

LANCASHIRE AND YORKSHIRE RAILWAY
(DEWSBURY, &c. BRANCHES) ACT, 1861.

ARRANGEMENT OF SECTIONS.

	SECTION
Short Title	1
Interpretation Clause	2
Incorporation of General Acts	3
Same Meanings	4
Power to take Lands	5
Power to make Railways, &c.	6
Power to alter Engineering Works	7
As to Bridge over the River Calder at Dewsbury	8
Company to make Carriage Approach to the House of Bentley Shaw, Esq.	9
For Protection of the Trustees of the Worsley Estate	10
Lands for Extraordinary Purposes	11
Power to construct Bridge over Milnrow Road	12
Provision as to Bridge over Milnrow Road	13
Straightening of Milnrow Road	14
Power to construct Bridge over Collyhurst Street, Manchester	15
Limiting Time for compulsory Purchase of Lands	16
Limiting Time for Completion of Railways	17
Dividends suspended if Railways not opened within a limited Period	18
Tolls	19
Power to raise additional Money	20
Additional Money may be raised by Preference Shares	21
Terms and Conditions on which Preference Shares issued to be stated on Certificate	22
Qualifications of new Shares	23
Power to raise Capital under any other Act of this Session and this Act by new Shares of one Class	24
Saving Rights of Holders of existing Preference Shares	25

ARRANGEMENT OF SECTIONS.

	SECTION
Calls	26
Power to borrow on Mortgage, &c.	27
Former Mortgages to have Priority	28
Extending certain Provisions of "The Companies Clauses Consolidation " Act, 1845," and existing Acts	29
Interest or Dividend not to be paid on Calls	30
Deposits for future Bills not to be paid out of Company's Capital	31
Railways to be subject to General Acts	32
Expenses of Act	33

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To enable the LANCASHIRE AND YORKSHIRE RAILWAY COMPANY to construct BRANCH RAILWAYS to DEWSBURY, HECKMONDWIKE and MELTHAM; to purchase additional LANDS at ROCHDALE and MILES PLATTING; and for other Purposes. [Royal Assent, 7th June, 1861.]

WHEREAS by “The Lancashire and Yorkshire and East Preamble. “Lancashire Railways Amalgamation Act, 1859,” the Undertakings of the Lancashire and Yorkshire and East Lancashire Railway Companies were amalgamated, and the East Lancashire Railway Company was united with and now forms part of the Lancashire and Yorkshire Railway Company:

And whereas it is expedient that the Lancashire and Yorkshire Railway Company should be empowered to construct Branch Railways to Dewsbury, Heckmondwike and Meltham, in the West Riding of the county of York:

And whereas it is also expedient that the Company, for the purpose of enlarging their existing Station at Rochdale and providing

Lancashire and Yorkshire Railway (Dewsbury, &c. Branches) Act, 1861.

viding additional accommodation, standage ground, sidings and other conveniences connected therewith, should be empowered to acquire certain lands and houses situate in the township of Castleton, in the parish of Rochdale, in the county of Lancaster, adjoining to and on the northerly side of the Railway and property of the Com- 5
pany, and lying to the north-east of and adjoining the turnpike road, called Milnrow Road, and for the purpose of effecting a convenient communication between their existing Station at Rochdale and the lands so to be acquired by them to construct a Bridge across the turnpike road, called Milnrow Road, nearly opposite to the Com- 10
pany's grain warehouse within the said Station :

And whereas it is also expedient that the Company, for the purpose of enlarging their station and works at Miles Platting, should be empowered to acquire certain lands and houses situate in the township of Newton, in the parish of Manchester, in the county 15
of Lancaster, adjoining and on the south side of the Railway and works of the Company there and lying between Lamb Lane, in the township of Newton, and the east side of a certain street or place called Frost Street, in the same township, including portions of certain streets or places called Pitt Street and Nelson Street, and 20
for the purpose of effecting a convenient communication between their existing station at Miles Platting and the lands so to be acquired by them, to construct a bridge across a street or road called Collyhurst Street, at Miles Platting aforesaid :

And whereas Plans and Sections showing the lines and levels 25
of the proposed Railways and other works, and the lands which the Company are by this Act empowered to acquire and appropriate, 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 30
for the county of Lancaster, and with the Clerk of the Peace for the West Riding of the county of York respectively :

And whereas it is expedient that the Lancashire and Yorkshire Railway Company should be empowered to raise additional Capital for the purposes of this Act, and that some of the powers and provi- 35
sions of their existing Acts should be altered and enlarged :

And

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
5 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. In citing this Act for any purpose whatsoever it shall be
sufficient to use the expression “ Lancashire and Yorkshire Railway
10 “ (Dewsbury, &c. Branches) Act, 1861.” Short Title.

II. Wherever in this Act the words “ the Company” are used
they shall mean the Lancashire and Yorkshire Railway Company. Interpretation
Clause.

III. “ The Lands Clauses Consolidation Act, 1845,” “ The
“ Lands Clauses Consolidation Acts Amendment Act, 1860,” and
15 “ 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. Incorporation
of General
Acts.

IV. The several words and expressions to which by the Acts
wholly or partially incorporated with this Act meanings are assigned,
20 shall have in this Act the same respective meanings, unless excluded
by the subject or context. Same Mean-
ings.

V. 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 and appropriate all or any of the lands defined
25 on the deposited Plans, and described in the deposited Books of
Reference. Power to take
Lands.

VI. Subject to the provisions in this Act contained, the Com-
pany may from time to time make and maintain in the lines and
according to the levels shown on the deposited Plans and Sections,
30 and in and upon the lands which the Company are by this Act
authorized to enter upon, take and use the Railways following, with
all Power to make
Railways, &c.

Lancashire and Yorkshire Railway (Dewsbury, &c. Branches) Act, 1861.

all necessary stations, works and conveniences connected therewith,
(that is to say,)

1st. A Railway to commence from and out of and by a Junction with the Lancashire and Yorkshire Railway at or near the point where the same crosses the branch of the Calder and Hebble Navigation, called "the Old Cut," near to Thornhill Lees Locks, in the township and parish of Thornhill, and to terminate at or near to the south-east corner of the market-place, and near to the West Riding Union Bank in the town of Dewsbury, in the township and parish of Dewsbury, all in the West Riding of the county of York.

2ndly. A Railway to commence by a Junction with the Lancashire and Yorkshire Railway at or near the Company's Station in the township of Heckmondwike, in the parish of Birstal, in the West Riding of the county of York, and to terminate by a Junction with the Lancashire and Yorkshire Railway near the Thornhill Station of the Company in the said township and parish of Dewsbury.

3rdly. A Railway to commence from and out of and by a Junction with the Lancashire and Yorkshire Railway near the north end of the Lockwood Viaduct of that Railway in the township of Lockwood, in the parish of Almondbury, and to terminate at or near Bridge House in Meltham, in the township of Meltham, in the parish of Almondbury, all in the West Riding of the county of York.

And the Railways and Works executed under the authority of this Act shall with respect to tolls, rates and charges, and for all other purposes whatsoever, be part of the Undertaking of the Company.

Power to alter
Engineering
Works.

VII. Notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," contained, the Company, in the construction of the Railway, may deviate from the line of any arches, tunnels or viaducts described in 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 Fifteenth Section 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,

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, 5 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 10 any of the powers given to the Company or to the Board of Trade by the Fourteenth or Fifteenth Sections of "The Railways Clauses Consolidation Act, 1845."

VIII. The Bridge, by means whereof the Railway first here-
inbefore described shall be carried over the River Calder in 15 the township and parish of Thornhill and township and parish of Dewsbury shall have a span of One hundred and thirty-five feet at the least, measuring along the centre line of the said Railway, and nothing herein contained shall authorize the Company to place any pier or buttress in the bed of the said River within the said space 20 of One hundred and thirty-five feet to be spanned by such Bridge.

As to Bridge
over the River
Calder at
Dewsbury.

IX. The Company shall before beginning to construct the Railway thirdly described, and at all events within Eighteen months after the passing of this Act, if required so to do by Bentley Shaw, Esquire, his heirs or assigns, construct at the expense 25 of the Company, but on the lands of the said Bentley Shaw, a carriage approach to his house called Woodfield House, from such point on the turnpike road from Huddersfield to Meltham, north-east of his said estate, and in such direction and in such manner, as the said Bentley Shaw, his heirs or assigns, shall prescribe, 30 together with suitable entrance gates; and the said Bentley Shaw, his heirs or assigns, shall be entitled to compensation for the damage (if any), actual or consequential, sustained by the said Bentley Shaw, his heirs or assigns, by reason of the exercise of any of the powers by this Act, or the General Acts incorporated 35 therewith, vested in the Company, as he or they would have been entitled to under the provisions of "The Railways Clauses Consolidation Act, 1845," if the Company had taken or severed any part of the lands of the said Bentley Shaw for the purposes thereof
belonging,

Company to
make Carriage
Approach to
the House of
Bentley Shaw,
Esq.

Lancashire and Yorkshire Railway (Dewsbury, &c. Branches) Act, 1861.

belonging, near to or adjoining the said house or grounds; such compensation to be ascertained and paid in the same way as is provided for the ascertaining and payment of compensation under "The Lands Clauses Consolidation Act, 1845."

For Protection
of the Trustees
of the Worsley
Estate.

X. The rights, if any, which the Trustees of the Worsley Estate may have acquired over the lands belonging to the Vicarage of Rochdale shall be held to give them an interest in the said lands within the meaning of the Sixth, Sixteenth, Sixty-eighth and Sixty-ninth clauses of "The Railways Clauses Consolidation Act, 1845." 5

Lands for
Extraordinary
Purposes.

XI. 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 adjoining or near to their Railway not exceeding Five acres for any of the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845." 10 15

Power to con-
struct Bridge
over Milnrow
Road.

XII. The Company, for the purpose of effecting convenient communication between their existing Station at Rochdale and the additional lands proposed to be acquired by them in the township of Castleton and parish of Rochdale, may construct, in the manner shown on the deposited Plans and Sections, a bridge across the turnpike road called Milnrow Road, nearly opposite to the Company's grain warehouse, in the said township of Castleton and parish of Rochdale. 20

Provision as
to Bridge over
Milnrow
Road.

XIII. Provided always, That the proposed Bridge to be made across Milnrow Road shall be a good and substantial flat girder Bridge, of not less than Thirty-six feet in width between the abutments thereof, and of not less than Seventeen feet two inches in height above the surface of the carriage way of the road, and shall be made and maintained so as to have the face of each abutment in a line with the road, and without having any pillar, wall, support or other obstruction on any part of the road or the footpath thereof, and shall be made and maintained drop dry at all times. 25 30

Straightening
of Milnrow
Road.

XIV. Provided also, That before the Company make the proposed bridge across Milnrow Road they shall at their own expense deviate and make the line of the Milnrow Road between 35 the

the north-westerly side of Walker Street, numbered Twenty on the deposited Plan, and the present Railway Bridge over such Road, so that such Road when deviated shall be in a straight line and of equal width with the average width of the present Road there, and
5 the Company may stop up and appropriate for their own purposes so much of the Road as shall be rendered unnecessary by such deviation.

XV. The Company, for the purpose of effecting convenient communication between their existing Station and Works at Miles
10 Platting, and the additional lands proposed to be acquired by them in the township of Newton in the parish of Manchester, may construct, in the manner shown on the deposited Plans and Sections, a bridge across a street or road called Collyhurst Street, at Miles Platting aforesaid, in the township and parish of Manchester.

Power to construct Bridge over Collyhurst Street, Manchester.

15 XVI. 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.

Limiting Time for compulsory Purchase of Lands.

XVII. The Railways hereby authorized shall be completed within Five years from the passing of this Act, and on the expiration
20 of that period, the powers by this Act granted to the Company for executing the said Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Limiting Time for Completion of Railways.

XVIII. If the Railways by this Act authorized to be constructed
25 shall not be completed and opened for public traffic within Five years from the passing of this Act, then and from thenceforth it shall not be lawful for the Company to pay any Dividend on the ordinary Capital of the Company until the said Railways shall have been completed and opened for public traffic.

Dividends suspended if Railways not opened within a limited Period.

30 XIX. The Company may demand and receive in respect of the use of the new Lines of Railway by this Act authorized any Tolls and charges not exceeding the Tolls and charges which they are by “The Lancashire and Yorkshire and East Lancashire Railways
“Amalgamation Act, 1859,” authorized to demand and receive in
35 respect of the use of the Lancashire and Yorkshire Railway as by

Tolls.

that Act constituted, as if the said new lines had been part of the Lancashire and Yorkshire Railway.

Power to raise additional Money.

XX. The Company from time to time, by order of any General Meeting of the Company, may raise for the purposes of this Act such sums of money as they shall think necessary, not exceeding 5 One hundred and seventy-three thousand pounds, exclusive of the monies which they are or may be authorized to raise by any other Act or Acts of Parliament, the whole of which sum shall be applied to those purposes, and to none other.

Additional Money may be raised by Preference Shares.

XXI. For the purpose of raising such sums of money the 10 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 a manner, and to 15 such persons, and on such conditions, and with such preference or priority of dividend not exceeding after the rate of Five pounds per centum per annum, and either redeemable or not, and generally on such terms, as by the order of any such meeting of the Company shall be determined: Provided always, that if in any year ending 20 the Thirty-first day of December there shall not be profits available for the payment of the full amount of the preferential dividends for that year payable on any Shares created under this Act, 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. 25

Terms and Conditions on which Preference Shares issued to be stated on Certificate.

XXII. 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.

Qualifications of new Shares.

XXIII. Except as by or under the powers of this Act other- 30 wise provided, the new Shares issued under the powers of this Act shall, in proportion to the aggregate amount thereof from time to time held by the same person at the same time, entitle the respective holders thereof to the same dividends and profits, and confer on them the like qualifications and the like rights of voting, as the like 35 amount of existing ordinary Shares or Stock of the Company.

XXIV. If

XXIV. 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, 5 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.

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

10 XXV. 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 15 may have been granted by the Company in pursuance of any existing Act of Parliament, or which may otherwise be lawfully subsisting.

Saving Rights of Holders of existing Preference Shares.

XXVI. Provided also, That Twenty pounds per centum on the nominal amount of each of such new Shares shall be the greatest 20 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 25 such Share.

Calls.

XXVII. After the whole of the sum by this Act authorized to be raised by Shares shall have been subscribed for, and one-half of the amount thereof shall have been paid up, the Directors of the Company may borrow on mortgage or bond such sums of money as 30 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 Fifty-seven 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 35 all and every part of the money so to be borrowed shall be applied to the purposes authorized by this Act and the existing Acts of the Company, and to no other purpose.

Power to borrow on Mortgage, &c.

Former Mortgages to have Priority.

XXVIII. 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.

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Extending certain Provisions of "The Companies Clauses Consolidation Act, 1845," and existing Acts.

XXIX. Subject to the provisions of this Act, all the provisions of "The Companies Clauses Consolidation Act, 1845," and of the existing Acts of the Company, with respect to the following matters, (that is to say,)

With respect to the Distribution of the Capital of the Company into Shares ;

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 ;

With respect to the Forfeiture of Shares for non-payment of Calls, and the merger and re-issue of forfeited Shares ;

With respect to the borrowing of Money by the Company on Mortgage or Bond ;

With respect to the Conversion of borrowed Money into Capital ; and

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With 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.

Interest or Dividend not to be paid on Calls.

XXX. 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 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.

Deposits for future Bills not to be paid

XXXI. It shall not be lawful for the Company, out of any money by any existing Act relating to the Company authorized to be raised

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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
5 an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

XXXII. 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
10 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
15 and charges, and of the rates for small parcels authorized by this or any other Act relating to the Company.

XXXIII. All the costs, charges and expenses of and incident to the obtaining of this Act, and preparatory thereto, shall be paid
by the Company.