



ANNO UNDECIMO & DUODECIMO

# VICTORIÆ REGINÆ.

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## Cap. clvi.

An Act to make a Deviation in the authorized Line of the *Manchester, Buxton, Matlock, and Midlands Junction Railway*, together with a Branch to *Bakewell*. [31st August 1848.]

WHEREAS by "The *Manchester, Buxton, Matlock, and Midlands Junction Railway Act, 1846*," the *Manchester, Buxton, Matlock, and Midlands Junction Railway Company* thereby incorporated were empowered to make and maintain a Railway from a certain other Railway, therein called the *Manchester and Birmingham Railway*, at *Cheadle* in the County of *Chester*, to or near to the *Ambergate Station* of the *Midland Railway* in the County of *Derby*, and certain Branches therefrom: And whereas by "The *Manchester, Buxton, Matlock, and Midlands Junction Railway Act, 1847*," the said Company were empowered to alter certain Portions of the said Railway as authorized by the said first-recited Act, and to construct in lieu thereof the several Portions of Railway in the now reciting Act mentioned: And whereas it is expedient that the Line of the said Railway as authorized by the said recited Acts; or One of them, between the Points herein-after mentioned, should be altered or deviated, and that in lieu thereof the said Company should be enabled to construct the Line of Railway herein-after mentioned; and it is also expedient that the said Company should be authorized to construct a Branch Railway out of the said Railway to or near to

9 & 10 Vict.  
c. 192.

10 & 11 Vict.  
c. 247.

[Local.]

23 T

*Bakewell*:

Provisions of recited Acts extended to this Act, so far as applicable and unrepealed.

*Bakewell*: And whereas it is also expedient that some of the Powers and Provisions of the said recited Acts respectively should be altered, repealed, amended, and enlarged; but the several Purposes aforesaid cannot be effected without the Authority of Parliament: And whereas the Queen's most Excellent Majesty, in right of the Crown, is entitled to certain Lands and Minerals through or over which the said intended altered Line of Railway and the said intended Branch Railway respectively are proposed to be made: 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, That all the Powers and Provisions contained in the said recited Acts and in the several Acts incorporated therewith, or with either of them, (except such of them or such Parts thereof respectively as are by this Act expressly repealed, altered, or otherwise provided for,) shall, when applicable to the Purposes and Objects of this Act, extend and be construed to extend thereto, and to the altered Line of Railway, Branch Railway, and Works hereby authorized to be made, and to the several Matters and Things hereby authorized to be done, as fully and effectually as though the same Powers and Provisions were repeated and re-enacted in this Act, and had formed Part thereof with reference to the said altered Line of Railway, Branch Railway, Works, Matters, and Things to be made and done hereunder.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to describe it as "*The Manchester, Buxton, Matlock, and Midlands Junction Railway Act, 1848.*"

Power to make altered Line of Railway and Branch Railway according to deposited Plans.

III. And whereas Plans and Sections showing the said intended altered Line of Railway and the Levels thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Land through which the said intended altered Line of Railway is to pass, were deposited with the Clerks of the Peace of the Counties of *Derby* and *Chester* in the Month of *November* last, and a Plan and Section showing the Line and Levels of the said intended Branch Railway to *Bakewell*, and a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Land through which the same Branch Railway is to pass, were deposited with the Clerks of the Peace for the Counties of *Derby* and *Chester* in the Month of *May* last: Be it enacted, That, subject to the Provisions contained in this and in the said recited Acts and the several Acts incorporated therewith, or with either of them, it shall be lawful for the Company to make and maintain the said altered Line of Railway and Works as herein-after described, in the Lines, and upon the Lands delineated on the said Plans, and described in the said Books of Reference deposited in the Month of *November* last, and according to the Levels described on the said Section, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purposes, and to make and maintain the said intended Branch Railway to *Bakewell*, and Works, as herein-after described,

in the Line and upon the Lands delineated on the said Plans, and described in the said Books of Reference deposited in the Month of *May* last, and to enter upon, take, and use such of the last-mentioned Lands as shall be necessary for that Purpose.

IV. And be it enacted, That the said altered Line of Railway shall commence in a Field in the Township of *Yeardsley-cum-Whaley* in the Parish of *Taxall* in the County of *Chester*, numbered 27 in the said Township in the Parliamentary Plan of the said *Manchester, Buxton, Matlock, and Midlands Junction* Railway, deposited with the Clerk of the Peace of the said County of *Chester* in the Month of *November* 1846, and belonging to *John William Jodrell* Esquire, and in the Occupation of *James Mellor*, and shall pass through the following Places or some of them; that is to say, *Taxal* otherwise *Taxall*, *Whaley-cum-Yeardsley* otherwise *Yeardsley-cum-Whaley*, *Whaley*, *Whaley Bridge*, *Hockerley* otherwise *Hockerley Hall*, and *Goyts Bridge*, in the County of *Chester*; *Chapel-en-le-Frith*, *Coombs Edge* or *Combs Edge*, *Bowden Edge*, *Bradshaw Edge*, *Bowden Chapel*, *Whitehough*, *Milton*, *Chapel Milton*, *Chapel Town End*, *The Wash*, *Malcroft*, *Roych Tor*, *Roych Clough*, *Cowburn* or *Cobourne*, *Peak Forest*, *Glossop*, *Chinley Bugsworth* and *Brownside*, *Chinley*, *Bugsworth*, *Brownside*, *Brierley*, *Mellor*, *Ollersett*, *Beard*, *Thornsett*, *Whittle*, *Beard Ollersett Thornsett* and *Whittle*, *Chinley Chapel*, *Lane Side*, *The Roych*, *Castleton*, *Edale*, *Edale Chapel*, *Upper Booth*, *Barber Booth*, *White Booth*, *Grindsbrook* or *Grimesbrook*, *Grindsbooth* or *Grindsbrook Booth*, *Oller Brook* or *Owler Brook*, *Oller Booth*, *Lady Booth* or *Nether Booth*, *Hope*, *Fernilee*, *Aston*, *Thornhill*, *Brough*, *Shatton*, *Nether Shatton*, *Upper Shatton*, *Shatton* and *Brough*, *High Low*, *Nether-Padley*, *Offerton*, *Stoke* otherwise *Stoke* and *Goatcliffe* or *Goldcliffe*, *Wardlow*, *Woodland*, *Mythom* or *Mytholm Bridge*, *Fullwood*, *Knouchley*, *Hathersage*, *Bamford*, *Outseats* otherwise *Hathersage Outseats*, *Stoney Middleton*, *Stoney Middleton in Hathersage*, *Derwent* or *Darwent*, *Upper Padley*, *Eyam*, *Woodland Eyam* or *Eyam Woodlands*, *Stoney Middleton in Eyam*, *Grindleford Bridge*, *Baslow*, *Froggatt*, *Calver*, *Curbar*, *Bubnell*, *Brambley* or *Bramley*, *Bakewell*, *Beeley*, *Hassop*, *Nether Haddon*, *Over Haddon*, *Rowsley*, *Great Rowsley*, *Edensor*, *Pilsley*, *Calton* otherwise *Calton Lees*, *Chatsworth*, *Youlgreave*, *Stanton*, *Darley* or *Darleigh* otherwise *Darley Dale*, *Wensley*, *Snitterton*, *Wensley* and *Snitterton*, *Little Rowsley*, *Stancliff* or *Stonecliff*, *Tinkersley*, and *Matlock*, in the County of *Derby*; and shall terminate by a Junction with the Line of the said *Manchester, Buxton, Matlock, and Midlands Junction* Railway, as now authorized to be made in the said Township and Parish of *Darley*, where the said authorized Line of Railway is intended to cross the Turnpike Road leading from *Chesterfield* to *Matlock* and *Darley*; and the said Company are hereby required to relinquish such Parts of the said Line of Railway, now authorized to be made under or by virtue of the said recited Acts, as lie between the said respective Points of Commencement and Termination of the said altered Line.

Description  
of altered  
Line.

Main Line of  
Railway, as  
altered.

V. And be it enacted, That the Branch Railway to or near to *Bakewell* aforesaid shall commence by a Junction with the said intended altered Line of Railway in a Field in the Township or Chapelry of *Baslow* in the Parish of *Bakewell* in the said County of *Derby*.

Bakewell  
Branch Rail-  
way.

*Derby*, belonging to his Grace the Duke of *Rutland*, and numbered 49 in the said Township or Chapelry of *Baslow* in the Plan of the said intended altered Line of Railway deposited in the Month of *November* last at the Office of the Clerk of the Peace for the County of *Derby*, and shall pass through the following Places, or some of them; that is to say, *Baslow, Bubnell, Beeley, Birchill, Calver, Curbar, Chatsworth, Calton* otherwise *Calton Lees, Edensor, Pilsley, Hassop, Rowland, Ashford, Great Longstone* otherwise *Great Longstone and Holme*, and *Bakewell*, all in the County of *Derby*, and shall terminate at a Field in the Township of *Bakewell* in the Parish of *Bakewell*, also belonging to his Grace the Duke of *Rutland*, and in the Occupation of *Charles Anthony*.

Company  
not to open  
a certain  
Part of  
Railway until  
Branch to  
Bakewell is  
completed,

VI. Provided always, and be it enacted, That the said Company shall not open for the public Use any Portion of the Line of Railway hereby authorized which extends from a certain Field, No. 41, in the Township of *Edall* in the Parish of *Castleton* in the County of *Derby* to the Junction of the said Railway with the *London and North-western* Railway until they have made and opened for public Use a Branch Railway to *Bakewell* in the said County of *Derby*.

nor to work  
or sell for  
Profit Stone  
from certain  
Quarry Land  
belonging to  
Manchester,  
Sheffield, and  
Lincolnshire  
Railway  
Company.

VII. And be it enacted, That the *Manchester, Sheffield, and Lincolnshire* Railway Company shall not be required to sell, under the Powers of this Act, any further or other Portion of the Lands numbered 75, 76, and 77 on the said Plan so deposited as aforesaid, in the Township of *Bradshaw Edge* in the County of *Derby*, than shall be necessary for the Purposes of the Line of the said Railway; and that (save and except the Stone and other Materials to be obtained from the said Land so purchased by the Company) it shall not be lawful for the Company, without the written Consent of the said *Manchester, Sheffield, and Lincolnshire* Railway Company for that Purpose first had and obtained, to take, work, or sell for Profit Stone from the said Land or any Part thereof.

As to Junction  
with the  
Line of the  
Manchester,  
Sheffield, and  
Lincolnshire  
Railway.

VIII. And be it enacted, That if consistently with the Line and Levels of the *Manchester, Sheffield, and Lincolnshire* Railway as now authorized, or within the Limits of Deviation of the said Line or Levels as also authorized, a Junction can be effected between the *Whaley Bridge* Branch of the *Manchester, Sheffield, and Lincolnshire* Railway and the Line of the *Manchester, Buxton, Matlock, and Midlands Junction* Railway, such Junction may at any Time hereafter be effected at the Cost and Charges of the Company making the same; and if such Junction cannot be effected without the Authority of Parliament, and a Bill for that Purpose shall be promoted by the said *Manchester, Sheffield, and Lincolnshire* Railway Company, then that the Company shall not, either directly or indirectly, oppose such Bill; and further, the Company shall, if required, at the Expense of the *Manchester, Sheffield, and Lincolnshire* Railway Company, and subject to the Provisions of an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for the better Regulation of Railways, and the Conveyance of Troops*, and of the Railways Clauses Consolidation Act, 1845, make Openings in the Rails and such additional Lines of Rail as may be necessary for effecting such Communication.

5 & 6 Vict.  
c. 55.

IX. And

IX. And whereas the said altered Line of Railway is intended to be made over and near to the *Peak Forest Canal* of the *Manchester, Sheffield, and Lincolnshire* Railway Company in the Parish of *Taxal* in the County of *Chester*, and over and near to the Tramway of the last-mentioned Company leading from the said Canal at *Bugsworth* to *Doveholes* in the County of *Derby* at or near a Place called *Chapel-Milton* in the Parish of *Glossop*, and over the intended *Whaley Bridge Branch* of the said last-mentioned Company in the Parish of *Chapelen-le-Frith*, and it is expedient to make Provision relative thereto: Be it enacted, That nothing in this Act contained shall diminish, alter, prejudice, affect, or take away any of the Rights, Privileges, Powers, and Authorities vested in the *Manchester, Sheffield, and Lincolnshire* Railway Company as Owners of the said *Peak Forest Canal* and Tramway and Branch Railway, or any of them; or in anywise relating thereto, nor authorize or empower the said *Manchester, Buxton, Matlock, and Midlands Junction* Railway Company, save and except so far as may be necessary for the Purpose of executing, and during the Execution of the Works hereby authorized, to alter the Line or Level of the said Canal, or the Towing Path thereof, or the said Tramway or Branch Railway or any of them, or any Part thereof respectively, or in any Manner, save as aforesaid, to obstruct or impede the Navigation or Use of the said Canal, Tramway, and Branch Railway, or any Part thereof respectively, or, save as aforesaid, to divert, intersect, take, use, or diminish any of the Waters of the said Canal or for the Supply thereof, or to purchase, take, or use, or injure all or any Part of the said Canal or the Towing Path thereof, or the said Tramway or Branch Railway, or to take any Lands belonging to the said *Manchester, Sheffield, and Lincolnshire* Railway Company, (except such Portion as may be necessary for the Line of Railway hereby authorized, where it crosses the Line or Works of or belonging to the said *Manchester, Sheffield, and Lincolnshire* Railway Company,) without the Consent in Writing of the last-mentioned Company, under their Common Seal first had and obtained (except and subject nevertheless as herein-after expressly provided).

Saving Rights of the Manchester, Sheffield, and Lincolnshire Railway Company.

X. And be it enacted, That in the Formation of the said altered Line of the said *Manchester, Buxton, Matlock, and Midlands Junction* Railway the same shall be carried over the said *Peak Forest Canal*, and over the said Tramway, and over the said intended *Whaley Bridge Branch* Railway of the said *Manchester, Sheffield, and Lincolnshire* Railway Company, by means of Bridges or Viaducts of Brick, Stone, or Iron as herein-after mentioned, and the said *Manchester, Buxton, Matlock, and Midlands Junction* Railway Company shall and they are hereby required, at their own Expense, to erect, build, and for ever after maintain in repair such Bridges or Viaducts respectively, and with proper Retaining Walls and Approaches thereto, in a good, firm, and substantial Manner; and the said Bridge or Viaduct to be constructed for carrying the said altered Line of Railway over the said Canal in the said Parish of *Taxal* shall be so constructed as to span over with One Arch the whole Width of the said Canal and the Towing Path thereof, and the Height of such Arch shall be Thirty-seven Feet at least above the Top-water Level of the said Canal; and the said Company shall and they are hereby required during the

Regulating the Crossings over the Peak Forest Canal, Tramway, and Whaley Bridge Branch of the Manchester, Sheffield, and Lincolnshire Railway.

Progress of Construction of such Bridge or Viaduct, or the rebuilding or Repair thereof from Time to Time, to leave a free, open, and uninterrupted navigable Waterway in the said Canal of not less than Eighteen Feet in Width, of a Depth equal to the greatest Depth of the Canal in that Part, and of not less than Ten Feet in Height above the Level of the Top Water of the said Canal, and also a Towing Path of not less than Six Feet in Width, under the Centering to be used for constructing, rebuilding, or repairing any such Bridge or Viaduct; and the said Bridge or Viaduct to be constructed for carrying the said altered Line of Railway over the said Tramway at or near *Chapel-Milton* aforesaid shall be so constructed as to span over the whole Width of the said Tramway, with One Arch of Thirty-five Feet in Width and Twenty-nine Feet in Height, above the Level of the Rails of the said Tramway; and the said Bridge or Viaduct to be constructed for carrying the said altered Line of Railway over the said intended *Whaley Bridge* Branch in the said Parish of *Chapel-en-Frith* shall be constructed at such Point as shall be determined upon by the Engineer for the Time being of the said *Manchester, Sheffield, and Lincolnshire* Railway Company, as being in the intended Line of and suitable for the crossing of the said altered Line of Railway over the said intended Branch, and shall be so constructed by a single Arch of Thirty Feet in Width and Sixteen Feet in Height at least from the Level of the Rails of the said *Whaley Bridge* Branch, as the same may be laid out and constructed by the *Manchester, Sheffield, and Lincolnshire* Railway Company in conformity with the Law; and the said Company shall and they are hereby required, during the Construction of the said Bridges or Viaducts over the said Tramway and over the said Branch Railway respectively, or the rebuilding or Repair of such Bridges or Viaducts, or either of them, from Time to Time, to leave the said Tramway and Branch Railway respectively free, open, and uninterrupted for the Passage of Traffic, and to the Satisfaction of the Engineer for the Time being of the said *Manchester, Sheffield, and Lincolnshire* Railway Company.

Compensation to be made in case of Obstruction of the Traffic of the Peak Forest Canal, Tramway, or Whaley Bridge Branch of the Manchester, Sheffield, and Lincolnshire Railway.

XI. And be it enacted, That if in the Execution of any of the Works by this Act authorized, or by reason of any Act or Omission of the said *Manchester, Buxton, Matlock, and Midlands Junction* Railway Company, their Agents, Servants, or Workmen, or if by reason or in consequence of any of the said Works when made, the said *Peak Forest* Canal, or the Towing Path thereof, or the said Tramway, or the said *Whaley Bridge* Branch, shall at any Time be so obstructed or impeded as that the Traffic thereof cannot conveniently pass along the same, then and in every such Case it shall be lawful for the said *Manchester, Sheffield, and Lincolnshire* Railway Company, at the Costs and Charges of the said *Manchester, Buxton, Matlock, and Midlands Junction* Railway Company, to remove, take, and put away such Obstruction or Impediment as aforesaid, and to make good all Damage or Injury done to the said Canal, Tramway, or Branch Railway thereby; and the said *Manchester, Buxton, Matlock, and Midlands Junction* Railway Company shall make Compensation to the said *Manchester, Sheffield, and Lincolnshire* Railway Company, and to all Parties using the said Canal, or Tramway, or Branch Railway, for all Loss or Injury which they may sustain by or by

by reason of the Obstruction or Delay occasioned by such Interruption or Stoppage as aforesaid, the same to be recovered by Action in any Court of competent Jurisdiction.

XII. Provided always, and be it enacted, That the Company shall not open for public Use that Portion of the Line of Railway hereby authorized which extends from the Northern Boundary of the Township of *Bamford* in the Parish of *Hathersage* in the County of *Derby* to and into the Township of *Yeardsley-cum-Whaley* in the Parish of *Taxal* in the County of *Chester*, or any Part thereof, until they have made and opened for public Use that further Portion of the said Line of Railway as now authorized to be made which extends from the *Manchester and Birmingham* Railway in the Parish of *Stockport* in the County of *Chester* to and into the said Township of *Yeardsley-cum-Whaley*; and the Company shall not be entitled to demand or receive any Tolls, Rates, or other Charges for and in respect of the Use of the Portion of Railway firstly herein-before mentioned, or any Part thereof, (unless with the Consent signified under their Common Seal of the *London and North-western* Railway Company,) until the Portion of Railway secondly herein-before mentioned shall be completed and opened for public Use.

Restraining the opening of the New Line beyond Bamford until the Northern Portion of the authorized Parliamentary Line shall be completed.

XIII. And be it enacted, That, subject to the Provisions in the Railways Clauses Consolidation Act contained in reference to the crossing of Roads on a Level, it shall be lawful for the said Company, in the Construction of the altered Line of Railway and Branch Railway by this Act authorized to be made, to carry the same on the Level across the several Roads numbered on the said deposited Plans as follows; (that is to say,)

As to level Crossings.

Description.	No. on Plan.	Township.	Parish.	County.
<i>Main Line.</i>				
Public Road - - -	18	Yeardsley-cum-Whaley	Taxal - - -	Chester.
Public Road - - -	{ 50 } 138	Bradshaw Edge - -	Chapel-en-le-Frith	Derby.
Public Road - - -	153	Edale - - -	Castleton - -	Derby.
Public Road - - -	61	Hope - - -	Hope - - -	Derby.
Public Road - - -	5	Bamford - - -	Heathersage - -	Derby.
Turnpike Road - -	15	Nether Padley - -	Hope - - -	Derby.
Public Road - - -	12	Stoke - - -	Hope - - -	Derby.
Turnpike Road - -	61	Calver - - -	Bakewell - -	Derby.
Public Road or Turnpike Road. } Turnpike Road - -	{ 57 } 79	Darley - - -	Darley - - -	Derby.
<i>Bakewell Branch.</i>				
Public Road - - -	9	Hassop - - -	Bakewell - -	Derby.

XIV. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railway

Company to erect a Station or Lodge at Points of

crossing, and to abide by the Regulations of the Commissioners of Railways.

way or Branch Railway respectively cross the before-mentioned Roads on the Level, and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect, or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any 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.

Inclination of a certain Road.

XV. And be it enacted, That the Ascent to the public Road numbered 18, in the Township of *Yeardsley-cum-Whaley* in the Parish of *Taxal*, shall be made at an Inclination of not less than One Foot in Twelve Feet.

Lands for extraordinary Purposes.

XVI. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes in connexion with the said altered Line of Railway and Branch Railway by this Act authorized to be made shall not exceed Thirty Acres.

Period for compulsory Purchase of Lands limited.

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

Period for Completion of Works.

XVIII. And be it enacted, That the said altered Line of Railway, Branch Railway, and Works by this Act authorized shall be completed within Seven Years from the passing hereof; and on the Expiration of such Period the Powers by this Act, and the said recited Acts, and the several Acts incorporated therewith, granted to the Company for making and maintaining the said altered Line of Railway, Branch Railway, and Works hereby authorized, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed.

Regulating the Mode of carrying the Railway over the Manchester and Buxton Turnpike Road.

XIX. And whereas it is intended that, under the Authority of this Act, Diversions or Alterations shall be made in the Line of the *Manchester and Buxton* Turnpike Road, and that the said Railway by this Act authorized to be made shall be carried over and across the said *Manchester and Buxton* Turnpike Road, and the said Diversions and Alterations thereof, at certain Points in the Township of *Yeardsley-cum-Whaley* in the Parish of *Taxal* in the County of *Chester*, and in the Township of *Bowden Edge* in the Parish of *Chapel-en-le-Frith* in the County of *Derby*: Be it enacted, That such Crossings shall be effected by means of Bridges, and that there shall be a clear Carriage Road or Way left under such Bridges of at least Twelve Yards in Width on the Square, and a Footpath or Footpaths at the Side or Sides of the said Roadway of together at least Six Feet



Feet in Width, making the Breadth of the said Road on the Square Forty-two Feet in the Gross, such Footpath or Footpaths, if the said Railway Company shall so determine, being separated from the said Carriageway, but the Pillars or other Mode of separating the same not being included in such Breadth of Forty-two Feet; and the Parapets and Fences on each Side of the said Bridges shall not be less than Six Feet in Height from the Level of the Rails of the said Railway.

XX. And be it enacted, That the said *Manchester and Buxton* Turnpike Road, when so diverted or altered as aforesaid, shall be made and formed of the full Width of Forty-two Feet on the Square, and no Part of the said Road, when so diverted or altered, or of the Junctions of such Diversions or Alterations with the present Line of the said Road, shall be of a less Radius than Seventy-seven Yards, except at the crossing of the Diversion of the said Turnpike Road in the Township of *Yeardsley-cum-Whaley*, where the said Railway Company shall be at liberty to make the said Diversion on the Easterly Side of the said intended Railway of a Radius of not less than Fifty Yards; and the Gradients of the said Road, when so diverted or altered as aforesaid, shall not be greater than One Foot in Height for every Forty Feet in Length; and the said Diversion or Alteration, and the Fences thereof, shall be made and formed, and, for One Year after the Completion thereof, maintained and kept in good Order, Repair, and Condition by the said Company to the Satisfaction of the Surveyor for the Time being of the said Turnpike Road.

As to Diversions of the Manchester and Buxton Turnpike Road

XXI. And be it enacted, That the said Company shall and they are hereby required, from Time to Time and at all Times for ever hereafter, to maintain and keep in good, safe, and sufficient Order, Repair, and Condition the said several Bridges over the said Turnpike Road, and the supporting or Wing Walls, and the Side Walls supporting the Approaches to the said Bridges and Diversion, and all the retaining or supporting Walls, and Slopes of Embankments and Cuttings, to be made, formed, or constructed by the said Company on either Side of the said Turnpike Road, wherever the said Company shall as aforesaid divert, alter, or interfere with the said Turnpike Road.

Company to keep Bridges, &c. in repair.

XXII. And be it enacted, That the said Company shall and they are hereby required to make and form, at each of the several Points or Places where the said Railway crosses the said *Manchester and Buxton* Turnpike Road, such and so many main or other Drains, Sewers, Culverts, or Watercourses, and of sufficient Capacity and Extent well and effectually to drain and carry off the Water from the said Turnpike Road, such Drains, Sewers, Culverts, and Watercourses to be made and formed in such Number and such Places, and of such Capacity, and in such Mode and Manner, as shall be agreed on between the said Company and the Trustees of the said *Manchester and Buxton* Turnpike Road, and to be from Time to Time and at all Times for ever hereafter, kept open, cleansed, and maintained

For making Drains at the Crossings of the Manchester and Buxton Turnpike Road.

maintained in good and sufficient Order, Repair, and Condition by the said Company; and in case any Dispute or Difference shall arise between the said Company and the said Trustees as to the Number, Place, or Capacity, or the Mode or Manner of laying, making, or constructing the said Drains, Sewers, Culverts, or Watercourses, or as to the keeping open, cleansing, or Maintenance of the same, or as to any other Matter or Thing respecting the same, then and in every such Case the same shall be referred to Arbitration.

As to the  
Erection of  
Screens on  
the Side of  
the Road.

XXIII. And be it enacted, That the said Company shall and they are hereby required, wherever the Centre Line of the said Railway approaches the said *Manchester and Buxton* Turnpike Road within Forty Yards, to make and form, and for ever thereafter maintain, either at the Side of the said Turnpike Road or at the Side of the said Railway, such and so many Works, in the Nature of Screens, as shall be by the said Trustees of the said Turnpike Road found necessary for the due Protection of the Public, such Screens to be made of such Height as shall be agreed on between the said Company and the said Trustees; and if any Dispute or Difference shall arise between the said Company and the said Trustees with respect to the Height, Form, or Maintenance of such Screens, then and in every such Case the same shall be referred to Arbitration.

Provision for  
Reduction of  
Capital.

XXIV. And whereas by the said "*Manchester, Buxton, Mallock, and Midland Junction* Railway Act, 1846," it was enacted, that the Capital of the Company should be One million six hundred and fifty thousand Pounds, and that the Number of Shares into which the said Capital should be divided should be Eighty-two thousand five hundred, and the Amount of each Share should be Twenty Pounds, and that it should be lawful for the said Company to borrow on Mortgage or Bond any Sum not exceeding Five hundred and fifty thousand Pounds: And whereas the whole of the said Capital has been subscribed for, but the same is more than sufficient for the Completion of the Undertaking, and it is therefore expedient that the said Capital should be reduced and a proportionate Reduction should be made in the said Sum so authorized to be borrowed, and in the Amount of each Share: Be it therefore enacted, That the Capital of the Company shall be reduced to and become One million three hundred and twenty thousand Pounds; and the Amount of each of the said Eighty-two thousand five hundred Shares shall be Sixteen Pounds; and all the Powers and Provisions in force and contained in the said recited Acts or the Acts incorporated therewith, or with either of them, and which apply or relate to the said Capital of One million six hundred and fifty thousand Pounds, shall be exercised in the same Manner in all respects as if the Capital of the said Company, as authorized by the said first-recited Act, had been the Sum of One million three hundred and twenty thousand Pounds, and as if the same Act had provided that the Amount of each Share should be Sixteen Pounds instead of Twenty Pounds: Provided always, that all and every Part of the said Capital Sum of One million three hundred and twenty thousand Pounds shall be applied only to the Objects and Purposes of this Act and of the said recited Acts.

XXV. And

XXV. And be it enacted, That the Provision in the said first-recited Act contained, authorizing the Company to borrow, on Mortgage or Bond, any Sum not exceeding in the whole the said Sum of Five hundred and fifty thousand Pounds shall be and the same is hereby repealed.

Provision of first-recited Act as to borrowing Money repealed.

XXVI. And be it enacted, That it shall be lawful for the Company to borrow, on Mortgage or Bond, any Sum not exceeding in the whole the Sum of Four hundred and forty thousand Pounds; provided always, that all and every Sum of Money so to be borrowed shall be applicable only to the Objects and Purposes of this Act and of the said recited Acts; and provided always, that no Part of such Sum shall be borrowed until (with the Monies already paid up on account of Capital) One Half of the said Capital of One million three hundred and twenty thousand Pounds shall have been actually paid up.

Power to borrow Money on Mortgage.

XXVII. And be it enacted, That it shall not be lawful for the Company to pay out of the Capital which by said Acts relating to the Company they are authorized to raise for the Purposes of such Acts respectively the Deposits which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be made in respect of any Application to Parliament for an Act to authorize the Construction of another Railway.

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

XXVIII. And be it enacted, That the Company may, subject to the Provisions in the said recited Acts and in the several Acts incorporated therewith, or with either of them, and in this Act contained, lawfully demand and receive in respect of the said altered Line of Railway and Branch Railway and Works hereby authorized to be made in all respects the same Amount of Rates, Tolls, or other Charges as by the recited Acts the Company are authorized to demand and receive in respect of the said *Manchester, Buxton, Matlock, and Midlands Junction* Railway, and all Provisions and Regulations in the recited Acts and the several Acts incorporated therewith, or with either of them, contained relative to the Imposition, Collection, and Recovery of Tolls and other Powers relating thereto shall extend and be applicable to the Tolls to be levied by virtue of this Act.

Company to take same Tolls as on the Main Line.

XXIX. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Queen's most Excellent Majesty, Her Heirs and Successors, as well in right of Her Crown as in right of Her Duchy of *Lancaster*.

Saving Rights of the Crown and the Duchy of Lancaster.

XXX. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another

Railway Company to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97.,

5 & 6 Vict.  
c. 55.,  
7 & 8 Vict.  
c. 85., and  
9 & 10 Vict.  
cc. 57. 105.

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 Two several Acts passed in the Ninth and Tenth Years of the Reign of Her said Majesty, respectively intituled *An Act to regulate the Gauge of Railways*, and *An Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the said Railways or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the said altered Line of Railway and Branch Railway and Company, so far as the same shall be applicable thereto.

Railways not  
exempt from  
Provisions of  
future gene-  
ral Acts.

XXXI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, 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 authorized by this Act.

Expenses of  
Act.

XXXII. And be it enacted, That all Costs, Charges, or Expenses incident to and attending the obtaining and passing this Act shall be paid by the Company out of the first Monies that shall come to their Hands.

Public Act.

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

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