



ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. lix.

An Act to enable the *Lancashire and Yorkshire* Railway Company to construct a Branch Railway to near *Middleton* in the County of *Lancaster*; and for other Purposes. [2d June 1854.]

WHEREAS by "The *Manchester and Leeds* Railway Act 1836," the *Manchester and Leeds* Railway Company were incorporated for the Purpose of making the Railway and Works in the said Act mentioned: And whereas by "The *Manchester and Leeds* Railway Act, No. 3, 1847," the Name of the Company was changed to that of the *Lancashire and Yorkshire* Railway Company: And whereas further Powers have been conferred upon the said Company by various other Acts of Parliament: And whereas it is expedient that the *Lancashire and Yorkshire* Railway Company should be empowered to construct a Branch Railway to near *Middleton* in the County of *Lancaster*; but such Object 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:

I. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Lancashire and Yorkshire* Railway (*Middleton* Branch) Act, 1854." Short Title.

[Local.]

10 A

II. That

Lancashire and Yorkshire Railway (Middleton Branch) Act, 1854.

“The Company.”

II. That wherever in this Act the Words “the Company” are used they shall mean the *Lancashire and Yorkshire Railway Company*.

8 & 9 Vict.
cc. 18 and 20.
incorporated.

III. That “The Lands Clauses Consolidation Act, 1845,” and “The Railways Clauses Consolidation Act 1845,” shall for the Purposes of the new Works authorized by this Act be incorporated with and form Part of this Act.

Power to
make Rail-
way accord-
ing to depo-
sited Plans.

IV. And whereas Plans and Sections of the new Line of Railway, showing its Direction and Levels, and also a Book of Reference to the said Plans, containing the Names of the Owners and Lessees, or reputed Owners and Lessées, and of the Occupiers of the Lands through which the said Railway is 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 in this Act contained, it shall be lawful for the Company to make and maintain the said new Line of Railway, with all necessary Works and Conveniences connected therewith, 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 Purpose.

New Line of
Railway to be
constructed
as herein
described.

V. That the new Line of Railway to be made under the Authority of this Act shall be the following; that is to say,

A Railway to commence at or near the present *Middleton* Station of the *Lancashire and Yorkshire Railway* in the Township of *Chadderton* in the Parish of *Prestwich* otherwise *Prestwich-cum-Oldham* in the County of *Lancaster*, and to terminate on the North-easterly Side of the Turnpike Road leading from *Oldham* to *Middleton*, near to a Street called *Taylor Street*, in the Township of *Tonge* in the Parish of *Prestwich* otherwise *Prestwich-cum-Oldham* aforesaid:

And the said new Line of Railway shall be and become Part of the Undertaking of the *Lancashire and Yorkshire Railway Company*.

Lands for ex-
traordinary
Purposes.

VI. That it shall be lawful for the Company to purchase by Agreement any Quantity of Land for extraordinary Purposes, not exceeding Five Acres, in addition to the Land which they are already authorized to take for that Purpose.

Limiting
Time for
Purchase of
Lands.

VII. 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 Two Years from the passing of this Act.

Limiting
Time for
Completion
of Railway.

VIII. That the Railway hereby authorized shall be completed within Three Years from the passing of this Act, and on the Expiration of that
Period

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Period the Powers by this Act granted to the Company for executing the said Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

IX. That it shall be lawful for the Company to demand and receive, in Tolls. respect of the Use of the new Line of Railway by this Act authorized, any Tolls and Charges not exceeding the Tolls and Charges which they are or may be authorized to demand and receive in respect of the Use of their Main Line of Railway, with which the said new Line of Railway is intended to form a Junction; and the said new Line of Railway shall, for the Purposes of the said Tolls and Charges, be Part of the *Lancashire and Yorkshire Railway*.

X. And whereas the estimated Expense of constructing the new Line of Railway by this Act authorized is Twenty-five thousand Pounds: Be it enacted, That it shall be lawful for the Company, at any Time, and 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 Twenty-five thousand Pounds, exclusive of the Monies which they are or may be authorized to raise by 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 Construction of the new Line of Railway by this Act authorized, and to no other Purpose. Power to raise additional Money.

XI. That for the Purpose of raising such Sums of Money the Company may, 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, when due Notice for that Purpose shall have been given, issue such and so many distinct Shares, of such Amount, and to be appropriated and disposed of in such Manner and to such Persons, and on such Conditions, and with such Preference or Priority of Dividend not exceeding after the Rate of Six 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 several Undertakings; and, so far as applicable, and subject to the Provisions of this Act, all the Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Distribution of the Capital of the Company into Shares, and with respect to the Transfer or Transmission of Shares, with respect to the Payment of Subscriptions, and the Means of enforcing the Payment of Calls, and with respect to the Forfeiture of Shares for Nonpayment of Calls, and with respect to the borrowing of Money by the Company on Mortgage or Bond, and with respect to the Conversion of borrowed Money into Capital, and with respect Additional Money may be raised by Shares or Mortgage.

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respect to the Consolidation of Shares into Stock, shall be applicable to the Capital and Monies hereby authorized to be raised by Shares or Mortgage, and to the Proprietors thereof; 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.

Saving
Rights of
Holders of
existing
Preference
Shares.

XII. Provided always, That any Preference or Priority in the Payment of Interest or Dividends which may be assigned to any Shares to be created by virtue of this Act shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividends which may have been assigned to any other Shares which may have been granted by the Company in pursuance of or which may have been confirmed by this Act or any previous Act, or which may otherwise be lawfully subsisting.

Former
Mortgages to
have Priority.

XIII. That 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.

Calls.

XIV. Provided also, That Twenty Pounds *per Centum* on the nominal Amount of each of such new Shares shall be the greatest Amount of any One Call which the Directors may make on the Shareholders in respect of the Money by this Act authorized to be raised, and Two Months at the least shall be the Interval between successive Calls, and the aggregate Amount of Calls on any One Share in any One Year shall not exceed Four Fifths of the Amount of such Share.

Dividends
suspended if
Railway not
opened
within a
limited
Period.

XV. That if the Railway by this Act authorized to be constructed shall not be completed and opened for public Traffic within Three Years from the passing of this Act, then and from thenceforth it shall not be lawful for the Company to declare or pay any Dividend on the ordinary or unguaranteed Capital of the Company until the said Railway shall have been completed and opened for public Traffic.

Interest or
Dividend not
to be paid on
Calls.

XVI. That it shall not be lawful for the Company, 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, or by the Exercise of any Power of borrowing, to pay to any Shareholder Interest or Dividend on the
Amount

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

XVII. That it shall not be lawful for the Company, out of any Money by any existing Act relating to the said Company authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament for the Time being 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.

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

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 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 Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, intituled *An Act to repeal the 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 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 shall be applicable thereto.

Railway Company to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

XIX. That nothing herein contained shall be deemed or construed to exempt the Railways by this or any other Act relating to the Company 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, of the maximum Rates of

Railway not exempt from Provisions of future General Acts.

[Local.]

10 B

Fares

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Fares and Charges, and of the Rates for small Parcels, authorized by this or any other Act relating to the Company.

Expenses
of Act.

XX. That all the Costs, Charges, and Expenses of and incident to the obtaining of this Act, and preparatory thereto, shall be paid by the Company.

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