



ANNO DECIMO OCTAVO & DECIMO NONO.

VICTORIÆ REGINÆ.

Cap. cxxx.

An Act to enable the *Stockport, Disley, and Whaley Bridge* Railway Company to construct a Junction Line to the *Cromford and High Peak* Railway, and for other Purposes.

[16th July 1855.]

WHEREAS an Act was passed in the last Session of Parliament, called "*The Stockport, Disley, and Whaley Bridge Railway Act, 1854*," for making a Railway from the *London and North-western* Railway near *Stockport* to *Disley* and *Whaley Bridge*, all in the County of *Chester*: And whereas it is expedient, and would be for the public Advantage, that a Junction should be made between the Line of the said Railway as authorized by the said recited Act and the *Cromford and High Peak* Railway; and such Junction may be effected by the Construction of about a Quarter of a Mile of additional Railway: And whereas it is expedient that the *London and North-western* Railway Company and the *Cromford and High Peak* Railway Company should be empowered to become Subscribers to the Undertaking of the *Stockport, Disley, and Whaley Bridge* Railway Company (herein-after called the Company); but the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that

[Local.] 23 G it

The Stockport, Disley, and Whaley Bridge Railway Act, 1855.

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 :

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

I. The Provisions of "The Lands Clauses Consolidation Act, 1845," and of "The Railways Clauses Consolidation Act, 1845," shall be incorporated in 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 "*The Stockport, Disley, and Whaley Bridge Railway Act, 1855.*"

Power to
make Junction
Line.

III. Inasmuch as Plans and Sections of the proposed Junction Railway, showing the Lines and Levels thereof, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands which may be required to be taken for the Purposes thereof, have been deposited with the respective Clerks of the Peace for the Counties of *Chester* and *Derby*: Therefore, subject to the several Powers, Provisions, and Restrictions herein and in the said incorporated Acts contained, it shall be lawful for the Company to execute the said Junction Railway in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, purchase, take, and use such of the said Lands as shall be necessary for such Purposes.

Description
of Junction
Line.

IV. The said Junction Railway shall commence from and out of the authorized Line of the *Stockport, Disley, and Whaley Bridge Railway* at or near the *Jodrell Arms* Public House in *Whaley* in the Parish of *Taxal* in the County of *Chester*, and terminate by a Junction with the *Cromford and High Peak Railway* at or near *Whaley Bridge* in the Parish of *Hope* in the County of *Derby*.

Junction
Line to form
Part of
Under-
taking.

V. The said Junction Railway shall be and be deemed, for the Purposes of Tolls and Charges, and for all Purposes whatsoever, to be a Part of the Undertaking of the Company, in the same Manner as if the same had originally formed Part thereof, and the Capital of the Company for the Time being shall be applicable to the Construction thereof.

Certain Road
may be
crossed on
the Level.

VI. Subject to the Provisions contained in "The Railways 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 said Junction Line of Railway by this Act authorized across and on the
Level

The Stockport, Disley, and Whaley Bridge Railway Act, 1855.

Level of the Road numbered One in the Parish of *Taxal* on the Plans deposited as aforesaid.

VII. For the greater Convenience and Security of the Public, the Company shall erect and permanently maintain a Lodge or Station at the Point where the said 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 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.

Company
to erect
Station or
Lodge at
Point of
Crossing.

VIII. The Board of Trade may, if it shall appear to them necessary for the Public Safety, at any Time, either before or after the Railway hereby authorized to be made 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 Bridge or Arch, instead of crossing the same on a Level, or to execute such other Works as, 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.

Board of
Trade may
require
Bridge
instead of
Level Cross-
ing.

IX. The Powers of the Company for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of "*The Stockport, Disley, and Whaley Bridge Railway Act, 1854.*"

Powers for
compulsory
Purchases
limited.

X. The Works hereby authorized shall be completed within Four Years from the passing of "*The Stockport, Disley, and Whaley Bridge Railway Act, 1854;*" and on the Expiration of such Period the Powers by this Act granted to the Company for executing such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for
the Comple-
tion of
Works.

XI. And whereas the Junction Railway by this Act authorized is intended to consist in the first instance of a single Line of Rails, and it is expedient to provide for laying down a Second Line of Rails thereon when required: Therefore the Company shall in the first instance purchase and take Lands sufficient for laying down a Second Line

Board of
Trade may
require a
Second Line
of Rails.

The Stockport, Disley, and Whaley Bridge Railway Act, 1855.

Line of Rails, and shall, if and when they shall be required so to do by the Board of Trade, lay down with all reasonable Despatch, and thereafter maintain, an additional or Second Line of Rails on the said Junction Railway, for the greater Convenience and Accommodation of the Traffic thereon.

New Line
and original
Line to be
opened
simulta-
neously.

XII. The Railway by the *Stockport, Disley, and Whaley Bridge* Railway Act authorized shall not be opened for public Traffic until the Junction Railway by this Act authorized shall be completed and ready for Traffic.

Mode of
crossing
Manchester
and Buxton
Road.

XIII. And whereas it is intended, under the Authority of this Act, to carry the Extension Railway over and across the *Manchester and Buxton* Turnpike Road (herein-after called the Turnpike Road) in the Township of *Fernilee* in the Parish of *Hope* and County of *Derby*; and it is expedient to make Provision with reference thereto: Therefore such crossing shall be effected by means of a good and substantial Bridge of Stone, Brickwork, Iron or Timber, over the said Turnpike Road, and the clear Carriage Road and Footpath at the Sides thereof under such Bridge shall not be less than the present Width of such Road and Footpath at such Point of crossing, except with the Consent of the Trustees of the said Road, and the under Side of the Arch or Beam of the said Bridge shall not be less than Sixteen Feet above the present Surface Level of the Crown of the said Turnpike Road for a Length of not less than Sixteen Feet where the same shall be crossed by the Railway.

Company to
keep Bridge,
&c. in repair.

XIV. The Company shall and they are hereby required, at their own Expense, from Time to Time and at all Times to maintain and keep in good, safe, and sufficient Order, Repair, and Condition the said Bridge, and the Supporting or Wing Walls and other Works in connection with the same.

Obstructions
on Roads to
be removed
under
Penalty.

XV. If any avoidable Obstruction shall be occasioned to the Traffic upon the said Turnpike Road, either in the Execution of the Works by this Act authorized or consequent thereon, or by the same being allowed to fall into Decay, the Company shall forthwith, at their own Expense, remove such Obstruction, and make good any Damage or Injury done to the said Road, or in default thereof shall pay to the Trustees of the said Turnpike Road the Sum of Ten Pounds for every Day during which such Obstruction shall continue.

For making
Drains at the
Crossings of
the Man-
chester and
Buxton

XVI. The Company shall and they are hereby required to make and form, at the Point or Place where the said Railway crosses the said Turnpike Road, such and so many main or other Drains, Sewers, Culverts, or Watercourses, and make such other Provision as shall be necessary

The Stockport, Disley, and Whaley Bridge Railway Act, 1855.

necessary to well and effectually drain and carry off the Surface Water from the said Bridge and Turnpike Road respectively, and prevent Injury to the said Road and Annoyance to the Traffic upon the same, such Drains, Sewers, Culverts, Watercourses, and other Works to be made by and at the Expense of the Company, in such Manner, and at such Places, and of such Capacity as shall be agreed on between the Company and the Trustees of the said Turnpike Road, and to be from Time to Time and at all Times for ever hereafter kept open, cleansed, and maintained in good and sufficient Order, Repair, and Condition, by and at the Expense of the Company; and in case any Dispute or Difference shall arise between the 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, Watercourses, or other Works, 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 in the Manner provided by "The Railways Clauses Consolidation Act, 1845."

Turnpike Road.

XVII. It shall be lawful for the *London and North-western Railway Company*, with the Consent of Three Fifths at least of the Votes of the Proprietors present, personally or by Proxy, at some General Meeting of such Company specially convened for the Purpose of authorizing such Subscription, to subscribe towards and to acquire Shares and become Shareholders in the Undertaking of the Company to any Extent authorized by such Meeting, not exceeding Eighty-five thousand Pounds; and the *London and North-western Railway Company* may pay the Amount of their Subscription, and the Calls upon their Shares, by and out of any Moneys which the last-mentioned Company have raised or are authorized to raise by Shares or by borrowing, under the Provisions of any Acts relating to such last-mentioned Company, and which may not be required for the Purposes of those Acts respectively.

Power for London and North-western Railway Company to subscribe.

XVIII. The *Cromford and High Peak Railway Company* shall contribute out of their Corporate Funds, towards the Undertaking of the Company, the Sum of Three thousand seven hundred and fifty Pounds, and Shares in the Company of the aggregate Amount of Three thousand seven hundred and fifty Pounds shall be allotted to them accordingly; and the *Cromford and High Peak Railway Company* shall pay the Amount of such Contribution by and out of any Moneys which the last-mentioned Company have raised or are or may be authorized to raise by Shares or by borrowing, under the Provisions of any Acts relating to such last-mentioned Company.

Cromford and High Peak Railway Company to contribute to Undertaking.

The Stockport, Disley, and Whaley Bridge Railway Act, 1855.

Application
of Moneys
received by
the Com-
pany.

XIX. All Moneys received by the Company under the Powers of this Act shall be applied only to the Purposes authorized by this Act and the recited Act, or either of them.

Subscribing
Companies
may appoint
Persons to
vote.

XX. The Directors of each Company becoming Shareholders in the Undertaking of the Company under the Powers of this Act may, so long as the Company whereof they are Directors continue Shareholders in the Undertaking of the Company, appoint One or more Persons (whether such Persons shall be Shareholders in the Company or not) to vote at any Meeting of the Company on behalf of the Company by the Directors of which he shall be appointed, 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 holding such Appointment shall (subject to the Limitation herein-after contained of the Right of voting of any Person so appointed by the Directors of the *Cromford and High Peak* Railway Company) 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 in respect of which he or they shall have been appointed to vote, in addition to any Right of voting to which he or they may be entitled in respect of any Shares held by him or them in his or their own Right: Provided always, that every such Appointment and Revocation shall be under the Seal of the Company making the same, or under the Hand of the Chairman for the Time being of the Directors of that Company; provided also, that when and so long as there shall be a Director of the Company appointed by the Directors of the *Cromford and High Peak* Railway Company no Person shall vote at any Meeting of the Company on behalf of the *Cromford and High Peak* Railway Company.

Director may
be appointed
by *Cromford*
Company.

XXI. The Directors of the *Cromford and High Peak* Railway Company, when and as that Company shall have subscribed towards and so long as they shall continue to be Shareholders in the Undertaking of the Company to the full Amount by this Act authorized, and when and so long as the Number of the Directors of the Company shall be Nine, may appoint One Person as a Director of the Company, in addition to the ordinary Directors thereof, and may from Time to Time remove any Director appointed by them, and may appoint another Person in the Stead of any Director so appointed by them who shall be so removed, or who shall die, resign, or become incapable of acting, or disqualified, or shall retire, or be about to retire, under the Provisions in that Behalf herein-after contained; but the Powers of any Director so appointed shall not commence, nor shall he be entitled to attend any Meeting of the Directors of the Company, until after the Ordinary Half-yearly Meeting of the Company to be held next before the opening of the said Junction Railway.

XXII. Every

The Stockport, Disley, and Whaley Bridge Railway Act, 1855.

XXII. Every Person so appointed a Director shall be a Shareholder in the *Cromford and High Peak* Railway Company, but it shall not be necessary that any Person so appointed should be a Shareholder in the Company.

Qualifica-
tion, &c. of
such Di-
rectors.

XXIII. A Certificate in Writing of the Appointment, Removal, Resignation, Incapacity, or Disqualification of any Director so appointed on behalf of the said *Cromford and High Peak* Railway Company, under the Common Seal or under the Hand of the Chairman for the Time being of the Directors of that Company, shall, as soon as conveniently may be after the Event therein certified shall have occurred, be deposited at the principal Office of the Company, and shall (as between the Company and the *Cromford and High Peak* Railway Company) be conclusive Evidence of the Fact therein certified: Provided always, that if the Directors of the said *Cromford and High Peak* Railway Company shall at any Time or Times hereafter fail or omit to appoint a Director under the Powers in that Behalf herein contained, the remaining or ordinary Directors shall be competent to act as if no such Failure or Omission had occurred.

Evidence of
such Ap-
pointment.

XXIV. If, at any Time after Directors shall have been appointed in manner aforesaid on behalf of the said *Cromford and High Peak* Railway Company, that Company shall cease to be Shareholders in the Undertaking to the full Extent to which they are by this Act authorized to subscribe, then and immediately thereupon the Director for the Time being appointed on behalf of that Company shall retire from Office, and his Powers, and the Powers by this Act vested in that Company of appointing Directors, shall for ever cease and determine.

Retirement
of such Di-
rectors, on
Company
ceasing to
hold Shares
to a certain
Extent.

XXV. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Election, Qualification, Retirement from Office, and Rotation of Directors, shall not apply to the Director from Time to Time appointed by the Directors of the *Cromford and High Peak* Railway Company.

Certain
Clauses of
8 & 9 Vict.
c. 16. not to
apply to
such Di-
rectors.

XXVI. It shall not be lawful for any Company mentioned in this Act, out of any Money by any Act relating to such Company authorized to be raised for the Purposes of this 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 an Act authorizing the Company to construct any other Railway or to execute any other Work or Undertaking.

Deposits for
future Bills
not to be
paid out of
the Com-
pany's
Capital.

XXVII. It

The Stockport, Disley, and Whaley Bridge Railway Act, 1855.

Interest not
to be paid on
Calls paid
up.

XXVII. It shall not be lawful for any Company by this Act authorized to raise Money, out of any Money by this Act or any other Act relating to such Company 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 any Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent any such Company from paying 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 in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Saving
Rights of
Manchester,
Sheffield,
and Lincoln-
shire Rail-
way Com-
pany.

XXVIII. Nothing in this Act shall be taken to alter or prejudice the Rights and Relations of the *Manchester, Sheffield, and Lincolnshire* Railway Company, and the *Stockport, Disley, and Whaley Bridge* Railway Company, as established by the *Stockport, Disley, and Whaley Bridge* Railway Act, 1854; and the *Stockport, Disley, and Whaley Bridge* Railway Company shall not be entitled to set up the Junction Railway authorized by this Act as a Reason why an Application in any future Session of Parliament for Powers to effect an improved Communication from their Line at or near *Whaley Bridge* to *Buxton* should not be made.

Railways
not exempt
from Pro-
visions of
present and
future
General
Acts.

XXIX. 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, or to the better or 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 authorized by this Act or the said recited Acts, and of the Rates for small Parcels.

Expenses of
Act.

XXX. All the Costs, Charges, and Expenses of and attending the passing this Act, or preparatory or incident thereto, shall be paid by the Company.

○ LONDON:

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