ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. ciii.

An Act to enable the *Manchester and Leeds* Railway Company to make an Extension of the *Holmfirth* Branch of the *Huddersfield and Sheffield Junction* Railway. [2d *July* 1847.]

WHEREAS by the *Manchester and Leeds* Railway Act, 1836, "The *Manchester and Leeds* Railway Company" were incorporated, with Power to make a Railway from *Manchester* to *Leeds:* And whereas by "The *Manchester and Leeds* Railway Act, 1837," "The *Manchester and Leeds* Railway Act, 1839," "The *Manchester and Leeds* Railway Act, 1844," "The *Manchester and Leeds* Railway Act (No. 2.), 1845," and "The *Manchester and Leeds* Railway Act, 1846," the said Company are empowered to alter and extend the said Railway, as in the said Acts respectively mentioned: And whereas by the said Acts, and by "The *Manchester and Leeds* Railway Act, 1841," and "The *Manchester and Leeds* Railway Act (No. 1), 1845," the Powers of the said Company were in other respects amended and enlarged: 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* and *Stalybridge*, and under the Powers of the same Act the *Manchester and Leeds* Railway

Company purchased the said Railway, whereupon the said *Ashton, Stalybridge, and Liverpool Junction* Railway Company were dissolved, and their Undertaking, Powers, and Authorities became 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 certain Extensions of the said last-mentioned Railway: And whereas by an Act passed in the last Session of Parliament, intituled *An Act to incorporate the Company of Proprietors of the* Manchester, Bolton, and Bury *Canal Navigation and Railway with the* Manchester and Leeds *Railway Company*, the said Company of Proprietors were amalgamated with, and their Undertakings, Powers, and Authorities have become vested in, the *Manchester and Leeds* Railway Company: And whereas by an Act passed in the last Session of Parliament, intituled *An Act to incorporate the* Liverpool and Bury *Railway Company with the* Manchester and Leeds *Railway Company*, the *Liverpool and Bury* Railway Company were amalgamated with, and their Undertakings, Powers, and Authorities have become vested in, the *Manchester and Leeds* Railway Company: And whereas by the "*Huddersfield and Sheffield Junction* Railway Act, 1845," the *Huddersfield and Sheffield Junction* Railway Company were incorporated, with Powers to make a Railway from *Huddersfield* to *Penistone*: And whereas by an Act passed in the last Session of Parliament, intituled *An Act to incorporate the* Huddersfield and Sheffield Junction *Railway Company with the* Manchester and Leeds *Railway Company*, the *Huddersfield and Sheffield Junction* Railway Company were incorporated with, and their Undertakings, Powers, and Authorities have become vested in, the *Manchester and Leeds* Railway Company: And whereas by "The *West Riding Union* Railways Act, 1846," the *West Riding Union* Railways Company were incorporated, with Powers to make a Series of Railways in the West Riding of the County of *York*, and under the Provisions of the same Act the said last-mentioned Company have become amalgamated with, and their Undertakings and Powers vested in, the *Manchester and Leeds* Railway Company: And whereas by the *Wakefield, Pontefract, and Goole* Railway Act, 1845, the *Wakefield, Pontefract, and Goole* Railway Company were incorporated, with Powers to make a Railway from *Wakefield* to *Goole*, and by the "*Wakefield, Pontefract, and Goole* Railway Branches Act, 1846," the same Company were empowered to make certain Extensions of their said Railway, and under the Powers of the said Acts the *Manchester and Leeds* Railway Company have purchased the said Railway and its Extensions, and upon the Completion of such Purchase the said *Wakefield, Pontefract, and Goole* Railway Company became amalgamated with, and their Undertakings, Powers, and Authorities vested in, the *Manchester and Leeds* Railway Company: And whereas it is expedient that the *Manchester and Leeds* Railway Company should be empowered to make and maintain an Extension of the *Holmfirth* Branch of the *Huddersfield and Sheffield Junction* Railway herein-after described: And whereas the *Manchester and Leeds* Railway Company are willing, at their own Expence, to undertake such Works: And whereas it is expedient that some of the Powers and Provisions contained in the said recited Acts should be altered, amended, and enlarged: May it therefore please Your Majesty that it

9 & 10 Vict. c. 378.

9 & 10 Vict. c. 376.

9 & 10 Vict. c. 277.

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 Powers, Provisions, Matters, and Things contained in the said recited Acts or any of them with regard to the Use of the Railways by the said Acts authorized to be made, and to the raising of Money by Shares, Mortgage, or otherwise, and to the Shares created under the Powers thereof, and all other the Powers, Provisions, Matters, and Things contained in the said recited Acts or any of them, (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 repealed, altered, or otherwise provided for, or have expired by Effluxion of Time,) shall, so far as the same are applicable, extend to this Act, and to the Use and Protection of the Railways and Works hereby authorized to be made, and to the Money to be raised by Shares and Mortgage or otherwise for the same, and to the Shares created under the Powers of this Act, 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.

Extending Provisions of recited Acts to this Act.

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

Certain Provisions of 8 & 9 Vict. c. 20. extended to this Act.

III. And be it enacted, That in citing or referring to this Act in other Acts of Parliament, and in legal Instruments, Parliamentary Notices, and other Proceedings or Documents, it shall be sufficient to use the Expression "The *Manchester and Leeds* Railway Act (N° 2), 1847."

Short Title of Act.

IV. And whereas the estimated Expence of making the Works authorized by this Act is Fifty-six thousand Pounds; be it enacted, That it shall be lawful for the Company to raise by the Creation of Shares an additional Capital Sum of Fifty-six thousand Pounds, over and above the Monies which they are authorized to raise by virtue of the said recited Acts or any of them, or any other Act or Acts of Parliament, or which they may be authorized to raise by any Acts of the present Session of Parliament.

Power to raise Money by Creation of new Shares.

V. And be it enacted, That for the Purpose of raising the said additional Capital of Fifty-six thousand Pounds it shall be lawful for the Company to issue such and so many distinct Shares, of such Amount, and subject to the Provisions of this and the said recited Acts, and of any Act of the present Session, to be appropriated and disposed of in such Manner, to such Person or Persons, and for such Prices, and on such Terms, and by such Ways and Means, as by the Order of any General or Special General Meeting of the said Company shall be determined.

Company to issue Shares.

VI. And

Powers of recited Acts as to Shares to be especially applicable to this Act.

VI. And be it enacted, That the said additional Capital of Fifty-six thousand Pounds shall be considered as forming Part of the general and original Capital authorized to be raised by the Company under the said recited Acts, and that all the Provisions contained in or referred to by the said "*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 (except as herein otherwise provided, and subject to the Order of any such General or Special General Meeting,) be especially applicable to the Capital and Monies hereby authorized to be raised by Shares or Mortgage, and to the Proprietors thereof.

Power to consolidate Shares into Stock.

VII. And be it enacted, That all the Provisions and Regulations contained in the said "*Manchester and Leeds* Railway Act, 1844," giving Power to the Company to consolidate into a general Capital Stock the Shares then existing in the Capital of the Company, or in anywise relating thereto, shall be applicable and extend in all respects to the Shares created under the Authority of this Act.

Interest not to be paid on Calls paid up.

VIII. 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.

IX. 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.

Power to raise Money onMortgage.

X. And be it enacted, That after the whole of the Capital of the Company by the said recited Acts and by this Act authorized to be raised by Shares shall have been subscribed, and One Half thereof actually paid up, it shall be lawful for the Company from Time to Time, by an Order of any General or Special General Meeting of the Company, in addition to the Money by the said recited Acts or any of them, or any other Act or Acts of Parliament, authorized to be borrowed, or which the Company may be authorized to borrow by any Acts of the present Session of Parliament, to borrow on Mortgage any further Sum of Money not exceeding in Amount the Sum of Eighteen thousand six hundred Pounds, and to secure the Repayment thereof,

thereof, with Interest, in like Manner as the Monies authorized to be raised by Mortgage by the said recited Acts or any of them.

Evidence of Authority for borrowing.

XI. And be it enacted, That a Certificate of a Justice, that the whole of the Capital by this Act and the said recited Acts authorized to be raised has been subscribed, and One Half thereof paid up, (which Certificate such Justice is hereby authorized and required to grant, on Application made to him by the Company, and on such Proof of the Fact 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 Money having been made.

Existing Mortgages to have Priority.

XII. Provided always, and be it enacted, That all Mortgages granted under the Powers of the said recited Acts or any of them shall during the Continuance thereof have Priority over the Mortgages granted under this Act.

Branch Railways to be made according to deposited Plans.

XIII. And whereas Plans and Sections of the proposed Extension Railway showing the Line and Levels thereof, together with Books of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands which may be required to be taken for the Purposes of the Undertaking, have been deposited with the Clerk of the Peace for the West Riding of the County of *York*; be it enacted, That, subject to the Provisions in this Act and the said Lands and Railways Clauses Consolidation Acts contained, it shall be lawful for the Company to make and maintain the Extension Railway in the Line and upon the Lands delineated on the said Plans and described in the said Book 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 shall be necessary for such Purposes.

Line of Railway.

XIV. And be it enacted, That the said Extension Railway shall commence from and out of and by a Junction with the intended *Holmfirth* Branch of the said *Huddersfield and Sheffield Junction* Railway in a Field in the Occupation of *Joseph Cartwright*, situate in the Township of *Wooldale* in the Parish of *Kirkburton* in the said West Riding of the County of *York*, which in the original Plan of the said last-mentioned Railway deposited with the Clerk of the Peace of the said West Riding on or before the Thirtieth Day of *November* One thousand eight hundred and forty-four is numbered 39 in the said Township of *Wooldale*, and terminate at a Point about One hundred Yards North of the New Church at *Holmebridge*, in a Field occupied by *Joshua Barber* and *Joseph Barber*, or one of them, in the Township of *Cartworth* in the said Parish of *Kirkburton*.

Period for Completion of Works.

XV. And be it enacted, That after the Expiration of Five Years from the passing of this Act all the Powers hereby granted to the Company

Company for making and executing the said Extension Railway and Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed.

Lands for extraordinary Purposes.

XVI. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed in the whole Twenty Acres, in addition to the Land which the Company are by any other Act authorized to take for such Purposes.

Powers to cross certain Roads on a Level.

XVII. And be it enacted, That it shall be lawful for the Company to construct the Railway across and on the Level of the following Roads; that is to say,

In the Township of *Cartworth*, the Road numbered 197 on the said Plans.

Company to erect a Station or Lodge at Points of crossing, and to abide by Regulations of Commissioners of Railways.

XVIII. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railway crosses the before-mentioned Roads on the Level, and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Inclination of certain Roads.

XIX. And be it enacted, That as regards the Roads numbered as herein-after mentioned on the said Plans and Books of Reference deposited as aforesaid it shall be lawful for the Company to make the Rates of Inclination of such Roads respectively, when altered, as follows; that is to say,

A Turnpike Road Number 43 in the Township of *Wooldale*, One in Seventeen:

A public Highway Number 100 in the said Township of *Wooldale*, One in Nine on the North Side thereof, and One in Eleven on the South Side thereof:

A public Highway Number 100 in the said Township of *Wooldale* where the same is joined by the Road Number 155, One in Eight:

A public Highway Number 155 in the said Township of *Wooldale*, One in Seven on the North Side thereof, and level on the South Side thereof:

A public Highway Number 48 in the Township of *Cartworth*, One in Seven on the South Side thereof, and One in Nine on the North Side thereof:

A public Highway Number 49 in the Township of *Cartworth*, One in Five and a Half on the East Side thereof, and One in Six on the West Side thereof:

A public Highway Number 197 in the Township of *Cartworth*, One in Seventeen.

As to the Construction of Bridges over private Roads, &c.

XX. Provided also, and be it enacted, That Bridges over or under any private Carriageway or private Road may be built, and the Approaches to any such Bridge may be made, in any other Manner than is herein or in the said Railways Clauses Consolidation Act directed, with the Consent of the Owners of such Way or Road.

Provisions of recited Acts as to Tonnage, &c. to apply to this Act.

XXI. And be it enacted, That the Company may lawfully demand and receive, in respect of the Extension Railway hereby authorized, for the Tonnage of all Articles, Matters, and Things conveyed upon the same Railway, and for and in respect of Passengers, Beasts, Cattle, and Animals conveyed in Carriages, and for Carriages conveyed on the same Railway, and for and in respect of Locomotive or Stationary Engines or other Power supplied by the Company, and for the Conveyance upon the same Railway, in Waggons or Carriages belonging to the Company, of any Passengers, Cattle or other Animals, Goods, Wares, Merchandize, Articles, Matters, and Things, such Rates, Tolls, or other Charges as by the said recited Acts the Company are authorized to demand and receive in respect of the *Huddersfield and Sheffield Junction* Railway; and all the Powers and Provisions in the said recited Acts contained, and now in force, relative to the Imposition, Collection, and Recovery of Tolls and Charges in respect of the said last-mentioned Railway, shall extend and be applicable to the Tolls to be levied by virtue of this Act on the Railway hereby authorized.

Railways 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.

XXII. 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 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 Two Acts passed in the last Session of Parliament, intituled *An Act to regulate the Gauge of Railways*, and *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the Extension Railway or the said Company from the Provisions of the several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto.

Railway to be subject to Provisions of future general Acts.

XXIII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Act authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which may hereafter pass during this or any future

future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Expences of Act.

XXIV. And be it enacted, That all Costs, Charges, and Expences incident to and attending the obtaining and passing this Act shall be paid by the Company out of any Monies already raised or received by them, or out of Monies to arise or be raised by virtue of this Act.

Public Act.

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

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1847.