



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. cxxxvii.

An Act for the Construction of Railways to supply direct Communication between *Oldham, Ashton-under-Lyne,* and *Guide Bridge,* and for the Accommodation of the Neighbourhood.

[10th August 1857.]

WHEREAS the Construction of Railways to afford a direct Communication between the Towns of *Oldham, Ashton-under-Lyne, Stalybridge,* and *Guide Bridge,* in the County Palatine of *Lancaster,* with Branches therefrom to Places in the Neighbourhood, and the Connexion by means of such intended Railways of the existing Railways at or near those Towns and Places, would be of great public and local Advantage: And whereas the Persons herein-after named, with others, are willing to undertake the Construction of such Railways and Branch Railways at their own Expense, if authorized so to do, and it is expedient that they should be incorporated into a Company for that Purpose: And whereas the proposed Railways will communicate with the Railways of the *Manchester, Sheffield, and Lincolnshire* Railway Company, and might be conveniently worked in connexion with their Undertaking; and it is expedient that Contracts for that Purpose between that Company and

[*Local.*]

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the

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the Company so intended to be incorporated should be authorized: And whereas 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 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,)

8 & 9 Vict.
cc. 16., 18.,
& 20. in-
corporated.

I. The several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Short Title.

II. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "*Oldham, Ashton, and Guide Bridge Junction Railway Act, 1857.*"

Interpreta-
tion of
Terms.

III. In this Act the following Words and Expressions shall have the respective Meanings hereby assigned to them; (that is to say,)

The Expression "the *North-western* Company" shall mean the *London and North-western* Railway Company;

The Expression "the *Lancashire* Company" shall mean the *Lancashire and Yorkshire* Railway Company;

The Expression "the *Manchester* Company" shall mean the *Manchester, Sheffield, and Lincolnshire* Railway Company;

The Expression "the *Ashton* Branch" shall mean the *Ashton and Stalybridge* Branch of the *Lancashire and Yorkshire* Railway;

Unless in either Case there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Subscribers
incorpo-
rated.

IV. All Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railways herein-after described, and for other the Purposes of this Act and the said incorporated Acts, and for those Purposes shall be incorporated by the Name of "*The Oldham, Ashton-under-Lyne, and Guide Bridge Junction* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the said incorporated Acts contained.

Capital.

V. The Capital of the Company shall be One hundred and forty thousand Pounds, and the Money so to be raised shall be applied only in carrying into execution the Objects and Purposes of this Act.

VI. The

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VI. The Number of Shares into which the said Capital shall be divided shall be Fourteen thousand Shares, and the Amount of each Share shall be Ten Pounds. Number and Amount of Shares.

VII. Three Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at the least shall be the Interval between successive Calls, and the aggregate Amount of the Calls to be made upon any Share in the course of One Year shall not exceed Three Fourths of the Amount of such Share. Calls.

VIII. The Subscription Contract which, pursuant to the Standing Orders of Parliament, was entered into with respect to the Undertaking authorized by this Act previously to the Commencement of the last Session of Parliament, shall be as valid and shall be construed as if this Act had been passed in the said last Session. Subscription Contract to be valid.

IX. It shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Forty-six thousand six hundred Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of One hundred and forty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up, and the Moneys so to be borrowed on Mortgage or Bond shall be applied only in carrying into execution the Objects and Purposes of this Act. Power to borrow on Mortgage, &c.

X. It shall not be lawful for the Company, out of any Moneys by this Act 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 Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of all the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained. Interest not to be paid on Calls paid up.

XI. It shall not be lawful for the Company, out of any Money by this Act 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 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 any Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking. Deposit for future Bills not to be paid out of Company's Capital.

XII. The

Oldham, Ashton, and Guide Bridge Junction Railway Act, 1857.

Number and
Qualification
of Directors.

XII. The Number of Directors shall be Nine, and the Qualification of a Director shall be the Possession in his own Right of One hundred Shares in the Undertaking.

First Di-
rectors.

XIII. *John Platt, Nathaniel Buckley, Leigh Richmond, William Fenton, Eli Lees, Jonathan Mellor, Elkanah Moss, John Tomlinson Hibbert, and William Buckley* shall be the First Directors of the Company.

Power to re-
duce Number
of Directors.

XIV. The Company may at any Time reduce the Number of Directors to any Number not less than Six.

Quorum.

XV. The Quorum of a Meeting of Directors shall be Three.

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

XVI. And whereas Plans and Sections of the Railway showing the Line and Levels thereof, and also Books of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and Occupiers of the Lands through which the same is intended to pass, or which may be required for the Purposes of the Undertaking, have been deposited with the Clerk of the Peace for the County Palatine of *Lancaster*: Therefore, it shall be lawful for the Company, subject to the Provisions and Powers of Deviation in this Act and the Acts incorporated herewith contained, to make and maintain the Railway in the Lines 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 those Lands as shall be necessary for such Purpose.

Description
of Lines.

XVII. The Railway by this Act authorized to be constructed comprises the following Works:

A Railway commencing by a Junction with the *Oldham* Branch of the *London and North-western* Railway, at or near the *Oldham* Station on that Railway, at a Place called *Mumps* in the Division of *Oldham above Town* in the Township of *Oldham* in the Parish of *Prestwich-cum-Oldham* in the County Palatine of *Lancaster*, and terminating by a Junction with the *Ashton* Branch at or near the Point in the *Ashton* Town Division of the Parish of *Ashton-under-Lyne* in the same County where the *Oldham and Ashton* Turnpike Road crosses the *Ashton* Branch:

A Railway commencing by a Junction with the *Ashton* Branch at or near to a Place called *Peccaties* in the said *Ashton* Town Division, and terminating by a Junction with the Main Line of the *Manchester* Company at a Place called *Guide Bridge* in the *Audenshaw* Division of the said Parish of *Ashton-under-Lyne*, near to *Saint Stephen's* Church:

A Branch

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A Branch Railway commencing by a Junction with the proposed Railway firstly herein-before described at a Place called *Turner's Fold* in the Division of *Hartshead* in the said Parish of *Ashton-under-Lyne*, and terminating near to the Service Reservoir of the *Ashton-under-Lyne* Waterworks in the *Ashton* Town Division of the said Parish of *Ashton-under-Lyne* :

A Branch Railway commencing by a Junction with the proposed Railway firstly herein-before described near *Wood Lane* in the Division of *Hartshead* in the said Parish of *Ashton-under-Lyne*, and terminating at or near *Moss* Coal Pit in the same Division :

A Branch Railway commencing by a Junction with the proposed Railway firstly herein-before described near *Lower Alt Hill* in the Division of *Knottlanes* in the said Parish of *Ashton-under-Lyne*, and terminating in *Rocher Vale* in the same Division.

XVIII. Subject to the Provisions contained in "The Railways Certain Roads may be crossed on the Level. Clauses Consolidation Act, 1845," with respect to crossing Roads on the Level, it shall be lawful for the Company, if they think fit, to carry the Railway across and on the Level of the Road which on the Plans deposited for the Purposes of this Act is shown in the *Knott Lanes* Division in the same Parish, and numbered 34, but not more than a double Line of Rails shall be laid by the Company across that Road.

XIX. For the greater Convenience and Security of the Public the Company to erect Station or Lodge at point of crossing. Company shall erect and permanently maintain a Station or Lodge at the Point where the Railway shall cross on the Level the before-mentioned Road, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Road on the Level, or with regard to the Speed at which Trains shall pass such Road, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times to maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at 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.

XX. The Board of Trade may, if it shall appear to them necessary Board of Trade may require Bridge instead of leve Crossing. for the public Safety, at any Time, either before or after the Railways hereby authorized to be made across the said Road on the Level shall have been completed and opened for public Traffic, require the Company, within such Time as the said Board of Trade shall direct, and at the Expense of the Company, to carry the before-mentioned Road either under or over the Railway by means of a Bridge or Arch instead of crossing the same on a Level, or to execute such other Work as

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under

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under the Circumstances of the Case shall appear to the said Board of Trade the best adapted for removing or diminishing the Danger arising from such level Crossing.

Inclinations
of certain
Roads.

XXI. The Company may make the several Roads next herein-after mentioned, when altered for the Purposes of this Act, of any Inclinations not steeper than the respective Inclinations herein-after mentioned in connexion with those Roads; (that is to say,)

Number of Road on Plans deposited for the Purposes of this Act.	Parish and Township in which the Road is shown on those Plans.	Description of Road.	Intended Inclination of Road.
23	Parish of Ashton-under-Lyne, Knott Lanes Division.	Public Road	1 in 17
34	Same - - - -	Public Road	1 in 11

Lands for
extra-
ordinary
Purposes.

XXII. It shall be lawful for the Company to purchase by Agreement, and not compulsorily, for extraordinary Purposes, as defined in "The Railways Clauses Consolidation Act, 1845," any Quantity of Land not exceeding Five Acres.

Power for
compulsory
Purchases
limited.

XXIII. The Powers of the Company for the compulsory Purchase of Land for the Purposes of the Railway shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for
completion
of Works.

XXIV. The Railway shall be completed within Four Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act or the said Acts incorporated herewith granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

Provision as
to Money
deposited.

XXV. And whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Eight thousand nine hundred and eighty-five Pounds, being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been deposited with the Court of Chancery in *England* in respect of the Application to Parliament for this Act: Therefore, notwithstanding anything contained in the said recited Act, the said Sum of Eight thousand nine hundred and eighty-five Pounds so deposited in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order by which the Payment of the said Sum was directed to be made, or the Survivors

or

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or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway hereby authorized to be made, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the said Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited or transferred as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Eight thousand nine hundred and eighty-five Pounds shall have been executed by the Company, with One or more Sureties (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Eight thousand nine hundred and eighty-five Pounds if the Company shall not, within the Time limited for the Completion of the Railway, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners (of which Fact a Certificate under the Hand of the said Solicitor shall be sufficient Evidence), or if, previously to the Expiration of the Period aforesaid, the Company shall either have opened the said Railway for the public Conveyance of Passengers, or shall have given such Proof as aforesaid (of which last-mentioned Fact a Certificate under the Hand of One of the Secretaries for the Time being of the Lords of the said Committee shall be sufficient Evidence), then and in either of the Three Cases aforesaid such Sum of Money, and the Interest or Dividends thereof, shall be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in such

Warrant

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Warrant or Order as aforesaid, or the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, and it shall not be necessary for that Purpose to produce any Certificate of this Act having passed, anything in the recited Act to the contrary notwithstanding; and the Moneys to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest or Dividends thereof, would have been dealt with under the Act if such Bond had not been executed and deposited as aforesaid.

As to Junctions with other Railways.

XXVI. Every Communication between the Railway hereby authorized and the Railway of any other Company shall be effected in a substantial and workmanlike Manner by means of Connexion Rails and Points, of the Construction and laid in the Manner most approved from Time to Time and to the reasonable Satisfaction of the Engineer for the Time being of the Company with whose Railway such Communication shall be made.

Provision as to Expense of Junctions.

XXVII. The Expense of every Communication hereby authorized with the Railway of any other Company, and of all necessary Openings in the Rails thereof respectively, and of all other Works which may from Time to Time be requisite for effecting, altering, amending, repairing, and maintaining such Rails and Points, and of watching, regulating, and adjusting the same, and the Passage of the Traffic there, shall be borne and paid by the Company, and all such Communications, Openings, and other Works shall not only be in the first instance made and done, but also shall from Time to Time be altered, amended, repaired, and maintained, to the reasonable Satisfaction of the Engineer for the Time being of such other Company on each Occasion, and in such Manner and Form, and by such Ways and Means, as shall not in anywise prejudice or injure such other Company, or (except in so far, if at all, as may be unavoidably necessary for effecting the Communications hereby authorized) impede, obstruct, or interfere with the free, uninterrupted, and safe Passage along their Railway.

Settlement of Differences by Arbitration.

XXVIII. If any Difference shall arise between the Company and any other Company, or their respective Engineers for the Time being, with respect to the Point at which any such Communication, Openings, and other Works, or any of them, are to be constructed, or the Mode of constructing the same, or with respect to any Alteration, Amendment, Repairs, or Maintenance thereof, or the Watching, Regulation, or Adjustment thereof, or the Passage or Regulation of the Traffic there, or if any other Difference shall arise between the said Engineers or the said Companies with respect to the Expenses payable by the Company under the foregoing Provisions, or with respect to any other Matter in any way relating to or consequent upon the Construction

or

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or Use of any such Communication, Openings, and other Works, the Matters in difference shall from Time to Time be decided by Arbitration.

XXIX. Notwithstanding anything in this Act contained, it shall not be lawful for the Company, or for any other Company, or any Persons acting under or in execution of this Act, except only for the Purpose of constructing the Railway and effecting the Communications by this Act authorized, either permanently or temporarily to enter upon, take, or use any of the Lands or Property of the *Lancashire* Company or the *Manchester* Company, or in any Manner to alter, vary, or interfere with their respective Railways, or any of the Works appertaining thereto, without the Consent of the Company whose Lands, Property, or Works may be thereby affected, under their Common Seal.

Saving Works and Property of other Companies.

XXX. Except as in this Act otherwise expressed, nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities of or vested in or belonging to the *North-western* Company, the *Lancashire* Company, or the *Manchester* Company, but all their Rights, Privileges, Powers, and Authorities are hereby expressly saved and reserved.

Saving the Rights of other Companies.

XXXI. Notwithstanding anything in this Act contained, it shall not be lawful for the Company or for any other Company or Person acting under or in execution of this Act, either permanently or temporarily to enter upon, take, or use any of the Lands or Property of the *North-western* Company without the Consent of that Company under their Common Seal in each Case first had and obtained.

Company not to interfere with *North-western* Company's Lands, &c. without Consent.

XXXII. The Company shall construct the Railway from *Oldham* to *Ashton-under-Lyne* by this Act authorized, where the same passes through the Field numbered 41 in the Township of *Oldham*, in such Manner that the Centre Line of such Railway shall not be more than Twelve Yards from the Centre Line of the *Lancashire and Yorkshire* Railway in the Line of the Middle of *Greaves Street*, and the Company shall, at their own Expense, continue the present Communication over the *Lancashire and Yorkshire* Railway in such Manner as to be equally efficient and convenient for the Property of the Mayor, Aldermen, and Burgesses of the Borough of *Oldham* (herein-after called the *Oldham* Corporation), on the East Side of the said Railway, and maintain such continued Communication at all Times afterwards.

For Protection of the Property of the Corporation of *Oldham*.

XXXIII. The Company shall permit the *Oldham* Corporation to make and maintain at their own Expense whatever underground
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Corporation may make Communications under

Oldham, Ashton, and Guide Bridge Junction Railway Act, 1857.

Railway,
and a Foot-
bridge.

Communications they may at any Time require under the said Railway from *Oldham* to *Ashton-under-Lyne*, and also a Foot-bridge over the said Railway where the *Oldham* Corporation shall think it expedient, the *Oldham* Corporation making good any Damage which they may cause by the Works so permitted to be made by them.

Certain
Land of
Corporation
not to be
taken com-
pulsorily.

XXXIV. The Company shall not, otherwise than by Agreement with the *Oldham* Corporation, take any Land in the said Field numbered 41 belonging to the *Oldham* Corporation, except so much as shall be necessary for the Construction of the said Line of Railway solely, or as shall be left on the West of the said Line.

For Pro-
tection of
Honeywell
Lane.

XXXV. The Company shall not alter or interfere with the present Section of the Road called *Honeywell Lane* in the Township of *Oldham*, except temporarily so far as may be necessary during the Construction of the said Railway, and subject in that respect to the Obligations of "The Railways Clauses Consolidation Act, 1845."

As to
crossing the
Manchester
and Salters-
brook Turn-
pike Road.

XXXVI. And whereas it is proposed that the Line of the said Railway shall cross the Turnpike Road leading from *Ashton-under-Lyne* aforesaid to *Manchester* in the said County of *Lancaster*, within the Limits of Deviation shown on the Plan of the said Railway deposited with the Clerk of the Peace: Therefore, the said Railway shall cross the said Road within the said Limits of Deviation, but so as not to permanently alter, raise, or otherwise interfere with the present Level of the said Turnpike Road; and the said Company shall at their own Expense erect and build a good, firm, and substantial Bridge to carry the said Turnpike Road over the said Railway at the Point where the same shall so cross, with substantial and proper Battlements and Fences of the Height of Four Feet Six Inches at the least, which said Bridge shall be made of the Width of Sixty Feet at the least within the said Battlements; and the said Company shall also at their own Expense lay a Foundation for the Roadway on the said Bridge composed of Gravel and broken Stone of at least Ten Inches thick, and afterwards pave such Roadway either with *Roecross* or *Bugsworth* Sets, Seven Inches deep, and set upon their Ends, with Channels on each Side Eighteen Inches wide, and paved with similar Sets, and shall also at their own Expense make a good and sufficient Footpath on each Side of the said Roadway of the Width of Ten Feet Six Inches at the least, to be covered with *Rochdale* Flags of good Quality at least Three Inches thick, and edged with Curbstones Six Inches thick, Eighteen Inches deep, and Two Feet long, all properly squared and tooled and laid with proper Inclinations; and the said Company shall complete the said Roadway and Footpaths as herein-before directed, and also at their own Expense make good the said Road, so far as the same shall be disturbed, to the Satisfac-
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faction of the Surveyor for the Time being of the Mayor, Aldermen, and Burgesses of the Borough of *Ashton-under-Lyne*, and the said Railway Company shall and they are hereby required to retain and keep the said Bridge, and the Roadway and Footpaths over the same, and the Battlements and Fences respectively, in good Order and Condition for ever afterwards.

XXXVII. It shall not be lawful for the said Railway Company to discharge any of the Surface Water arising on or from the said Railway from *Ashton-under-Lyne* to *Guide Bridge* into the Brook or Stream of Water called "*Shaw Brook*," or any Stream tributary thereto, except on the Southerly Side of the said Turnpike Road leading from *Ashton-under-Lyne* to *Manchester*: Provided nevertheless, that if the said Company or their Engineer shall find it impracticable or undesirable to cause the said Water to be discharged on the Southerly Side of the said last-mentioned Turnpike Road, then and in such Case the said Company shall and they are hereby authorized to make and construct under the said last-mentioned Turnpike Road a Culvert or Drain of sufficient Strength, Dimensions, and Capacity to carry off and convey such surplus Water from the Northerly to the Southerly Side of the said last-mentioned Turnpike Road, such Culvert or Drain to be made and constructed to the Satisfaction of the Surveyor for the Time being of the Mayor, Aldermen, and Burgesses of the Borough of *Ashton-under-Lyne*.

As to Dis-
charge of
Surface
Water.

XXXVIII. And whereas between the Termination of the intended Railway firstly herein-before described and the Commencement of the intended Railway secondly herein-before described a Portion of the *Ashton Branch*, about One hundred and twenty Yards in Length, will intervene: Therefore, the Company and all Persons and Corporations lawfully using those intended Railways, their Officers and Servants, may, with the Engines and Carriages of all Kinds belonging to or employed by them, and for the Purposes of their Traffic of every Description, pass over and use the aforesaid Portion of the *Ashton Branch*, and all Sidings and other Works, Conveniences, and Accommodations thereon or belonging thereto or connected therewith, and the Owners for the Time being of the *Ashton Branch* shall make and permit the Company and such other Persons and Corporations as aforesaid to make all necessary Arrangements for that Purpose.

Use of Part
of Ashton
Branch.

XXXIX. The Arrangements so to be made by the Company and the *Lancashire Company*, or other the Owners for the Time being of the *Ashton Branch*, the Terms and Conditions to be observed and fulfilled, and the Tolls and other Sums to be payable by the Company in respect of such Use, shall (in case of Difference between the

Provision
for Tolls,
&c.

Company

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Company and the *Lancashire* Company or other such Owners with respect thereto) be from Time to Time determined by Arbitration.

Provision as
to Arbitration.

XL. All Questions or Matters by this Act referred to Arbitration shall from Time to Time be settled and determined by the Board of Trade, or by an Arbitrator to be appointed by that Board, and the Decisions of that Board or of such Arbitrator shall be binding and conclusive on all the Parties in difference, and the Costs and Expenses of that Board and of such Arbitrator shall be defrayed by such One of the Parties in difference, or by both of them, and in such Proportions as that Board or such Arbitrator shall appoint.

Tolls.

XLI. The Company may demand and take for the Use of the Railway any Tolls not exceeding the following; (to wit,)

With respect to the Conveyance of Goods:

Class 1. For all Lime, Limestone, Salt, Dung, Compost, and all Sorts of Manure, and all undressed Materials for the Repair of Highways, Coals, Slack, Cannel, Coke, Culm, and Cinders, *per Ton per Mile* One Penny:

Class 2. For all Stone for building, pitching, and paving, Bricks, Tiles, Slates, Clay, Sand, Chalk, Marl, Iron, Ironstone and Iron Ore, Copper, Tin, Lead and other Ores, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, Sheet Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandize, *per Ton per Mile* One Penny Halfpenny:

Class 3. For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Manchester Packs, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Tinned Plates, Nails, Anvils, Vices, and Chains, *per Ton per Mile* Twopence:

Class 4. For all Cotton and all other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per Ton per Mile* Threepence:

With respect to the Conveyance of Carriages:

Class 5. For every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform not belonging to the Company, if having more than Two Wheels, *per Mile* Fourpence, and if having only Two Wheels, *per Mile* Threepence; and for every additional Quarter of a Ton up to Four Tons which any such Carriage weighs, One Penny *per Mile* in addition if such Carriage have more than Two Wheels, and Three Farthings *per Mile* in addition if the same have only Two Wheels:

With

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With respect to the Conveyance of Passengers :

Class 6. For every Person conveyed in or by any Express Train, or in a First-class Carriage by any other Train, *per* Mile Twopence :

Class 7. For every Person conveyed in a Second-class Carriage by any such other Train, *per* Mile One Penny Halfpenny :

Class 8. For every Person conveyed in a Third-class Carriage by any other such Train, *per* Mile One Penny :

Tolls for
Passengers
and Animals.

With respect to the Conveyance of Animals :

Class 9. For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any Carriage, *per* Mile Twopence :

Class 10. For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any Carriage, *per* Head *per* Mile One Penny Halfpenny :

Class 11. For every Calf, Pig, Sheep, or Lamb, or other small Animal conveyed in or upon any Carriage, *per* Mile One Halfpenny.

XLII. For Carriages, Trucks, and Platforms supplied by the Company, the Company may (in addition to the other Tolls by this Act authorized) demand and take for or in respect of Goods, Articles, Matters, or Things, Persons or Animals, comprised in either of the Classes herein-before specified, any Tolls, not exceeding the Tolls next herein-after mentioned in connexion with the Class in which such Goods, Articles, Matters, or Things, Persons or Animals, are respectively comprised ; (to wit,)

Tolls for
Carriages,
&c.

For Class 1. *Per* Ton *per* Mile One Halfpenny :

For Class 2. *Per* Ton *per* Mile One Halfpenny :

For Class 3. *Per* Ton *per* Mile Three Farthings :

For Class 4. *Per* Ton *per* Mile One Penny :

For Class 5. For each Carriage, *per* Mile Twopence :

For Class 6. For each Person, *per* Mile One Penny :

For Class 7. For each Person, *per* Mile Three Farthings :

For Class 8. For each Person, *per* Mile One Halfpenny :

For Class 9. For each Animal, *per* Mile One Penny :

For Class 10. For each Animal, *per* Mile One Penny :

For Class 11. For each Animal, *per* Mile One Halfpenny.

XLIII. With respect to Locomotive Engines and other moving Power supplied by the Company, the Company may demand and take, in addition to the other Tolls by this Act authorized, any Tolls not exceeding the following ; (to wit,)

Tolls for
propelling
Power.

For every Passenger or Animal, One Penny *per* Mile :

For all Goods whatsoever, One Penny *per* Ton *per* Mile.

Oldham, Ashton, and Guide Bridge Junction Railway Act, 1857.

Maximum
Charges for
Goods and
Animals.

XLIV. The maximum Rate of Charge to be made by the Company for the Conveyance of Goods and Animals, including the Tolls for the Use of the Railway, and of Carriages when provided by the Company, and for locomotive Power, and every other Expense incidental to such Conveyance (except Tolls or Charges for the Use of Terminal Stations and Pontage as herein-after provided), shall not exceed for the several Articles and Animals comprised in the Classes before specified the following Sums; (to wit,)

Class 1. One Penny Farthing *per Ton per Mile* :

Class 2. One Penny Three Farthings *per Ton per Mile* :

Class 3. Twopence Halfpenny *per Ton per Mile* :

Class 4. For Cotton and other Wools, Drugs, and manufactured Goods, Threepence *per Ton per Mile*; and for all other Articles, Matters, and Things, Fourpence *per Ton per Mile* :

Class 5. If having more than Two Wheels, and not weighing more than One Ton and a Half, Fivepence; and if having only Two Wheels, Fourpence *per Mile* :

Class 9. For each Animal, Fivepence *per Mile* :

Class 10. For each Animal, Twopence *per Mile* :

Class 11. For every Calf or Pig, One Penny *per Mile*; and for every other small Animal, Three Farthings *per Mile*.

Separate
Waggons.

XLV. Provided also, That where a separate Waggon or Truck shall be retained by One Person for the Conveyance only of Cattle or Sheep belonging to him, or under his Charge, the aggregate of the Tolls to be paid for such Waggon or Truck capable of containing Six Oxen or Twenty-five Sheep shall not exceed Ninepence *per Mile*.

Maximum
Charges for
Passengers.

XLVI. The maximum Rate of Charges to be made by the Company for the Conveyance of Passengers, including the Tolls for the Use of the Railway and of Carriages and for locomotive Power, and every other Expense incidental to such Conveyance (except Government Duty and Pontage as herein-after provided), shall not exceed the following Sums; (to wit,)

For every Passenger conveyed by an Express Train, or in a First-class Carriage by any other Train, Threepence *per Mile* :

For every Passenger conveyed in a Second-class Carriage by any such other Train, Twopence *per Mile* :

For every Passenger conveyed in a Third-class Carriage by any such other Train, One Penny Halfpenny *per Mile*.

Restriction
as to Rates
not to apply
to Special
Trains.

XLVII. The Restriction as to the Rate of Charges for Passengers shall not extend to any Special Train required to be run upon the Railway (in respect of which the Company may take such Tolls and Charges as may be agreed upon between them and the Person requiring the same), but shall apply only to the Express and Ordinary
Trains

Oldham, Ashton, and Guide Bridge Junction Railway Act, 1857.

Trains appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the Railway.

XLVIII. The following Provisions as to Tolls shall be applicable to the fixing of the several Tolls and Rates of Charges by this Act authorized; (to wit,) Regulations
as to Tolls.

For all Passengers passing over the Railway for a less Distance than Four Miles the Company may demand Tolls as for Four Miles:

For all Goods and Animals passing over the Railway for a less Distance than Six Miles, the Company may demand Tolls as for Six Miles:

For a Fraction of a Mile beyond Four Miles or Six Miles respectively, or beyond any greater Number of Miles, the Company may demand, in respect of Passengers, Tolls as for One Mile, and in respect of Goods, Tolls in proportion to the Number of Quarters of a Mile contained in such Fraction, and for this Purpose a Fraction of a Quarter of a Mile shall be deemed a Quarter of a Mile:

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for every greater Quantity:

With respect to all other Goods the Weight shall be determined according to the usual Avoirdupois Weight.

XLIX. With respect to small Packages and single Articles of great Weight the Company may, notwithstanding any Limitation of the Tolls and Rates of Charge in this Act contained, demand and take the Tolls following: Tolls for
small Parcels
and single
Articles
of great
Weight.

For the Carriage on the Railway of the Company, or any Part thereof, of small Parcels not exceeding Five hundred Pounds in Weight, the Company may demand and take any Sum not exceeding the following:

If not exceeding Seven Pounds in Weight, Fourpence:

If exceeding Seven and not exceeding Fourteen Pounds in Weight, Sixpence:

If exceeding Fourteen and not exceeding Twenty-eight Pounds in Weight Ninepence:

If exceeding Twenty-eight and not exceeding Fifty-six Pounds in Weight, One Shilling:

If exceeding Fifty-six and not exceeding Five hundred Pounds in Weight, such Sum as the Company think fit:

Provided

Oldham, Ashton, and Guide Bridge Junction Railway Act, 1857.

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but that Term shall apply only to single Parcels in separate Packages :

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Truck or Platform, shall exceed Four Tons, but shall not exceed Eight Tons, the Company may demand and take such Sum as they think fit, not exceeding Eightpence *per Ton per Mile* :

For the Carriage of any One Boiler, Cylinder, or single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand and take such Sum as they think fit.

Terminal
Charges and
Pontage.

L. And whereas the Railway is of short Length, and will be worked at more than average Cost, and the Construction of the Railway will involve unusual Expense: Therefore, in addition to the other Tolls by this Act authorized to be taken, the Company may in respect of Goods and other Articles, Matters, and Things respectively comprised in Classes 1, 2, 3, 4, and 5, demand and take Tolls not exceeding Threepence *per Ton* for and in respect of all Goods, Articles, Matters, and Things respectively comprised in Classes 1 and 2, and Sixpence *per Ton* for and in respect of all other Goods, Articles, Matters, and Things, for the Use of any or all of their Terminal Stations at *Ashton, Oldham, and Guide Bridge* (such Tolls to be exclusive of a reasonable Charge where further special Accommodation is given for Stowage and Sale, or for the Use of Sidings when the same are occupied by the Default of the Owner or Consignor or Consignee of Traffic for a longer Time than is reasonable); and the Company may also demand and take, as or by way of Pontage, for all Passengers, Animals, and Goods, Articles, Matters, and Things, passing or conveyed over the Viaduct at *Park Bridge* on the intended Railway firstly herein-before described, any Tolls and Charges not exceeding Tolls as for Half a Mile.

Pontage and
Terminal
Charges
may be
reduced by
Board of
Trade.

LI. Provided always, That if upon Complaint made to the Board of Trade by any Two or more Freighters on the Railway, by Writing under their Hands, and upon Investigation made by the Board of Trade thereon (sufficient Notice of such Investigation being given to the Company to enable them to attend and be heard thereat), the Board of Trade shall (after taking into account the Cost of the Works and the Accommodation afforded) be of opinion that the Tolls taken by the Company for Pontage or Use of Terminal Stations are unreasonable and prejudicial to the public Interests, it shall be lawful for the said Board to require the Company to reduce the same to such
Extent

Oldham, Ashton, and Guide Bridge Junction Railway Act, 1857.

Extent and in such Cases as the said Board may think just as between the Company and the Public.

LII. Any Passenger travelling upon the Railway of the Company may take with him his ordinary Luggage not exceeding One hundred and twelve Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Passengers
Luggage.

LIII. The Company may, notwithstanding anything in this Act contained, take by Agreement with the Owner or Person in charge of any Goods or Animals for the Conveyance thereof (other than small Parcels) by Passenger Trains, or for the Conveyance of small Parcels by Express Trains, or by reason of any other special Service performed by the Company in relation thereto, any increased Charges above the Charges by this Act limited or authorized with respect to such Goods, Animals, and small Parcels respectively.

Power to
charge extra
for Animals
or Goods by
Agreement.

LIV. The Company and the *Manchester* Company may from Time to Time enter into and carry into effect any Contracts or Arrangements with respect to the following Purposes, or any of them; (that is to say,)

Working
Arrange-
ments
between
Company
and Man-
chester
Company.

The Use and Working by the *Manchester* Company of all or any Part of the Railway, and the Use of the Works and Conveniences belonging thereto:

The Conveyance by the *Manchester* Company of the whole or any Part of the Traffic upon the Railway:

The Supply of any Rolling or Working Stock required for such Purposes:

The Management, Maintenance, and Repair of the Railway:

The Costs and Expenses of such Working, Management, Maintenance, and Repair, and of effecting the other Objects of the Contract:

The Forwarding, Interchange, and Transmission upon or over the respective Railways of the said Companies of Traffic from, to, and along the Railway:

The Collection, Delivery, Regulation, and general Conduct of such Traffic:

The Fixing, Collection, Application, Division, and Apportionment between the contracting Companies of the Tolls arising from such Traffic respectively, subject to any Deductions to be made therefrom, and the Payment or Deduction of any periodical Remuneration or other Consideration to be paid by either of those Companies to the other of them by virtue of such Contract.

Oldham, Ashton, and Guide Bridge Junction Railway Act, 1857.

Duration of Contract.

To be approved by Board of Trade.

Contract not to affect Persons not Parties thereto.

LV. Provided always, That any such Contract shall not be for more than Ten Years, and no such Contract shall have any Operation until the same shall have been approved of by the Board of Trade; and on such Contract shall in any Manner alter, affect, increase, or diminish any of the Tolls, Rates, or Charges which the contracting Companies shall for the Time being be respectively authorized and entitled to demand and receive from any Person or any other Company, but all other Persons and Companies shall, notwithstanding any such Contract, be entitled to the Use and Benefit of the Railways to which the same may relate, upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges, as they would have been in case no such Contract had been entered into.

Contract may be renewed with the Approval of the Board of Trade.

Public Notice to be given of the Intention so to do.

LVI. At the Expiration or other sooner Determination of any such Contract the Company and the *Manchester* Company, with the Consent in Special Meeting of the Shareholders of each of those Companies respectively, and subject to the Approval of the Board of Trade, may enter into a further Contract for all or any of the Purposes aforesaid: Provided, that before such Companies shall enter into any such further Contract as aforesaid they shall give Notice of their Intention so to do by Advertisement, in a Form to be approved of by the Board of Trade, inserted once in each of Two successive Weeks in some Newspaper published or circulating in each County in which any Part of the Railway or Railways to which such proposed Contract relates is situated; and every such Notice shall set forth within what Time and in what Manner any Company or Person aggrieved by such proposed Contract, and desiring to object thereto, may bring such Objections before the Board of Trade, and no such Contract shall be valid at Law or in Equity until the same shall have been approved by the Board of Trade.

Contract inoperative until approved by Meeting of Shareholders; Meeting how to be convened.

LVII. No such Contract shall have any Operation or Effect unless and until the same shall have been approved by a Majority of not less than Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at a Meeting of each Company being or intended to be Party thereto; and every such Meeting shall be convened by Advertisements inserted once in each of Two successive Weeks in a Morning Newspaper published in *London*, and in some Newspaper of the County in which the principal Office of each Company which may be a Party to such Agreement shall be situate.

Tolls and Charges to be calculated continuously when Line worked by *Manchester* Company.

LVIII. If and so long as the Railway shall be worked by the *Manchester* Company, in calculating Distances for the Purposes of the Tolls and Charges to be taken and made by that Company upon or in respect of the Railway, the same and the Railways of the *Manchester* Company shall be deemed One continuous Line of Railway.

LIX. Any

Oldham, Ashton, and Guide Bridge Junction Railway Act, 1857.

LIX. Any such Contract may be varied or determined by Consent of all the Parties thereto, but any such Variation or Determination shall not operate or take effect until approved by such Majority as herein-before mentioned of the Shareholders in each Company being a Party to the Contract so to be varied or determined, and by the Board of Trade, in the Manner herein provided, in the Case of any such further Contract, Notice of any such intended Variation being also given previously to such Approval in manner aforesaid.

Contracts may be varied or rescinded.

LX. The contracting Companies may by any Contract made under the Powers of this Act appoint a joint Committee composed of such Number of the respective Directors of those Companies as those Companies may think proper, and from Time to Time may alter, vary, and renew any such Committee as Occasion may require, and may regulate the Proceedings of such Committee, and delegate to such Committee all such Powers of the contracting Companies respectively as may be necessary for carrying into effect the Purposes of such Contract; and every such joint Committee so appointed shall have and may exercise the Powers so for the Time being delegated to them in like Manner as the same might have been had and exercised by the contracting Companies respectively, or their respective Directors.

Appointment of joint Committee for carrying Contract into effect.

LXI. It shall be lawful for the *Manchester* Company (with the Consent of Three Fifths at least of the Votes of the Proprietors of that Company present, personally or by Proxy, at some General Meeting of that Company specially convened for the Purpose of authorizing such Subscription,) to subscribe towards and become Shareholders in the Undertaking of the Company to any Extent not exceeding Fifty thousand Pounds, and to pay the Amount of their Subscription and the Calls upon their Shares, or such Sums as they respectively may think fit to advance to the Company in anticipation of Calls, or any Parts of those Amounts respectively, by and out of any Moneys which the *Manchester* Company have raised or are now authorized to raise by Shares or borrowing under the Provisions of any Acts relating to that Company, and which may not be required for the Purposes of those Acts, and notwithstanding any Restriction of the Application of such Moneys in those Acts contained: Provided always, that the *Manchester* Company may (if they think fit) stipulate and require that the whole or any Part of their Subscription under this Act shall be applied only to or in any specified Portion of the Undertaking of the Company, and may also stipulate and require that Provision shall be made to the Satisfaction of the *Manchester* Company for the due Application of their Subscription or such Part thereof accordingly.

Power to Manchester Company to subscribe and take Shares;

LXII. The *Manchester* Company on becoming Shareholders in the Undertaking, or the Directors of that Company, may from Time to Time,

and to appoint Persons to vote.

Oldham, Ashton, and Guide Bridge Junction Railway Act, 1857.

Time, so long as that Company continue Shareholders in the said Undertaking under the Powers of this Act, appoint One or more Person or Persons (whether such Person or Persons shall hold Shares in the Company or not) to vote on behalf of the *Manchester* Company at any Meetings of the Company, and may from Time to Time revoke any such Appointment, and appoint any other Person or Persons in that Behalf, and the Person or Persons so for the Time being appointed shall, during his or their Appointment, have the same Right of voting at any such Meeting as he or they would have if he or they held in his or their own Right the Shares in the said Undertaking for the Time being held under the Powers of this Act by the *Manchester* Company, in addition to any Right of voting to which he or they may be entitled in respect of any Shares actually held by him or them in his or their own Right: Provided always, that every such Appointment and Revocation shall be made under the Seal of the *Manchester* Company, or under the Hand of the Chairman for the Time being of the Directors of that Company.

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

LXIII. Nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made, or the Company, 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 and of the Rates for small Parcels authorized by this Act.

Expenses of Act.

LXIV. All the Costs, Charges, and Expenses of and incidental to the obtaining of this Act, and preparatory thereto, shall be paid by the Company.

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