herein-before described, will intersect or pass near certain Lands containing valuable Mines of Coal and other Minerals belonging to the Devisees in Trust of the late Duke of *Bridgewater*, and to the Right Honourable *Francis Egerton* Earl of *Ellesmere*, respectively, some of which Lands are also eligible for Building Purposes: Be it enacted, That it shall be lawful for the said Devisees in Trust and the said Earl of *Ellesmere* respectively, their respective Heirs or Assigns, or other the Owners, Lessees, or Occupiers for the Time being of the said Lands and Mines or any of them, from Time to Time and at all Times hereafter, as Occasion may require, to make, construct, lay down, and maintain, and also from Time to Time to alter, all such Sewers, Drains, Gas Pipes, Water Pipes, Tramroads, Railways, or other Roads and Passages over or under the said Extension and Branch Railways or either of them, and over, under, through, or across any of the Lands which may be taken by

the Company for the Purposes thereof, in order to the more effectually draining, lighting, and affording Communication from one Side to the other of the said Lines of Railway or any of them, at such Places, to such Extent, and in such Manner as such Owners, Lessees, or Occupiers could or might have made, altered, or maintained the same if this Act had not passed, but subject to the Provisions herein-after contained.

Works to be under the Superintendence of the Company's Engineer.

VIII. Provided always, and be it enacted, That all such Sewers, Drains, Pipes, Crossings, and Communications shall be made and all such Works executed to the reasonable Satisfaction and under the Superintendence of the Engineer of the Company hereby incorporated, and so as not to occasion any Stoppage of or Obstruction or Injury to the Traffic or Passage along the said Railway, or cause any greater Inconvenience to the Company than is absolutely necessary, nor shall any such Sewers, Drains, Pipes, Roads, or Ways, Crossings or Communications, be made so as to interfere with any of the Stations or injuriously with any of the other Works of or belonging to the said Railway for the Time being; and all Losses, Costs, Charges, Damages, and Expenses which shall be done or occasioned by or by reason of the Construction, Maintenance, Use, or Existence of any such Sewers, Drains, Pipes, Roads, or Ways, Crossings or Communications, as last herein-before provided, whether sustained by the Company or other Party using the Railway, shall from Time to Time, when and as often as the same shall happen or arise, be made good to the Company or other Party by whom the same shall have been incurred or sustained, by the said Devisees in Trust, their Heirs or Assigns, in case such Sewers, Drains, Pipes, Roads, or Ways, Crossings or Communications, shall have been made by their or any of their Authority or Direction, or by the said Earl of *Ellesmere*, his Heirs or Assigns, in case such Sewers, Drains, Pipes, Roads, or Ways, Crossings or Communications, shall have been made by his or their or any of their Direction or Authority, or by other the Owners, Lessees, or Occupiers of the said Lands and Mines or any of them, by whose Authority or Directions such Sewers, Drains, Pipes, Roads, or Ways, Crossings or Communications, shall have been made, unless the same shall have happened or arisen by or through the wilful Neglect or Default of the Company or other Party using the Railway, or their or any of their Servants or Agents.

Differences as to Communications to be settled by Justices.

IX. And be it enacted, That in case any Difference shall arise as to the Manner and Time of making such Sewers, Drains, Pipes, Roads, or Ways, Crossings or Communications, or Alterations therein, or the Maintenance thereof, or the Places at which the same shall be made, such Difference shall, subject to the Provisions of this Act, be determined by Two Justices in the Manner provided by the said Railways Clauses Consolidation Act, 1845, in case of Difference as to Accommodation Works.

Communications may be made on Inclined Planes.

X. And be it enacted, That it shall be lawful for the said Devisees in Trust and Earl of *Ellesmere* respectively, and their respective Heirs and Assigns, or other the Owners, Lessees, or Occupiers for the Time being of the said Lands and Mines respectively, to make, construct, and

and lay down, with the Consent of the Railway Commissioners, and for ever thereafter to maintain, collateral Branch Railways, to communicate with the said Extension and Branch Railways hereby authorized to be made or either of them, in manner and subject to the Restrictions and Conditions provided by the Railways Clauses Consolidation Act, 1845, with respect to collateral Branch Railways to communicate with the Railway, except and notwithstanding that such collateral Branch Railways may communicate with the said Lines of Railway on an Inclined Plane, and such Communication shall be made so as not to interfere with the Safety of the Public, or to injure the Main Line of Railway.

As to Construction of Railway over certain Streets in the Town of Stalybridge.

XI. And whereas it is intended that the said Extension of the *Ashton and Stalybridge* Branch of the *Lancashire and Yorkshire* Railway shall be carried over several Streets within the said Town of *Stalybridge*, called *Rassbottom Street*, *Wood Street*, and *Spring Street*, upon and by means of Bridges: Be it therefore enacted, That all Bridges to be erected by the Company for the Purpose of carrying such last-mentioned Extension Railway over the said several Streets shall be built in conformity with the following Regulations; (that is to say,)

The Bridges shall all be of Brick, Stone, or Iron, or some of those Materials:

The Piers, Pillars, or Abutments and Foundations of every Bridge shall extend and be made below the Surface of the Street to a Depth sufficient to allow the Commissioners for the Time being acting under an Act of Parliament made and passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for lighting, watching, and otherwise improving the Town of* Stalybridge *in the Counties Palatine of* Lancaster *and* Chester, *and for regulating the Police thereof, and for establishing and regulating a Market and erecting a Market Place within the said Town*, (in citing or referring to which last-mentioned Act in this Act it shall in all Cases be sufficient to use the Expression "The *Stalybridge* Police and Market Act, 1828,") to make and construct any Sinks, Drains, Sewers, or Watercourses, and to lay and deposit any Main or other Pipes, which under or by virtue of any Act or Acts of Parliament or otherwise they are authorized to make and construct or lay down and deposit in the Street over which such Bridge shall be made:

The inside Face of the Pier or Abutment of the Bridge over *Rassbottom Street* shall be lineable with the North-easterly Side of that Street when such Street is made straight on the North-easterly Side thereof as herein-after mentioned, and the inside Face of the South-westerly Pier or Abutment shall be built parallel with the North-easterly Pier or Abutment at a Distance from the inside Face of such North-easterly Pier of not less than Forty-eight Feet on the Square:

The inside Face of the Piers or Abutments of the Bridges over *Wood Street* and *Spring Street* shall be parallel with the Buildings on each Side of the Street, and if there be no Buildings then with the Side of the Street:

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The Top of every Bridge shall be made and for ever afterwards maintained drop-dry:

The Bridge over *Rassbottom Street* shall be an horizontal Beam Bridge of One Span only, and the clear, open, and uninterrupted Span of such Bridge, exclusive of all Piers, Abutments, and other Encroachments of every Description, shall in no Place be less than Forty-eight Feet wide on the Square; and the said Bridge shall be of such a Height from the present Surface of the Carriage Road beneath as to leave under every Part of such Bridge over such Carriage Road a clear, open, and uninterrupted Space or Headway of not less than Eighteen Feet in Height:

The Bridge over *Wood Street* shall be an horizontal Beam Bridge of One Span only, and the clear, open, and uninterrupted Span of such Bridge, exclusive of all Piers, Abutments, and other Encroachments of every Description, shall in no Place be less than Twenty-five Feet wide on the Square; and the said Bridge shall be of such a Height from the present Surface of the Carriage Road beneath as to leave under every Part of such Bridge over such Carriage Road a clear, open, and uninterrupted Space or Headway of not less than Sixteen Feet in Height:

The Bridge over *Spring Street* shall be an horizontal Beam Bridge of One Span only, and the clear, open, and uninterrupted Span of such Bridge, exclusive of all Piers, Abutments, and other Encroachments of every Description, shall in no Place be less than Thirty Feet wide on the Square; and the said Bridge shall be of such a Height from the present Surface of the Carriage Road beneath as to leave under every Part of such Bridge over such Carriage Road a clear, open, and uninterrupted Space or Headway of not less than Sixteen Feet in Height:

The Company shall erect and for ever maintain on the higher or North-west Side of the said Bridges over *Rassbottom Street*, *Wood Street*, and *Spring Street* respectively, a good, substantial, and close Fence not less than Six Feet high, and shall continue such Fence in a Westerly Direction from *Rassbottom Street* for the Distance of Thirty Yards.

Company not to alter Level of Streets.

XII. And be it enacted, That, notwithstanding the Provisions of this Act, or any Act incorporated herewith, it shall not be lawful for the Company to raise, lower, alter, divert, change, or otherwise interfere with the present Level, Inclination, Gradient, Course, or Direction of any Street, Road, or Way within the Town of *Stalybridge* aforesaid (except as by this Act expressly authorized) without the Consent of the Commissioners for the Time being acting under "The *Stalybridge* Police and Market Act, 1828," first had and obtained, such Consent to be testified by Writing under the Hand of their Clerk.

Company to lay a Space of Land to Rassbottom Street on the North-

XIII. And whereas it is expedient, for the Advantage and Protection of the Public, that *Rassbottom Street* in *Stalybridge* shall, as far as is practicable, be made straight on the North-easterly Side thereof, according to a straight Line to be drawn from the higher Corner of the North-easterly Pier of the Bridge lately erected by the

*Huddersfield and Manchester* Railway and Canal Company over *Rassbottom Street* aforesaid to the End of the Wall which at present bounds *Rassbottom Street* at its Junction with and at the Westerly Side of the *Old Highway* leading up to *Ridghill Lanes*: Be it therefore enacted, That before the Company shall begin to erect their Bridge over *Rassbottom Street* they shall purchase, and for ever thereafter leave open and unbuilt upon, and dedicate to the Public as a Highway and Part of *Rassbottom Street*, all the Land adjoining the present North-easterly Side of *Rassbottom Street* which is or would be comprised in the Space between the present North-easterly Side of that Street and a straight Line to be drawn between the Two Points herein-before particularly mentioned; and the Company shall well and effectually form, pave, flag, and otherwise complete such Space of Land to the same Level as the present Street. easterly Side thereof.

XIV. Provided always, and be it enacted, That the Company shall not be required to purchase any Land for improving the North-easterly Side of *Rassbottom Street* as aforesaid which is not included within their Limits of Deviation as shown upon the Plan deposited with the Clerk of the Peace for the County of *Lancaster*. Company not required to purchase Land not within their Limits of Deviation.

XV. And be it enacted, That it shall be lawful for the Company and they are hereby required, before opening the said Extension of the *Ashton and Stalybridge* Branch of the *Lancashire and Yorkshire* Railway to the Public, at their own Expense to purchase so much Land as shall be necessary for forming a new Street of Ten Yards wide, commencing at *Wood Street* aforesaid, and terminating at and communicating with *Spring Street* aforesaid, parallel with and adjoining to the said intended Extension Railway, and to pull down all Houses and other Buildings necessary to open and form such Street; provided nevertheless, that if there shall happen to be less Space than Ten Yards in Width at any particular Point between the said Railway and *Back Cross Street*, the Company shall at that particular Point only be required to purchase and bare the Space lying between the said Railway and *Back Cross Street*, and when and so soon as the Land necessary for making such intended new Street in manner aforesaid shall have been provided and laid open by the said Company as aforesaid, it shall be lawful for the Commissioners for the Time being acting under the *Stalybridge* Police and Market Act, 1828, and they are hereby empowered, to make, form, pave, and sewer the same new Street to such Level, with such Materials, and in such Manner and Form in all respects, as they shall think proper; and for effectuating all or any of the Purposes aforesaid, as well as for the Purposes of for ever thereafter keeping the same Street and all Sewers therein in good Repair and Condition, the said Commissioners are hereby fully authorized and empowered to pay and apply for all or any of such Purposes all or any Part of the Funds from Time to Time under their Control, and applicable, under the Provisions of the *Stalybridge* Police and Market Act, 1828, for the paving, sewering, and draining of public Streets and Highways within the said Town of *Stalybridge*. Company to purchase Land in order to form a new Street of Ten Yards wide.

Act not to prejudice Rights of Police Commissioners.

XVI. Provided always, and be it enacted, That, except as in this Act is expressly authorized, nothing in this Act contained shall extend or be deemed or construed to extend to repeal, prejudice, diminish, alter, vary, or take away any of the Provisions of "The *Stalybridge* Police and Market Act, 1828," or any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Commissioners for the Time being acting under and in execution of that Act.

Abandonment of Part of Clifton Branch Extension.

XVII. And be it enacted, That the Company shall abandon and relinquish the Formation of such Portion of the Extension Railway authorized by "The *Manchester and Leeds* Railway Act, No. 3., 1847," of the *Clifton* Branch, as on the Plans and Sections, and in the Book of Reference relating thereto, is described and delineated as lying between the proposed Junction thereof with the said *Clifton* Branch Railway in the Township of *Clifton* in the Parish of *Eccles* and the said Vitriol Works in the Occupation of *Harrison Blair* Esquire, and that all the Powers and Provisions contained in the said *Manchester and Leeds* Railway Act, No. 3., 1847, which relate to the Purchase or taking of Lands for or to the Construction and Maintenance of the Portion of the said proposed Extension Railway hereby authorized to be abandoned shall from and immediately after the passing of this Act cease and determine.

Compensation to be made where Contracts have been entered into or Notices given.

XVIII. Provided always, and be it enacted, That in any Case where before the passing of this Act any Contract hath been entered into or Notice given by the Company for purchasing any Lands which the Company were by "The *Manchester and Leeds* Railway Act, No. 3., 1847," empowered to purchase for the Purpose of constructing the Portion of the said *Clifton* Branch Railway so authorized to be abandoned as aforesaid, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or Notice, and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof; provided also, that the Authority hereby given for abandoning the Formation of the aforesaid Portion of the said *Clifton* Branch Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in the said Lands Clauses Consolidation Act contained.

Limiting Periods for compulsory Purchase of

XIX. And be it enacted, That the Period for purchasing and taking Lands for the Construction of the said Extension of the said *Clifton* Branch Railway herein-before described shall be limited to Two

Two Years, and the Company shall and they are hereby required to construct and complete ready for Traffic in all respects the same Extension of the said *Clifton* Branch Railway, within the said Period of Two Years from the passing of this Act; and the Period for purchasing and taking Lands for the Construction of the said other Branch and Extension Railways hereby authorized shall be limited to Three Years, and for the Construction of the said other Railways, Works, and Alterations to Five Years.

Lands and Construction of Works.

XX. And whereas the *Ashton* Branch of the *Manchester, Sheffield, and Lincolnshire* Railway communicates with the Line of the *Huddersfield and Manchester* Railway at or near the Terminus thereof at *Stalybridge*, and for a considerable Distance runs parallel with and at a short Distance from the said *Ashton and Stalybridge* Branch of the *Lancashire and Yorkshire* Railway Company, and a good and convenient Connexion or Communication could be effected between the said *Ashton and Stalybridge* Branch and the said *Huddersfield and Manchester* Railway if a Junction were formed between the said *Ashton and Stalybridge* Branch and the said *Ashton* Branch on Land belonging to the said Companies or One of them, and if such Junction Railway, and so much of the last-mentioned Branch as lies between the Point thereof at which such Junction would be effected and the said *Huddersfield and Manchester* Railway, were open to the Traffic of the said Companies, and all Companies and Persons claiming under or though them; and the *Manchester, Sheffield, and Lincolnshire* Railway Company are willing to effect such Connexion or Communication, if assisted by the said *Lancashire and Yorkshire* Railway Company: Be it therefore enacted, That if the said *Manchester, Sheffield, and Lincolnshire* Railway Company shall, on or before the First Day of *July* One thousand eight hundred and forty-nine, on Lands belonging to them and to the said *Lancashire and Yorkshire* Railway Company, or to one of them, and lying between their said respective Branches at or near the Westward End of their respective Stations at *Stalybridge*, lay down Rails and construct all necessary and proper Works so as to form a good Railway Junction by a double Line of Rails practicable for Engines and Carriages between the said *Ashton and Stalybridge* Branch and the said *Ashton* Branch, all the Powers by this Act conferred upon the said *Lancashire and Yorkshire* Railway Company for making the said Extension of the said *Ashton and Stalybridge* Branch to the *Huddersfield and Manchester* Railway shall cease and determine; and, until Default shall have been made by the said *Manchester, Sheffield, and Lincolnshire* Railway Company in making the said Junction according to the true Intent and Meaning hereof, it shall not be lawful for the said *Lancashire and Yorkshire* Railway Company to exercise any of the said Powers for making the said Extension, anything herein-before contained to the contrary notwithstanding; and from and after the Construction of the said Junction it shall be lawful for the said *Lancashire and Yorkshire* Railway Company, and all other Companies and Persons claiming under or authorized by them, to use the said Junction, and so much of the said *Ashton* Branch as lies between the Point thereof at which such Junction shall be effected and the said *Huddersfield and Manchester* Railway and the Passenger Station, with the

If the Manchester, Sheffield, and Lincolnshire Railway Company form a Junction between their Ashton Branch and the Ashton and Stalybridge Branch, the Extension of the Ashton and Stalybridge Branch not to be made.

the Enlargement thereof agreed upon between the said Companies, and the Works and Conveniences connected with the said Lines and Station, subject to such Terms, Conditions, and Limitations as have been or shall from Time to Time be agreed upon between the said Companies.

Manchester, Sheffield, and Lincolnshire and Lancashire and Yorkshire Railway Companies may make Agreements as to the Construction and Use of Part of the Ashton Line, &c.

XXI. And be it enacted, That it shall be lawful for the said *Lancashire and Yorkshire* and *Manchester, Sheffield, and Lincolnshire* Railway Companies from Time to Time to make and enter into such Agreement as they shall think proper with respect to the Construction, Enlargement, Alteration, Apportionment, Maintenance, Control, and Management of the said proposed Junction, and of the Part of the said *Ashton* Branch lying between the Point thereof at which such Junction shall be effected and the said *Huddersfield and Manchester* Railway, and of the Stations of the said Companies respectively at *Stalybridge*, and of all Works and Conveniences connected therewith, and with respect to the Use and Enjoyment by the said Companies respectively, and by all Companies and Persons claiming under or authorized by them respectively, of the said Junction, and of the Part aforesaid of the said *Ashton* Branch, and of the Stations, Works, and Conveniences connected therewith, and with respect to the Receipt and Apportionment by and between the said Companies of the Tolls and Charges arising therefrom, and generally with respect to the Conveyance and Interchange of Traffic passing or to pass on or over the same or any Part thereof, and with respect to the Compensation or Consideration and Amount of Contribution to be paid or contributed by the one Company to the other Company for the Construction, Enlargement, Alteration, Apportionment, Maintenance, Control, and Management, Use, and Enjoyment of the said Junction, and of the Part aforesaid of the said *Ashton* Branch, and of the said Stations, Works, and Conveniences connected therewith; and any such Agreement which shall have been entered into between the said Companies, and sealed with their respective Common Seals, before the passing of this Act, shall be good, valid, and effectual, and shall bind the said Companies, their Successors and Assigns.

Company may apply Money authorized to be raised by the Act in effecting Communication by means of Junction, instead of the Extension.

XXII. And be it enacted, That in case the intended Connexion or Communication between the said *Ashton and Stalybridge* Branch and the said *Huddersfield and Manchester* Railway shall be effected in manner aforesaid, it shall be lawful for the said *Lancashire and Yorkshire* Railway Company to raise and apply any Monies which they are by this Act authorized to raise for the Purposes of the said Extension of the said *Ashton and Stalybridge* Branch, in carrying the Arrangements between them and the said *Manchester, Sheffield, and Lincolnshire* Railway Company for effecting such Communication, and otherwise, into full and complete Effect, anything in this Act contained to the contrary notwithstanding.

Power to Company to raise additional Money for the Purposes of the Undertaking.

XXIII. And whereas under and by virtue of "The *Huddersfield and Sheffield Junction* Railway Act, 1845," and "The *Huddersfield and Manchester* Railway and Canal (*Huddersfield* Diversion and *Cooper Bridge*) Branch Act, 1846," and an Agreement, recited and confirmed by the said last-mentioned Act, entered into between the *Huddersfield*

*Huddersfield and Sheffield Junction* Railway Company and the *Huddersfield and Manchester* Railway and Canal Company, Provision was made for the Use of a Portion of the Line of Railway of the said last-mentioned Company lying between the Point of Junction at *Paddock* and the Station at *Huddersfield*, including the *Huddersfield* Tunnel, and also of the Station of the said last-mentioned Company at *Huddersfield*, in common by the said Two Companies, on certain Terms, to be settled by Arbitration in the Manner prescribed by the said last-mentioned Act: And whereas no Award has been made in pursuance of the Provisions of the said Acts and of the said Agreement in that Behalf, but the Terms of such common Use of the said Portion of the said Line and of the said Station by the *Lancashire and Yorkshire* Railway Company (with which the said *Huddersfield and Sheffield Junction* Railway Company is now incorporated) and the *London and North-western* Railway Company (with which the said *Huddersfield and Manchester* Railway and Canal Company is now incorporated), and the Proportion of the Costs of Construction of the said Portion of the said Line and of the said Station to be paid by the said *Lancashire and Yorkshire* Railway Company to the said *London and North-western* Railway Company, have been settled and mutually agreed upon by the said last-mentioned Companies: And whereas the estimated Expense of making the said Branch and Extension Railways and Alteration of Levels hereby authorized is Fifty thousand Pounds, and there will be required for the Purpose of paying such Proportion as aforesaid of the Costs of Construction and otherwise relating to the said Line and Station at *Huddersfield* a further Capital not exceeding Sixty thousand Pounds: And whereas it is expedient that the Company should be enabled to raise for the Purposes authorized by the several Acts relating to their Undertakings, or some of them, a further Sum of Money not exceeding Four hundred and fifty thousand Pounds: And whereas the aggregate Amount of the said several Sums is Five hundred and sixty thousand Pounds: Be it therefore enacted, That it shall be lawful for the Company, at any Time or from Time to Time, by an Order of any General or Special General Meeting of the Company, to raise such Sums of Money as they shall from Time to Time deem expedient, not exceeding in the whole the Sum of Five hundred and sixty thousand Pounds, in addition to the Monies authorized to be raised by the several Acts relating to their Undertakings, or any of them, or by virtue of any other Act or Acts of Parliament; and all and every Part of such Sum of Money so to be raised shall be applied to the Purposes for which the same is herein-before authorized to be raised, and to no other Purpose whatsoever.

Additional Money may be raised by Issue of Shares or by Mortgage.

XXIV. And be it enacted, That for the Purpose of raising such Sums of Money the Company may issue such and so many distinct Shares, of such Amount, and to be appropriated and disposed of in such Manner, and to such Person or Persons, and on such Conditions, and with such Preference or Priority of Dividend, not exceeding after the Rate of Ten Pounds *per Centum per Annum*, and generally on such Terms as by the Order of any such Meeting of the Company shall be determined; or it shall be lawful for the Company, if they think fit, to raise such Sums of Money or any Part thereof by Mortgage of their

their several Undertakings; and all the Provisions contained in or referred to by the *Manchester and Leeds* Railway Act, 1841, with regard to the Capital and Monies thereby authorized to be raised by Shares or Mortgage, and to the Proprietors thereof, shall in all respects (subject to the Provisions herein contained, and to the Order of any General or Special General Meeting of the Company) be applicable to the Capital and Monies hereby authorized to be raised by Shares or Mortgage, and to the Proprietors thereof; and all the Provisions contained in the *Manchester and Leeds* Railway Act, 1844, authorizing the Company to consolidate their existing Shares into a General Capital Stock, shall, subject to the Provisions herein contained, be applicable to the Shares hereby authorized to be created by the Company; provided that until the whole of the Capital for the Time being of the Company shall have been subscribed, and One Half thereof paid up, it shall not be lawful for the Company to raise such Sums or any Portion thereof by Mortgage; and provided also, that the Company shall not by any such Means increase the Amount which may be owing at any One Time on Mortgage of their Undertakings beyond the Proportion of One Third of their then existing Capital in Shares and Stock.

Certificate of Justice to be Evidence that the whole Capital has been subscribed for, and One Half paid up.

XXV. Provided also, and be it enacted, That the Certificate of a Justice that the whole of the Capital for the Time being of the Company has been subscribed, and One Half thereof paid up (which Certificate such Justice is legally authorized and required to grant, on Application made to him by the Company, and on such Proof of the Facts as he may require), and a Copy of the Order of any General or Special General Meeting of the Company authorizing the borrowing of any Money, certified by One of the Directors or by the Secretary of the Company, shall respectively and for all Purposes whatsoever be conclusive Evidence of the Fact of the Capital required to be subscribed and paid up as aforesaid having been so subscribed and paid up, and of the Fact of the Order for borrowing the Money having been made.

Existing Mortgages to have Priority.

XXVI. Provided further, and be it enacted, That all Mortgages already granted under the Powers of the several Acts relating to the Undertakings of the Company, or any of them, shall, during the Continuance thereof, have Priority over the Mortgages granted under this Act.

Certain Powers of existing Acts extended to this Act.

XXVII. And be it enacted, That all the Powers, Provisions, Matters, and Things contained in the several Acts relating to the Undertakings of the Company, or any of them, with regard to the Use of the Railways by the said Acts authorized to be made, and to the demanding, levying, and recovering of Tolls in respect thereof, (except such of them as by the Lands Clauses Consolidation Act, 1845, or the Railways Clauses Consolidation Act, 1845, or by this Act, or any other Act, are repealed, altered, or otherwise provided for, or as have expired by Effluxion of Time,) shall extend to this Act, and to the Use and Protection of the Railways and Works hereby authorized to be made, and the demanding, levying, and recovering of Tolls in respect thereof, and generally shall operate and be in force

in reference thereto as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act, and had specific Reference thereto, and to the Railways and Works hereby authorized.

Limiting Tolls to be taken on new Branches, &c.

XXVIII. And be it enacted, That the Tolls to be taken by the Company for and in respect of the Branch or Extension Railways by this Act authorized shall not exceed the Tolls authorized to be taken by "The *West Riding Union* Railways Act, 1846."

Provisions of 8 & 9 Vict. cc. 18. and 20. extended to this Act.

XXIX. And be it enacted, That the Lands Clauses Consolidation Act, 1845, and the Railways Clauses Consolidation Act, 1845, save as to such Parts thereof as may be modified by or be inconsistent with the Provisions of this Act, shall be incorporated with this Act.

Time for compulsory Purchase of Lands extended.

XXX. And whereas by the *Liverpool and Bury* Railway Act, 1846, the Company were authorized to make (among other Works) a Branch or Extension Railway, being the Branch or Extension Railway herein-before mentioned, commencing at or near the intended Terminus of the *Liverpool and Bury* Railway at or near *Love Lane* in the Township and Parish of *Liverpool*, and terminating at or near the Junction of *Tythe Barn Street* and *Key Street* in the same Parish and Township, and by the same Act it was provided that the Powers of the Company for the compulsory Purchase or taking of Lands for the Purposes of that Act should not be exercised after the Expiration of Three Years from the passing thereof, and it is expedient that the Time so limited, so far as regards the said last-mentioned Branch or Extension Railway, should be extended: Be it enacted, That all the Powers by the said Act, or any Act incorporated therewith, granted for the compulsory Purchase or taking of Lands for the Purposes of the said last-mentioned Branch or extended Railway, shall and may be exercised by the Company at any Time within Two Years from the passing of this Act; provided that such Extension of Time shall not alter or affect the Rights, Powers, Provisions, and Directions contained in the "*Liverpool, Ormskirk, and Preston* Railway Act, 1846," in relation to the common Ownership of the said last-mentioned Branch and Extension Railway by the Company and the *East Lancashire* Railway Company (wherewith the *Liverpool, Ormskirk, and Preston* Railway Company is now incorporated), or as to the Cost of Construction, Management, Maintenance, Repairs, and Conduct thereof by the said Two Companies, but such Powers, Provisions, and Directions shall be and remain in full Force and Effect, anything herein contained notwithstanding.

Existing Contracts and Notices to take Lands not to be affected.

XXXI. Provided always, and be it enacted, That the Extension hereby authorized of the Period for the compulsory Purchase or taking of Lands for the Purposes of the said last-mentioned Branch or Extension Railway shall not in anywise prejudice or affect any Contract entered into or Notice given by the said Company before the passing of this Act for purchasing, taking, or using any Lands which, under the said *Liverpool and Bury* Railway Act, 1846, such Company is entitled

entitled to purchase, take, or use for such Purchase, but every such Contract and Notice respectively shall be construed and shall take effect, and the same Proceedings shall be had thereunder, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof, both at Law and in Equity, as if such Extension of the said Period had not been authorized as aforesaid.

Parties aggrieved by Extension of Time being granted may have Compensation for additional Damage.

XXXII. Provided also, and be it enacted, That the Justices, Arbitrators, Umpires, or Juries respectively, as the Case may be, who, under the Provisions of the said *Liverpool and Bury* Railway Act, 1846, shall award or assess the Compensation to be made by the Company to the Owners or Occupiers of or other Persons interested in any of the Lands which shall be taken or used for the Purposes of the said Branch or Extension Railway or Works by the said last-mentioned Acts authorized, or which may be injuriously affected by the Construction thereof, shall, in estimating the Amount of such Compensation, have regard to and make Compensation for the additional Damage (if any) sustained by such Owners, Occupiers, or other Persons by reason of the Extension hereby authorized of the Period aforesaid.

Powers of borrowing granted to Wakefield, Pontefract, and Goole Railway Company may be exercised by Lancashire and Yorkshire Railway Company.

XXXIII. And be it enacted, That it shall be lawful for the Company, at any Time, and from Time to Time after the passing of this Act, to exercise all Powers with reference to the raising of Money by Mortgage which may have been granted to the *Wakefield, Pontefract, and Goole* Railway Company (now amalgamated with the *Lancashire and Yorkshire* Railway Company) by the Acts relating to such Company, or any of them, and which may be then in force, and for such Purpose to mortgage or assign all the Undertakings, and the Rates, Tolls, or other Property of the Company, including the Railways and Undertakings authorized by the said Acts relating to the *Wakefield, Pontefract, and Goole* Railway Company; provided that no Mortgage already granted by the Company shall be prejudiced or affected by this Provision, or by any Mortgage thereunder or by virtue thereof.

Power to reborrow any Money which may be paid off.

XXXIV. And be it enacted, That if the Company shall pay off all or any Part of any Money which has been or shall at any Time or Times hereafter be borrowed under the Authority of the several Acts of Parliament relating to the said *Wakefield, Pontefract, and Goole* Railway Company, or any of such Acts, then and in every such Case it shall be lawful for the Company, and they are hereby authorized and empowered, immediately, or at any Time or Times, and from Time to Time thereafter, again to raise or borrow the whole or any Part of the Amount so paid off on the Credit of the several Undertakings vested in them, and for that Purpose to mortgage and assign the Undertakings, and the Rates, Tolls, or other Property of the Company, or any Part thereof respectively, as a Security for any Sum of Money which shall be so again raised or borrowed, with Interest, to such Person as shall advance the same, and so from Time to Time as often as the same shall happen; provided that no Mortgage already granted by the Company shall be prejudiced or affected by this Provision, or by any Mortgage thereunder or by virtue thereof.

XXXV. And

Power granted by Lancashire and Yorkshire Railway Act, 1848, as to Share Capital to extend to future Capital.

XXXV. And whereas by the herein-before recited "*Lancashire and Yorkshire* Railway Act, 1848," it was enacted, that, with the Consent and subject to the Restrictions therein mentioned, it should be lawful for the Company at any Time, and from Time to Time, to convert, divide, and distribute the whole, or any such Part as should be deemed expedient, of the Share Capital of the Company into such Number of new Shares (either wholly paid up or partly paid up) of such nominal Amount as should be deemed expedient; and it is expedient that the Power thereby granted as to the then existing Share Capital of the Company should be extended to any future or additional Share Capital which may become Part of the Capital of the Company by reason of the Purchase of or Amalgamation with any Undertaking or Undertakings which the Company is now empowered to purchase or amalgamate with, by virtue or under the Authority of any Act or Acts of Parliament already passed in that Behalf, and also to the Capital by this Act authorized to be raised: Be it therefore enacted, That all the Powers and Provisions granted by and contained in the said "*Lancashire and Yorkshire* Railway Act, 1848," relating to the Conversion, Division, and Distribution of the Share Capital of the Company into new Shares, shall be deemed to apply to such future or additional Capital as aforesaid, and the Company shall have Power, with such Consent, and subject to such Restrictions as in the said last-recited Act are mentioned, to convert, divide, and distribute such future or additional Share Capital in like Manner as by that Act is provided with respect to the then existing Share Capital of the Company.

Power to make Arrangements with different Classes of Shareholders.

XXXVI. And be it enacted, That it shall be lawful for the Company, at any Time, and from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present in Person or by Proxy at any General Meeting of the Company specially convened for the Purpose, to make with the Holders of any Class or Classes of Shares (not being Shares entitled to any perpetual, guaranteed, or preferential Dividends, and to which it is hereby declared that the Provisions in this Behalf of the *Lancashire and Yorkshire* Railway Act, 1848, do not apply), either in the existing Share Capital of the Company, or in any Share Capital which, under the Authority of any Act or Acts now in force, or of this Act, or of any other Act or Acts to be passed in this Session, shall be or become Part of the Capital of the Company, any Arrangements, or any Alterations in or Variations of existing Arrangements, as to such Shares and the Rights attaching thereto respectively, (whether as to Interest, Dividends, or otherwise,) or for the Assimilation thereof to other Shares of the Company; provided that the nominal Amount of the whole Capital of the Company as then constituted shall not be altered by any such Arrangements as aforesaid, and that no Class of Shareholders shall be affected thereby unless and until a Majority of Four Fifths of the Votes of the Shareholders present in Person or by Proxy at a Meeting of the particular Class of Shareholders liable to be so affected shall have consented to the Arrangements proposed by the Company in respect to such Class of Shareholders; provided also, that this Enactment shall apply to the Shareholders of any Company or Companies which, under and by virtue of any Act or Acts now in force, shall

shall hereafter be incorporated with and become Part of the said *Lancashire and Yorkshire* Railway Company, and who after such Incorporation will become and be Shareholders of the said Company.

For calling Special Meetings of particular Classes of Shareholders.

XXXVII. And be it enacted, That the Company may cause Meetings of the respective Classes of Shareholders liable to be affected by any such Arrangements to be specially convened for the Purpose of considering and assenting to such Arrangements; and that the Provisions for calling and regulating Special General Meetings of the Company, and for voting at General Meetings of the Company, shall, so far as applicable, be deemed to apply to such Meetings as aforesaid of particular Classes of Shareholders; and that a circular Notice of any such intended Meeting, stating the Object of such Meeting, signed by the Secretary, shall be sent by Post to each registered Shareholder of the Class to be affected, according to the Address in the Register of Shareholders; and that the Decision of Four Fifths of the Votes of the Shareholders of the particular Class present in person or by Proxy at any such Meeting shall be binding on all the Shareholders of that Class, and the Arrangements so made and confirmed shall be valid and binding on all the Shareholders of the Company.

Privileges attached to original Shares to belong to new or divided Shares.

XXXVIII. And be it enacted, That all Rights and Privileges which by virtue of any such Arrangement as aforesaid, or of any Arrangement made under the Authority of "The *Lancashire and Yorkshire* Railway Act, 1848," may be applied or attached to any Class of Shares, may be declared to attach and shall accordingly apply or attach also to any new Shares to be created by the Division of any existing Shares, in like Manner as they might have been applied or attached to such new Shares if such Division as aforesaid had been made previously to the passing of the said "*Lancashire and Yorkshire* Railway Act, 1848."

Power to receive Double Toll on Branch in Manchester under Manchester and Leeds Railway Act, 1839, confirmed by this Act.

XXXIX. And whereas by "The *Manchester and Leeds* Railway Act, 1839," it was (among other things) enacted, that it should be lawful for the said *Manchester and Leeds* Railway Company, in lieu of the Rates or Tolls authorized to be received by them by the therein first-recited Act, to demand, receive, and recover, to and for the Use and Benefit of the said Company, for the Tonnage and Tollage of all Passengers, Beasts, Cattle, Animals, Carriages, Materials, Goods, Wares, Merchandize, and all other Articles, Matters, and Things which should be conveyed upon or along the therein-mentioned extended Line of Railway, and the Line of Railway connecting the same with the Main Line of Railway, or any Part thereof, (being One Mile and a Quarter from the *Victoria* Station at *Manchester*,) any Sum or Sums of Money not exceeding in each Case Double the Amount which by the said therein first-recited Act the said Company were authorized to receive in respect of such Tonnage or Tollage: And whereas the Right to demand and take such Double Tolls was granted to the said Company in consideration of the great Expense of making, maintaining, and working the Extension Railway thereby authorized, but Doubts have arisen whether the Right to take such Double Tolls now exists, and it is expedient that such Doubts should be removed:

Be it therefore enacted and declared, That it shall be lawful for the Company to demand, receive, and take, in respect of the said extended Line of Railway by the said recited Act authorized, and the Line of Railway before mentioned connecting the same with the Main Line of Railway, or any Part thereof, a Rate of Tollage or Tonnage not exceeding Double the Amount of the maximum Rate of Tonnage or Tollage which the said Company now are or at any Time hereafter may be authorized to take and receive in respect of the Main Line of Railway of which it is such Extension as aforesaid, and that the Right of the Company to demand and take such Double Rate in respect of the said Extension shall not be deemed to have been altered or affected by any Act passed since the passing of the said *Manchester and Leeds* Railway Act, 1839.

Company may alter or vary Tolls.

XL. And be it enacted, That from and after the passing of this Act it shall be lawful for the Company, subject to the Provisions and Limitations contained in "The *West Riding Union* Railways Act, 1846," and this Act, from Time to Time to alter or vary the Tolls by the said recited Acts and this Act authorized to be taken, either upon the whole or upon any particular Portions of their Railways, as they shall think fit; provided that all such Tolls be at all Times charged equally to all Persons, and after the same Rate, whether *per* Ton *per* Mile or otherwise, in respect of all Passengers, and of all Goods or Carriages of the same Description, and conveyed or propelled by a like Carriage or Engine, passing only over the same Portion of the Line of Railway under the same Circumstances; and no Reduction or Advance in any such Tolls shall be made, either directly or indirectly, in favour of or against any particular Company or Person travelling upon or using the Railway.

Saving Rights of East Lancashire Railway Company.

XLI. Provided always, and be it enacted, That nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Privileges, Exemptions, Powers, or Authorities vested in the *East Lancashire* Railway Company by any existing Act of Parliament, or under any Contract or Agreement now subsisting between the last-named Company and the *Lancashire and Yorkshire* Railway Company, touching the Portion of the *Lancashire and Yorkshire* Railway between the Junction therewith of the *East Lancashire* Railway at *Clifton* and *Salford* and the Portion of the said *Lancashire and Yorkshire* Railway between the Junction therewith of the *East Lancashire* Railway at or near *Walton-on-the-Hill* and *Liverpool*, and the Stations, Warehouses, Buildings, and Conveniences connected therewith respectively, but the same shall remain and be as good, valid, and effectual to all Intents and Purposes whatsoever as if this Act had not been passed.

For Protection of the late Duke of Bridgewater's Trustees, the Mersey and Irwell Navigation Com-

XLII. Provided also, and be it enacted, That nothing in this Act contained shall or shall be held to repeal, modify, or alter the Eighteenth Section of an Act of Parliament passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to incorporate the* Liverpool and Bury *Railway Company with the* Manchester and Leeds *Railway Company*, as printed by Her Majesty's Printer, so far as the same was not repealed by "The *Manchester*

pany, and of the Aire and Calder Navigation Company.

*chester and Leeds* Railway Act, No. 3., 1847," and is not altered or modified by the Provision herein-before contained authorizing the Company to take Double Tolls in respect of the Extension Line into *Manchester* herein-before referred to; and further, that nothing in this Act contained shall or shall be held to repeal, modify, or alter the Thirty-fourth and Thirty-fifth Sections respectively of "The *Manchester and Leeds* Railway Act, No. 3., 1847," the Sixty-seventh Section of "The *Manchester and Leeds* Railway Act, 1846," and the Fifty-ninth Section of "The *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway Act, 1846," respectively, as printed by Her Majesty's Printer, or any or either of them.

Provisions of 8 & 9 Vict. c. 16. with respect to Payment of Calls, &c. extended to this Act.

XLIII. And be it enacted, That all the Provisions of the "Companies Clauses Consolidation Act, 1845," with respect to the Payment of Subscriptions, and the Means of enforcing the Payment of Calls, and the Forfeiture of Shares for the Nonpayment thereof, shall be applied to all Shares in the existing or future Capital of the Company, and shall be substituted for any Provisions for the like Purposes or in the like Behalf contained in the several existing Acts relating to the said *Lancashire and Yorkshire* Railway or any Part thereof; provided that nothing herein contained shall affect any Proceeding which may have been commenced under the Provisions of such existing Acts prior to the passing of this Act.

Shareholders in arrear may assign their Shares instead of forfeiting the same.

XLIV. Provided always, and be it enacted, That instead of proceeding to forfeit any Shares it shall be lawful for the Directors, in any Case where in their Opinion any Shares if sold would not produce a sufficient Sum to discharge the Arrears of Calls thereon, to agree with the Proprietor thereof for the Surrender of the same to the Company on such Terms as the Directors shall think fit; and after such Surrender, which may be made by Deed Poll under the Hand and Seal of the Proprietor, the Shares so surrendered shall merge in and form Part of the Capital of the Undertaking.

Power to merge forfeited Shares in Capital of the Company.

XLV. Provided also, and be it enacted, That in all Cases where any Share shall be declared forfeited, and such Declaration of Forfeiture shall be confirmed at a General Meeting of the Company in the Manner prescribed by the "Companies Clauses Consolidation Act, 1845," and Notice shall be given by the Company in the *London Gazette* and in Two Newspapers circulating respectively in the Counties of *Lancaster* and *York* of such Forfeiture, that in case the Arrears of Calls and Interest due thereon shall not be paid within the Space of One Calendar Month from the Publication of such Notice such Share will become merged in the Capital of the Company, then, in case such Arrears and Interest shall not be paid within such last-mentioned Period, and the Market Price of Shares of the same Class in the Company in the City of *London* upon which the same Amount shall have been paid shall then, or at any Time during the said Period of One Calendar Month, be less than the Arrears of Calls and Interest due in respect of such Shares, the same Share shall absolutely merge in the Capital of the Company; and a Declaration in Writing, made by some credible Person not interested, before any Justice of the Peace, or before any Master or Master Extraordinary in the High Court

Court of Chancery, stating that a Sum of Money sufficient to pay the Arrears of Calls and the Interest due in respect of such Share could not be obtained for the same according to the Market Price of Shares in the City of *London*, shall be sufficient Evidence of the Facts therein stated; and the Proprietor of such Share shall from and after the making of such Declaration be precluded from all Right, Title, or Interest therein; but nevertheless such Forfeiture and Merger shall not affect or alter the Liability of the last Proprietor of any such Share to pay to the said Company the Arrears of Calls and Interest due in respect of such Share, after deducting therefrom the Market Value of such Share according to the Market Price of Shares in the City of *London* at the Time of such Merger as aforesaid, or the Powers of the Company to enforce Payment thereof by Action.

Company may issue new Shares in lieu of Shares merged in Company.

XLVI. And be it enacted, That in lieu and instead of any Shares which shall be so surrendered or forfeited and merged as aforesaid it shall be lawful for the Company from Time to Time, with the Approbation of Three Fifths at least of the Votes of the Proprietors present in Person or by Proxy at any General Meeting of the Company specially convened for that Purpose, to create and issue such new Shares, of such Amount, and with such Preference or Priority of Dividend, not exceeding after the Rate of Ten Pounds *per Centum per Annum*, and generally on such Terms as by the Order of any such Meeting shall be determined; provided that the aggregate Amount to be raised by the Issue of any such new Shares shall not exceed the aggregate Amount left unpaid on the old Shares in lieu of which such new Shares shall be issued at the Time of the Surrender, Forfeiture, or Merger as aforesaid of such old Shares.

Shareholders paying Calls in advance to be entitled to participate in Dividends.

XLVII. And be it enacted, That it shall be lawful for any Shareholder, with the Consent of and subject to any Conditions or Limitation prescribed by a General Meeting of the Company, to pay up any Share (of any Class) in full, by anticipation or in advance, and such Share so paid up shall be convertible into Stock, and the Holder thereof shall be entitled to receive Dividends thereon as on a Share paid up in full, and as if the Amount thereof had been paid up on Calls duly made.

Saving Rights of Holders of existing Preference Shares.

XLVIII. Provided always, and be it enacted, That any Priority in the Payment of Dividends which may be assigned to any Shares to be created by virtue of this Act shall not prejudice or affect any Priority in the Payment of Dividends which may have been assigned to any other Shares in the Company created prior to the passing of this Act, but the Holders of such last-mentioned Shares shall be entitled to receive Dividends upon or in respect of such Shares to the Extent to which the same may have been guaranteed, in preference to the Holders of any other Shares in the said Company.

Calls.

XLIX. Provided always, and be it enacted, That Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders in respect of the Money by this Act authorized to be raised, and Three Months at the least shall be the Interval between successive Calls.

Voting.

L. And whereas different Scales of voting are prescribed by the several Acts originally incorporating the several Companies now forming the *Lancashire and Yorkshire* Railway Company, and it is expedient that One uniform Scale of voting should be prescribed: Be it therefore enacted, That at all General Meetings of the Company, and at all Meetings of any particular Class of Shareholders in the Company, every Shareholder shall have One Vote for each and every entire One hundred Pounds of the aggregate nominal Amount of all Stock and Shares (of any and whatever Class or Classes, or of the particular Class, as the Case may be,) held by him; and in case the whole aggregate nominal Amount of all the Stock and Shares held by any Shareholder shall not be equal to One hundred Pounds of nominal Amount, but shall be equal to Fifty Pounds, then he shall have One Vote in respect of all his Stock and Shares; and in all other respects all and singular the Provisions of the "Companies Clauses Consolidation Act, 1845," in relation to voting, shall be applicable and shall apply to all the Shareholders of the Company.

Power to enter into Agreements with the London and North-western Railway Company.

LI. And whereas, not only at *Huddersfield* aforesaid, but in other Places, the Railways and Works of the said *Lancashire and Yorkshire* Railway Company are connected with those of the said *London and North-western* Railway Company, and it would be for the Convenience of the Public and of the said Companies if the said Companies were authorized to enter into Agreements from Time to Time with respect to the Construction, Enlargement, Alteration, Maintenance, Use, Apportionment, and Management as well of the said Portion of Line and Station at *Huddersfield* as of other Portions of their respective Lines and Works so connected as aforesaid, and as to the Receipt and Apportionment of the Tolls and Charges arising therefrom, and generally as to the Conveyance and Interchange of Traffic upon their respective Undertakings: Be it therefore enacted, That it shall be lawful for the said *Lancashire and Yorkshire* Railway Company and the said *London and North-western* Railway Company from Time to Time to make and enter into such Agreements as they shall deem advisable concerning the Construction, Alteration, Enlargement, Apportionment, Maintenance, Use, Enjoyment, Control, and Management, not only of the said Portion of Railway and Station at *Huddersfield* aforesaid, but also of any other Portions of their respective Undertakings which for the Time being communicate or are connected with each other, and as to the Receipt and Apportionment of the Tolls and Charges arising or derived therefrom, and generally as to the Conveyance and Interchange of Traffic upon their respective Railways or any Part thereof: Provided always, that no such Agreement shall in any Manner alter, affect, increase, or diminish any of the Tolls which the said respective Companies shall for the Time being be respectively authorized and entitled to demand or receive from any Person or any other Company, but that all other Persons and Companies shall, notwithstanding any such Agreements, be entitled to the Use and Benefit of such respective Railways or Portions of Railways, upon the same Terms and Conditions, and on Payment of the same Tolls, as they would have been in case no such Agreement had been entered into.

LII. And

Interest not to be paid on Calls.

LII. 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 Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend 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.

LIII. 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 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.

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.

LIV. 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 Railways;* 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 Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said present Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the same Session, 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 of the said Railway and Company so far as the same are applicable.

Railways to be subject to general Acts.

LV. 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 or the Company from the Provisions of any general Act relating to such Acts, or 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,

ment, of the maximum Rates of Fares and Charges authorized by the said recited Acts or this Act.

Expenses of Act.

LVI. And be it enacted, That all the Costs, Charges, and Expenses 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 Expenses of any other Act of Parliament passed in the present Session of Parliament to which they may be liable, out of the first Monies that shall come to their Hands, and in preference to any other Payments whatsoever.

Public Act.

LVII. 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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