



ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

Cap. ccclxxx.

An Act for enabling the *Huddersfield and Manchester* Railway and Canal Company to make a Branch Railway from their Main Line of Railway to *Oldham*.
[18th August 1846.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act for making a Railway from the Sheffield, Ashton-under-Lyne, and Manchester Railway at Stalybridge to the Manchester and Leeds Railway at Kirkheaton, with a Branch therefrom, and for consolidating into One Undertaking the said proposed Railway and the Huddersfield Canal Navigation*: And whereas it would be attended with local and public Advantage if a Railway were made from the Line of the *Huddersfield and Manchester* Railway, as authorized by the said Act, to the Town of *Oldham*, which proposed Railway the *Huddersfield and Manchester* Railway and Canal Company, incorporated by the said Act, are willing to execute if authorized by Parliament so to do: And whereas it is also expedient that some of the Powers and Provisions of the said recited Act should be amended and enlarged; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it
[Local.] 77 G enacted

8 & 9 Vict.
c. 105.

Provisions of recited Act extended to this Act.

enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Provisions contained in the said recited Act, so far as the same are or may be applicable and now in force, and except such of them as are by this Act repealed, altered, or otherwise provided for, shall extend to this Act, and to the several Purposes thereof, and to the several Matters and Things hereby authorized to be done, as fully and effectually as if the said Provisions were re-enacted in this Act in reference to such Purposes, Matters, and Things; and the said recited Act and this Act shall be construed and read together as forming One Act.

Power to raise Money by Creation of new Shares.

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

New Shares to form Part of general Capital.

Interest to be paid on Calls till Railway completed.

III. And be it enacted, That it shall be lawful for the Directors of the said Company, from and after the passing of this Act, and from thenceforth until the Railway and Branches by the said recited Act and this Act authorized to be made shall be completed and open to the Public, to pay Interest, at any Rate not exceeding Five Pounds *per Centum per Annum*, on all Sums already called up or hereafter to be called up, in respect of the Shares created and to be created by virtue of the said recited Act and this Act, and also in respect of the Shares by the said recited Act described as paid-up Shares, from the respective Days on which the same shall have been paid, such Interest to accrue and be paid at such Times and Places as the Directors for the Time being shall appoint for that Purpose: Provided always, that no Interest shall accrue to the Proprietor of any Share upon which any Call shall be in arrear in respect of any such Share, or any other Share to be holden by the same Proprietor, during the Period while such Call shall remain unpaid.

Power to borrow Money on Mortgage.

IV. And be it enacted, That after Shares for the whole of the Capital in Shares by this and the said recited Act limited or authorized to be raised shall have been taken, and One Half of such Capital shall have been paid up, it shall be lawful for the Company to borrow on Mortgage such Sums of Money as shall from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company, not exceeding in the whole, in addition to the Sum authorized to be borrowed by the said recited Act, and in addition to any further Sum which they may be authorized to borrow by any Act to be passed during the present Session of Parliament, the Sum of Fifty-two thousand six hundred and sixty-six Pounds, and to secure the Repayment of the Sum so to be borrowed, with Interest, by Mortgage of

of the Undertaking, as by the said Companies Clauses Consolidation Act provided, and subject to the several Provisions therein contained, with respect to the borrowing of Money on Mortgage.

V. Provided always, and be it enacted, That all Mortgages or Bonds granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall, during the Continuance thereof, have Priority over any Mortgages or Bonds to be created by virtue of this Act.

Former
Mortgages
to have
Priority.

VI. And be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Share, Stock, Mortgage, Bond, or other Security for Money to be granted or made by virtue of the said recited Act or this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be truly stated, any thing herein or in the said recited Act contained to the contrary notwithstanding.

Mortgages
and Trans-
fers, &c. to
be stamped.

VII. And whereas Plans and Sections showing the Line and Levels of the Railway by this Act authorized to be made, together with a Book of Reference to the said Plans containing the Names of the reputed Owners and Lessees, and of the Occupiers of the Lands which may be required to be taken for the Purposes of the same Railway, have been deposited with the Clerks of the Peace for the West Riding of the County of *York* and the County of *Lancaster* respectively; be it enacted, That it shall be lawful for the said Company to make and maintain the Railway herein-after mentioned, with all proper Works and Conveniences connected therewith, in the Line delineated on the said Plans and Sections, and upon the Lands delineated on the said Plans and described in the said Book of Reference, and to enter upon, take, and use such of the Lands as shall be necessary for such Purpose.

Railway to
be made
according to
deposited
Plans.

VIII. And be it enacted, That the said Railway shall commence by a Junction with the proposed Main Line of the said *Huddersfield and Manchester* Railway, as authorized by the said recited Act, in the Township of *Quick* in the Parishes of *Saddleworth* and *Rochdale*, or one of them, in the West Riding of the County of *York*, and shall pass in or through the several Parishes, Townships, and extra-parochial or other Places of *Rochdale*, *Saddleworth*, *Prestwich cum Oldham*, *Ashton under Lyne*, *Quick*, *Knott Lanes*, *Hartshead*, *Lees*, and *Oldham*, or some of them, in the said West Riding of the County of *York*, and in the County of *Lancaster*, or one of them, and shall terminate at or near the Town of *Oldham* in the Parish of *Prestwich cum Oldham* in the said County of *Lancaster*.

Lines of
Railway and
Branch.

IX. And whereas it would be of public Advantage that the Branch Railway hereby authorized should be so formed as to communicate directly and on the same Level with the *Mumps* Extension, now in the course of Formation, of the *Oldham* Branch of the *Manchester and Leeds* Railway Company at the Eastern Extremity of such Extension; be it therefore enacted, That the Powers hereby granted to the said *Huddersfield and Manchester* Railway and Canal Company shall not be exercised or exerciseable by them for the Period of Eighteen Months after the passing of this Act, so far as relates to that Portion of the said Branch which is situate between Field numbered

Suspending
certain
Powers of
the *Hudders-*
field and
Manchester
Railway and
Canal Com-
pany.

numbered 256, in the Parish of *Prestwich cum Oldham*, in the Plan and Book of Reference of the said Branch Railway deposited, as in this Act mentioned, and the Terminus of the said Branch at *Oldham*; and that the said Company shall in the ensuing Session of Parliament apply for and endeavour to obtain an Act to extend, alter, or amend the Line of the Branch Railway hereby authorized, so as to connect it directly with and on the same Level as the said Extension of the said *Oldham* Branch of the *Manchester and Leeds* Railway at the Eastwardly Point or End of the same Extension, in such Manner as shall be approved of by the principal Engineer for the Time being of the *Manchester and Leeds* Railway Company, or, in case of any Difference between such Engineer and the *Huddersfield and Manchester* Railway and Canal Company, in such Manner as shall be directed by the Lords Commissioners of Her Majesty's Privy Council for Affairs of Trade, or by such Engineer as they shall appoint.

Station at Mumps may be used by both Companies.

X. And be it enacted, That in case the *Huddersfield and Manchester* Railway and Canal Company shall obtain such Act as aforesaid, they shall have the joint Use and Ownership of the proposed Station of the *Manchester and Leeds* Railway Company at *Mumps* in common with that Company, subject to the Payment by the *Huddersfield and Manchester* Railway and Canal Company of a due and fair Proportion of the Expences of constructing, repairing, and maintaining the same Station, including the Expences of purchasing the Site and other usual incidental Expences; and in case any Difference shall arise between the Companies respecting the Use of such Station, or respecting the Expences, a Proportion of which is to be paid by the *Huddersfield and Manchester* Railway and Canal Company, every such Difference shall be settled by Arbitration in manner expressed in the Railway Clauses Consolidation Act, 1845, with respect to settling Differences by Arbitration.

Regulations as to Railway crossing under the Turnpike Road at French Top and Ashes.

XI. And whereas the *Oldham* Branch of the said Railway will cross under the Turnpike Road leading from *Standedge* in *Saddleshworth* in the County of *York* to *Oldham* in the County of *Lancaster*, at or near to a certain Place called *French Top* in *Saddleshworth* aforesaid, and it is intended to raise and divert the said Road at that Place so as to pass the same over the said Railway, and the said *Oldham* Branch of the said Railway will also cross under the same Turnpike Road at or near to a certain other Place called *Ashes* in *Saddleshworth* aforesaid, but it is not intended to alter or divert the Section Line or Direction of the said Road at such last-mentioned Place, except during the Construction of the said Railway, in order to protect the said Road and keep the same safe and convenient for the Passage and Traffic thereon; be it therefore enacted, That the said Railway Company shall and they are hereby required to erect and build good, firm, and substantial Bridges to carry the said Road over the said Railway at the several Points or Parts where the said Road will cross the said Railway, with substantial and proper Battlements and Fences, and proper Approaches to such Bridges respectively, and to make and form the said Road and the Foundation and Surface thereof over the said Bridges and Approaches thereto, so far as any Alteration in or Interference with the said Road shall extend, in a proper and substantial Manner, and with firm, proper, and sufficient Walls, Slopes, or other Supports

Supports on the Sides thereof, in order effectually to uphold and support the said Road and the Bed and Surface thereof, and also to make and erect the said Battlements and Fences of the said Bridges respectively in a proper and sufficient Manner, and lineable with the said Road at the several Points or Parts thereof aforesaid, and of the Height of Four Feet Six Inches at the least above the Surface of the said Road, and to make and erect proper and sufficient Fences on the Sides of the said Road, so far as any Alteration in or Interference with the same at the several Points or Parts thereof aforesaid shall extend, of the Height of Four Feet Six Inches at the least above the Surface of the said Road; and that the Bridge so to be constructed over the said Railway at *French Top* aforesaid shall be of the Width of Thirty Feet at the least within the said Battlements and Fences thereof, and that the Approaches to the same Bridge, so far as any Alterations in or Interference with the said Road at *French Top* aforesaid shall extend, shall be of the Width of Thirty-six Feet at the least within the said Battlements and Fences thereof, and that the said Road and Approaches over the same Bridge shall rise so that the Ascent of the same Road and Approaches westerly from such Bridge shall not be steeper than One Foot in Height for every Thirty Feet in Length, and so that on the Easterly Side thereof there shall be no Ascent of the said Road and Approaches from such Bridge in an Easterly Direction so far as any Alteration of the said Road may extend; and that the Bridge so to be constructed over the said Railway at *Ashes* aforesaid, and also the Approaches thereto, so far as any Alteration in or Interference with the said Road at *Ashes* aforesaid shall extend, shall be respectively made of the Width of Thirty-six Feet at the least within the said Battlements and Fences thereof, and that the present Section, Line, or Direction of the said Road at *Ashes* aforesaid shall not be altered, diverted, or interfered with in any respect, except temporarily during the Construction of the said Railway and Works relating thereto at *Ashes* aforesaid, and then only in conformity with and subject to the several Enactments, Regulations, and Penalties set out or imposed in or by this present Act, or any other Act, either general or special, respecting the Interference with or Alteration of any Turnpike Road, in forming, making, or constructing such Railway or Works relating thereto; and the said Railway Company also shall and they are hereby likewise required to pave with good Sets of Stone the whole Extent of the said Road over the said several Bridges respectively, and to macadamize the said several Approaches thereto for the whole Extent thereof respectively, so far as any Alteration in or Interference with the said Road shall extend, and to make good and sufficient Drains or Culverts for the Purpose of draining and laying dry so much and such Parts of the said Road as shall be altered or interfered with as aforesaid, and also to repair, uphold, and keep the said several Bridges, Battlements, and Fences in good Order, Repair, and Condition for ever after the Erection and Construction thereof respectively as aforesaid, and to maintain and keep such paved and macadamized Parts aforesaid respectively of the said Road over the said several Bridges and Approaches thereto in good and substantial Repair and Condition for the full and complete Space and Term of One whole Year after the same shall be so paved and macadamized as aforesaid respectively, and to form and restore the said Road in every respect where the same

[*Local.*]

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shall

shall be altered or interfered with at the several Points or Parts thereof aforesaid respectively to the Satisfaction of the Surveyor of the said Road.

Levels and Gradients of certain Highways not to be altered.

XII. Provided always, and be it enacted, That it shall not be lawful for the said Company, in constructing the said Railway under the Highway called *Glodwick Lane*, the Highway leading from *Glodwick Lane* aforesaid to *Roundthorn*, and the Highway leading from *Oldham* to *Lees*, or either of them, all in the Township of *Oldham* in the County of *Lancaster*, to alter the Levels or Gradients of the said Highways or either of them, or in any way permanently to interfere with the said Highways.

Certain Roads may be crossed on the Level.

XIII. And be it enacted, That, subject to the Provisions in the Railway Clauses Consolidation Act, 1845, contained in reference to the crossing of Roads on the Level, it shall be lawful for the Company, in the Construction of the Railway by this Act authorized to be made, to carry the same across the Turnpike Road numbered 169 in the said Plan and Book of Reference, in the Parish of *Rochdale* or *Saddleworth* in the said West Riding.

Station or Lodge at Points of crossing.

XIV. And be it enacted, That, for the greater Convenience and Security of the Public, the said Company shall erect and permanently maintain either a Station or Lodge at the Point where the said Branch Railway shall cross on the Level the before-mentioned Turnpike Road.

Lands for extraordinary Purposes.

XV. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Forty Acres, in addition to the Lands which the Company are authorized by the said recited Act to take for such Purposes.

Compulsory Purchase of Lands limited.

XVI. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

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

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

XVIII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways, authorized or to be authorized by any*

Act of the present or succeeding Sessions of Parliament; and for other Purposes in relation to Railways; be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force, in respect to the said Railway and Company, so far as the same are applicable.

XIX. Provided always, and be it enacted, That nothing herein contained shall be deemed to exempt the Railways by this or the 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, which may hereafter pass during the present 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 authorized by the said recited Act. Railway to be subject to Provisions of any future general Act.

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

XXI. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to refer to and describe it by the Title of "The *Huddersfield and Manchester* Railway and Canal (*Oldham Branch*) Act, 1846." Short Title of Act.

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

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