ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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Cap. cxii.

An Act to enable the *Manchester, Sheffield, and Lincolnshire* Railway Company to make a new Railway in the County of *Chester*, to be called "The *Manchester, Sheffield, and Lincolnshire* (*Godley and Woodley* Branch) Railway;" and for other Purposes. [30th *June* 1862.]

WHEREAS it is expedient that the *Manchester, Sheffield, and Lincolnshire* Railway Company, in this Act called "the Company," should be empowered to construct a Railway from the Main Line of their Railway in the Township of *Godley* to the *Newton and Compstall* Branch of their Railway in the Township of *Bredbury*, both in the County of *Chester*: And whereas Plans and Sections showing the Line and Levels of the proposed Railway, and the Lands which the Company are by this Act empowered to acquire for the Purposes thereof or in relation thereto, and Books of Reference to those Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands, have been deposited with the Clerk of the Peace for the County of *Chester*: And whereas it is expedient that the Company should be empowered to raise

additional Capital for the Purposes of this Act: And whereas the Objects of this Act cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as "The *Manchester, Sheffield, and Lincolnshire* Railway Act, 1862."

8 & 9 Vict. cc. 18. and 20. and 23 & 24 Vict. c. 106. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," so far as the Provisions of the same respectively are applicable to the Purposes of this Act, shall be incorporated with and form Part of this Act.

Same Meanings to Words in this Act as in incorporated Acts.

3. Except as is by this Act otherwise provided, the several Words and Expressions to which in the Acts incorporated wholly or partially with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Power to take Lands.

4. Subject to the Provisions of this Act and of the Acts incorporated herewith, the Company may from Time to Time enter upon, take, and use all or any of the Lands defined on the deposited Plans and described in the deposited Books of Reference.

Company not to enter into Lands herein named without Consent.

5. Notwithstanding anything in this Act or in any Act incorporated with this Act contained, it shall not be lawful for the Company to enter upon, take, or use any of the Lands numbered on the deposited Plans 16, 17, and 18 in the Parish of *Mottram-in-Longdendale*, without the previous Consent in Writing of the Owner for the Time being of the said Lands.

Power to make Railway authorized by this Act.

6. Subject to the Provisions of this Act, the Company from Time to Time may make, in the Line and in accordance with the Levels shown on the deposited Plans and Sections, and in and upon the Lands defined on those Plans, the Railway following, with all proper Stations, Approaches, Works, and Conveniences connected therewith; (that is to say,)

A Railway to commence in the Township of *Godley* in the Parish of *Mottram-in-Longdendale* in the County of *Chester* by a Junction with the Main Line of the *Manchester, Sheffield, and Lincolnshire* Railway, and to terminate in the Township of *Bredbury* in the Parish of *Stockport* in the County of *Chester* by a Junction with the *Newton and Compstall* Branch of the *Manchester, Sheffield, and Lincolnshire* Railway:

And the Railway and Works executed under the Authority of this Act shall, for the Purposes of Tolls and Charges, and for all other Purposes whatsoever, be Part of the Undertaking of the Company.

Bridge to be constructed over Road numbered 10. on deposited Plans.

7. The Company shall construct the Railway over the Occupation Road numbered on the deposited Plans 10. in the Parish of *Mottram-in-Longdendale* by means of a Bridge, with a clear Headway for the Space of Ten Feet of not less than Fifteen Feet, and with a Span of not less than Twenty-five Feet.

Bridge to be constructed over Road numbered 20. on deposited Plans in manner herein stated.

8. The Company shall construct an Occupation Bridge across the Railway at such Point within the Property numbered on the deposited Plans 20. in the Parish of *Mottram-in-Longdendale* as shall be agreed upon between the Company and the Owners for the Time being of that Property, or as, failing Agreement, shall be determined by Arbitration in the Manner provided by "The Railways Clauses Consolidation Act, 1845."

As to Width of a certain Road carried over Railway.

9. In carrying the Road numbered on the deposited Plans 52. in the Township of *Hyde* in the Parish of *Stockport* over the Railway the Company may make the Roadway of that Road of such Width as the Company think fit, not being less than Forty Feet.

Power to alter Engineering Works.

10. Notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," contained, the Company in the Construction of the Railway may deviate from the Line and Levels of any Arches, Tunnels, or Viaducts described on the deposited Plans or Sections so as the Deviations be made within the Limits of Deviation shown on those Plans, and subject to the Limitations contained in the Eleventh, Twelfth, and Fifteenth Sections of that Act, and so as the Nature of the Work as described be not altered, and they may also substitute any other Engineering Work not shown on those Plans or Sections, instead of a Tunnel, Viaduct, Arch or Arches, as shown thereon, provided that every such Substitution be authorized by a Certificate of the Board of Trade; and the said Board is hereby empowered to grant such Certificates, provided it shall appear to the Board, upon due Inquiry, that the Company has acted in the Matter with good Faith, and that the Owners, Lessees, and Occupiers of the Land in which the Substitution is intended to be made consent thereto, and also that the Safety and Convenience of the Public will not be diminished thereby: Provided that nothing herein contained shall take away or affect any of the Powers given to the Company or to the Board of Trade by the Eleventh, Twelfth, Fourteenth, or Fifteenth Sections of "The Railways Clauses Consolidation Act, 1845."

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Lands for extraordinary Purposes.

11. The Company from Time to Time, in addition to the other Lands which they are by this Act authorized to purchase, may, by Agreement, purchase any Quantity of Land not exceeding Two Acres, adjoining or near to the Railway to be made under the Authority of this Act, for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845."

Powers for compulsory Purchases limited.

12. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for Completion of Railway.

13. The Railway shall be completed within Four Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act granted for making the same or otherwise in relation thereto shall cease, except as to so much thereof as shall then be completed.

Suspension of Dividends if Railway not completed within Time limited.

14. After the Expiration of Four Years from the passing of this Act, if the Railway be not then completed, the Payment of any Dividend on the ordinary Capital of the Company shall be suspended until the Railway is completed and opened for public Use.

Power for Company to raise additional Capital.

15. The Company may from Time to Time raise for the Purposes of this Act such Sum of Money as they shall think necessary, not exceeding Fifty-six thousand Pounds, the whole of which Sum shall be applied to those Purposes, and to no other.

Shares so created may be Preference Shares.

16. The Company may from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present, in Person or by Proxy, at any Meeting of the Company specially convened for the Purpose, create and issue new Shares for raising the additional Capital by this Act authorized to be raised, either of One Class and with like Privileges, or of several Classes and with different Privileges, and of the same or different Amounts, and respectively redeemable or irredeemable, and respectively with any fixed, fluctuating, contingent, preferential, perpetual, terminable, or other Dividend, not exceeding in any Case the Rate of Five Pounds *per Centum per Annum*, as the Company from Time to Time think fit; and the Company may issue such new Shares from Time to Time to such Persons and on such Terms and Conditions as the Company think fit: Provided always, that the total Sums to be ultimately paid in respect of such Shares shall not be less than the nominal Amount of such Shares: Provided also, that all the Shares of the same Class shall be of the like Amount and all Shares of the same Class shall confer like Privileges and bear like Dividend: Provided also, that if in any Year ending the Thirty-first Day of *December* there shall not be Profits available for the Payment of the full Amount of such preferential

or

or other Dividend for that Year, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year, or out of any other Funds of the Company.

Terms, &c. on which Preference Shares issued to be on Certificates.

17. The Terms and Conditions to which any Preference Shares created under this Act are subjected by the Provisions of this Act shall be clearly stated on the Certificate of every such Preference Share.

Except as otherwise provided new Shares created to be subject to same Incidents as ordinary Shares.

18. Except as is by this Act otherwise provided, the new Share Capital created by the Company under this Act, and the Shares therein, and the Holders of those Shares respectively, shall be subject and entitled to the same Powers, Provisions, Forfeitures, Liabilities, Rights, Privileges, and Incidents whatsoever in all respects as if that new Capital were Part of the now existing Ordinary Share Capital of the Company, and those Shares were Shares in that Ordinary Capital.

Dividends on new Shares created by the Company.

19. Every Person who becomes entitled to a new Share created by the Company under this Act shall in respect of the same be a Shareholder in the Company, and shall be entitled to a Dividend, either preferential or ordinary, as the Case may be, with the other Holders of Shares of the same Class or Description proportioned to the whole Amount from Time to Time called and paid on such new Shares.

Votes and Qualifications in respect of new Shares created by Company.

20. Subject to the Provisions of this Act, all new Shares created by the Company under the Powers of this Act shall, in proportion to the aggregate Amount of Capital in such Shares held by the same Person at the same Time, confer the like Qualifications and Rights of voting as the like aggregate Amount of Capital in Ordinary Shares in the Company would confer.

Power to Company to raise Capital under any other Act of this Session and this Act by new Shares of One Class.

21. If by any other Act passed in the present Session of Parliament, whether before or after the passing of this Act, the Company be authorized to raise any Capital by new Shares, then, subject to the Provisions of the other Act and this Act respectively, the Company, if they think fit, may raise, by the Creation and Issue of new Shares of One and the same Class, all or any Part of the aggregate Capital which they are by the other Act and this Act respectively authorized to raise by the Creation and Issue of new Shares.

Calls on new Shares created by Company.

22. The greatest Amount of a Call on the new Shares created by the Company under this Act shall be Twenty-five Pounds *per Centum* on the Amount of a Share, and the Interval between Two successive Calls shall be Three Months at the least, and the aggregate Amount of Calls on any Share in any One Year shall not exceed Four Fifths of the Amount of such Share.

Saving existing Preference Shares of Company.

23. Provided always, That any Preference or Priority in the Payment of Interest or Dividend which may be granted by the Company in respect of any new Shares created under this Act shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any Shares or Stock which may have been previously granted by the Company by or in pursuance of or which may have been confirmed by any Act of Parliament passed prior to this Act, or which may otherwise be lawfully subsisting.

Power to borrow on Mortgage.

24. After Shares for the whole of the Sum by this Act authorized to be raised by the Company by Shares shall have been issued and taken up, and One Half of such Sum shall have been paid up, and the Company shall have proved to the Justice who is to certify, under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for all the Capital which the Company are by this Act authorized to raise by the Creation of new Shares have been *bonâ fide* taken up, and are held by Persons or their Assigns, and for which such Persons or their Assigns are legally liable, the Directors of the Company may borrow on Mortgage such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any General or Special General Meeting of the Company, not exceeding in the whole the Sum of Eighteen thousand six hundred Pounds, in addition to the Sums which they are or may be authorized to borrow by any other Act or Acts of Parliament, and all and every Part of the Money to be borrowed under this Act shall be applied to the Purposes of this Act, and to no other Purpose.

Former Mortgages to have Priority.

25. All Mortgages or Bonds granted under the Authority of any former Act relating to the Company, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgages to be granted by virtue of this Act.

Company may apply Corporate Funds to Purposes of Act.

26. The Company from Time to Time may apply, for or towards all or any of the Purposes of this Act, any Sums of Money which they have already raised or are authorized to raise by any of their Acts, and which are not required for the Purposes to which they are by those Acts respectively made specially applicable.

Interest not to be paid on Calls paid up.

27. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, pay to any Shareholder Interest or Dividend on the Amount of the Calls made in respect of the Shares held by him: Provided always, that the Company may pay 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 of "The

"The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

28. The Company shall not, out of any Money by this Act or any other Act authorized to be raised by the Company, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament from Time to Time in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to make any other Railway, or execute any other Work or Undertaking.

Railway not exempt from Provisions of present and future General Acts.

29. Nothing in this Act contained shall exempt the Railway from the Provisions 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, of the maximum Rates of Fares and Charges, or of the Rates for small Parcels, in respect of the Railway by this Act authorized.

Expenses of Act.

30. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company.

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