



ANNO DECIMO OCTAVO & DECIMO NONO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## Cap. lxxv.

An Act to alter and extend the Line of the *Cromford and High Peak* Railway, and to amend and consolidate the Provisions of the Acts relating thereto. [26th June 1855.]

**W**HEREAS by an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* 6 G. 4. c. xxx. for making and maintaining a Railway or Tramroad from the *Cromford Canal*, at or near to *Cromford* in the Parish of *Wirksworth* in the County of *Derby*, to the *Peak Forest Canal* at or near to *Whaley* (otherwise *Yardsley-cum-Whaley*) in the County Palatine of *Chester*, the *Cromford and High Peak* Railway Company were incorporated, and were empowered to raise a Sum of One hundred and sixty-four thousand four hundred Pounds by Subscription amongst themselves, and the Sum of Thirty-two thousand eight hundred and eighty Pounds by Mortgage of the Undertaking: And whereas the Sum of One hundred and twenty-seven thousand seven hundred Pounds was raised by means of such Subscription, and Shares representing the Remainder of the authorized Capital of One hundred and sixty-four thousand four hundred Pounds became forfeited by reason of the Nonpayment of Calls, and are merged in the general Capital of the Company: And whereas the Sum of Thirty-one thousand nine hundred and ten Pounds has been raised by

[Local.]                      11 S                      Mortgage



*The Cromford and High Peak Railway Act, 1855.*6 & 7 Vict. c.  
xviii.

Mortgage under the said Act, and the same constitutes the First Charge upon the Undertaking, and is herein-after distinguished as the First Mortgage Debt: And whereas the Company contracted certain Debts for the Supply of Rails, Stationary Steam Engines, and other Matters necessary for the Completion of the Railway, which, with the Interest thereon, amounted, on the Thirty-first Day of *August* One thousand eight hundred and forty-two, to the Sum of Forty-six thousand nine hundred and fifteen Pounds, and in consequence thereof an Act was passed in the Sixth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for enabling the Cromford and High Peak Railway Company to grant Mortgages for Part of their floating Debts, and for amending the Act relating to such Railway*: And whereas in pursuance of such Act Mortgages were granted in respect of the Sum of Twenty-two thousand eight hundred and ninety Pounds, being Part of the said floating Debt of Forty-six thousand nine hundred and fifteen Pounds, and the said Mortgages and the Sum of Twenty-four thousand and twenty-five Pounds, being the Remainder of the said floating Debt, constitute the Second Charge on the Undertaking, and the same is herein-after designated as the Second Mortgage Debt: And whereas no Dividend has been declared on the Share Capital of the Company, and the present Revenue is insufficient to pay the Interest on the First Mortgage Debt, and the whole of the Interest on such Debt from the Twenty-ninth Day of *September* One thousand eight hundred and thirty-nine remains due and owing, and no Interest has been paid on the Second Mortgage Debt, and the Remainder of the floating Debt and the Interest thereon remains undischarged: And whereas the said Railway has been recently united on its Eastern Extremity with the Line of the *Manchester, Buxton, Matlock, and Midlands Junction* Railway in the Parish of *Wirksworth*, and on the Western Extremity thereof a Railway has been authorized by an Act passed in the last Session of Parliament, intituled "*The Stockport, Disley, and Whaley Bridge* Railway Act, 1854:" And whereas the *Cromford and High Peak* Railway Company are desirous of becoming Carriers upon their Railway, both of Passengers and Goods: And whereas the Railway might be much improved by means of a Deviation in the Line, and an Enlargement of the existing Railway in the Township of *Hartington Upper Quarter*, near to where the new Road from *Macclesfield* to *Buxton* crosses under the Railway, and terminating at a Point where the old Road from *Macclesfield* to *Buxton* passes over the Railway, and also by means of other Alterations and Improvements the said Railway would be better adapted for the Conveyance of Passengers, Goods, and Minerals: And whereas the making an Extension from the said Railway, commencing near the Top of the First *Whaley* Incline, and terminating by a Junction with the *Stockport, Disley, and Whaley Bridge* Railway in the Township of *Whaley*, would be of public Utility: And whereas it would be beneficial



*The Cromford and High Peak Railway Act, 1855.*

beneficial to the said Proprietors of Shares and Mortgagees and to the Public if the Company were enabled to construct the said Deviation and Extension, and certain other Works connected with the Railway, for the Improvement thereof in manner herein-after expressed, and it is expedient to enable them so to do: And whereas it is expedient that the Company should be authorized to raise the Money required for the Construction of the new Works by the Creation of Preference Shares bearing a guaranteed Rate of Dividend, and entitling the Holders thereof to Priority over the Second Mortgage Debt, and over the existing Share Capital of the Company: And whereas many of the Persons entitled to the Sums secured by the Mortgages under the first-recited Act have consented that such Mortgage Debt should be converted into a Debenture Stock, bearing Interest at and after the Rate of Three and a Half Pounds *per Centum per Annum*, and that all Arrears of Interest up to the Thirty-first Day of *December* One thousand eight hundred and fifty-five shall be extinguished, and other Provisions made with reference thereto: And whereas the Persons entitled to the Second Mortgage are also the Parties to whom the floating Debt is now due; and it has been arranged with such Parties that the Sum due under the said Mortgage, and all Arrears of Interest thereon, and the Amount of the said floating Debt, and all Arrears of Interest thereon, shall be deemed and taken to be the Sum of Forty-six thousand nine hundred and fifteen Pounds, and that all other Part of such Debts and Interest thereon respectively shall be extinguished, and that such Sum of Forty-six thousand nine hundred and fifteen Pounds shall be converted into Debenture Stock in manner herein-after expressed: And whereas for effectuating the Objects and Purposes aforesaid, and for making Provision for the convenient working of the said Railway by the Company, both for Goods and Passengers, it is expedient that further Powers should be granted to the Company, and the same could be most conveniently effected if the said recited Acts were repealed, and the Company re-incorporated, and new and further Powers conferred on the Company; but 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,)

I. That this Act may be cited for all Purposes as "*The Cromford Short Title. and High Peak Railway Act, 1855.*"

II. That, subject as herein-after provided, the said recited Acts of the Sixth Year of the Reign of His Majesty King *George* the Fourth, and of the Sixth Year of the Reign of Her present Majesty, shall, Recited Acts repealed.

*The Cromford and High Peak Railway Act, 1855.*

shall, upon the passing of this Act, be and the same are hereby repealed; and the Company incorporated by the said Act of the Sixth Year of His Majesty King *George* the Fourth shall be and is hereby dissolved.

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

III. That "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.

Interpreta-  
tion of Terms.

IV. That in construing "The Companies Clauses Consolidation Act," and "The Lands Clauses Consolidation Act," and "The Railways Clauses Consolidation Act," as incorporated with this Act, the Expression "the Works," or "the Undertaking," or "the Railway," shall mean the Railway and Works by this Act vested in the Company incorporated by this Act, as well as the Railway and Works by this Act authorized to be made; and in construing this Act the Word "Company" shall mean the Company incorporated by this Act; the Word "Undertaking" or "Railway" shall mean the Railway Undertaking of the Company; the Expression "First Mortgage Debt" shall mean the Mortgage Debt borrowed under the Powers of the first-recited Act hereby repealed; the Expression "Second Mortgage Debt" shall mean the Sum of Money secured upon Mortgage under the secondly-recited Act, and shall include such Amount of the floating Debt and Interest as may with such Sum of Money make up the Sum of Forty-six thousand nine hundred and fifteen Pounds, unless in any of the Cases aforesaid there be something either in the Subject or Context repugnant to such Construction.

Re-incor-  
poration of  
Company.

V. That from and immediately after the passing of this Act the several Persons and Corporations who immediately before the passing thereof were Proprietors of Shares in the *Cromford and High Peak* Railway Company, incorporated by the first-recited Act, and all other Persons and Corporations who shall hereafter subscribe towards the Undertaking of the Company hereby incorporated, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of maintaining and working the Railway and Works made by, belonging to, or vested in the *Cromford and High Peak* Railway Company at the Time of the passing of this Act, and also of making, maintaining, and working the Railway and Works by this Act authorized to be made; and for the Purposes aforesaid such Persons and Corporations shall be incorporated by the Name of "The *Cromford and High Peak* Railway Company," and by that Name shall be a Body Corporate, and have a Common Seal, with perpetual Succession, and shall have Power to purchase, hold, sell, and dispose of Lands for the Purposes of the said Undertaking so vested in them or authorized by this Act.

VI. That



*The Cromford and High Peak Railway Act, 1855.*

VI. That the Undertaking of the Company hereby incorporated shall consist of the Railway from the present Termination at or near the *Peak Forest* Canal to the Junction with the *Cromford* Canal, and also to the Junction with the *Manchester, Buxton, Matlock, and Midlands Junction* Railway, both in the Parish of *Wirksworth*, and of the Wharfs, Quays, Landing Places, Tramways, Warehouses, Yards, Engines, and other Works connected therewith or used for the Purposes thereof, which immediately before the passing of this Act were vested in or authorized to be made by the *Cromford and High Peak* Railway Company under the Powers of the recited Acts, and also of the Railways and Works by this Act authorized to be executed and maintained by the Company.

Defining the Undertaking of the Company.

VII. That, notwithstanding the Repeal of the recited Acts, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered under the recited Acts or either of them shall be as valid as if the recited Acts were not repealed; and the Repeal thereof, and this Act respectively, shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if the recited Acts were not repealed and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered; and with respect to all such Rights, Liabilities, Claims, and Demands, the Company by this Act incorporated shall, to all Intents and Purposes, except as expressly altered by this Act, represent the Company by the first-recited Act incorporated: Provided always, that the Generality of the preceding Provision shall not be restricted by any of the other Clauses or Provisions of this Act.

Continuance of Liabilities of Company under repealed Acts.

VIII. That, notwithstanding the Repeal of the respective recited Acts, the Company by this Act incorporated shall remain and be seised and possessed of and entitled to all Railways, Tramways, Stations, Sidings, Embankments, Bridges, Arches, Tunnels, Roads, and other Works, and all Lands, Tenements, Hereditaments, Easements, Appurtenances, prospective and other Rights, Powers, and Privileges, Real and Personal Estates, and Rights and Interests therein or relating thereto whatsoever, of or to which the *Cromford and High Peak* Railway Company, or any Person in trust for them, were seised, possessed of, or entitled at Law or in Equity immediately before the passing of this Act; and all Rates, Tolls, Rents, and Monies due or accruing to, and all Securities, Books, Accounts, Documents, Choses of Action, Effects, and Property immediately before the passing of this Act vested in the *Cromford and High Peak* Railway Company, and all other their Privileges, Rights, Titles, Estates, and Interests in the same respectively, shall, from and after the passing of this Act, remain

Works to remain vested in the Company.

[Local.]

11 T

and



*The Cromford and High Peak Railway Act, 1855.*

and continue to be held and enjoyed accordingly, for the absolute Use and Benefit of the Company incorporated by this Act, for the Purposes of this Act, and for the same Estates, Terms, and Interests as if the several recited Acts had not been repealed, subject nevertheless to the Charges, Interests, and Liabilities (if any) to which at the Time of the passing of this Act the same Premises are respectively subject, except as by this Act otherwise expressly provided.

Company to  
continue en-  
titled to  
Powers under  
other Acts.

IX. That, notwithstanding the Repeal of the respective recited Acts, the several Clauses and Provisions whatsoever in favour of or relating to the *Cromford and High Peak* Railway Company respectively contained in any Act or Acts (other than the said recited Acts respectively), and which immediately before the passing of this Act are in force, shall continue and be in full force accordingly; and the Company by this Act incorporated, and their Directors, Officers, and Servants, may and shall accordingly, and for the Purposes of this Act, be entitled to, and have, exercise, and enjoy, and be subject to, under and by virtue of those Clauses and Provisions respectively, all such Rights, Interests, Powers, Authorities, Privileges, Obligations, and Liabilities whatsoever, as if this Act had not passed.

Convey-  
ances, &c., to  
remain in  
force.

X. That, notwithstanding the Repeal of the respective recited Acts, and except as otherwise expressly provided in this Act, all Purchases, Sales, Conveyances, Grants, Assurances, Leases, Mortgages, Bonds, Contracts, Agreements, Securities, and other Acts and Things before the passing of this Act done, entered into, executed, or instituted under or by virtue of the recited Acts respectively, or with reference to the Purposes thereof respectively, or by such Acts, or either of them, vested in or charged upon the *Cromford and High Peak* Railway Company, shall be as good, valid, and effectual, to all Intents and Purposes whatsoever, for, against, and with reference to the Company by this Act incorporated, as they would have been if the recited Acts had not been repealed, and may be proceeded on and enforced accordingly.

Actions, &c.  
not to abate.

XI. That, notwithstanding the Repeal of the respective recited Acts, no Action, Suit, Prosecution, or other Proceeding whatsoever commenced either by or against the *Cromford and High Peak* Railway Company previously to the passing of this Act shall abate or be discontinued or prejudicially affected by this Act, but on the contrary shall continue and take effect both in favour of and against the Company incorporated by this Act, in the same Manner to all Intents and Purposes as if this Act had not passed; and Proceedings for all Offences against the Provisions of the said recited Acts or either of them, committed before the passing of this Act, may be commenced and prosecuted, and all Penalties incurred by reason of such Offences may



*The Cromford and High Peak Railway Act, 1855.*

may be sued for, in like Manner in all respects as if the recited Acts had not been repealed.

XII. That, notwithstanding the Repeal of the respective recited Acts, all Tolls, Rents, and Charges whatsoever made, charged, or imposed under the said recited Acts respectively, and which at the Time of the passing of this Act are due, or if this Act had not passed would have accrued due, shall continue in force, and be due and payable to the Company incorporated by this Act, and may be collected, recovered, and enforced by such Means and under such Regulations and Restrictions as any Tolls, Rents, or Charges may be collected, recovered, or enforced under this Act.

Tolls or Rates now payable to continue in force.

XIII. That, notwithstanding the Repeal of the respective recited Acts, all Persons who, immediately before the passing of this Act, owe any Money to the *Cromford and High Peak* Railway Company, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due or to accrue due for the same, to the Company incorporated by this Act, and the same shall be recoverable by that Company; and all Debts and other Monies, which immediately before the Commencement of this Act are due or owing by or recoverable from the Company incorporated by this Act, or for the Payment of which the Company are or but for this Act would be liable, shall be paid, with all Interest due or to accrue due thereon, by or be recoverable from the Company, except as by this Act otherwise expressly provided, and all Securities for the same shall be and continue in force accordingly.

Debts due to and by the Company to be paid to and by them.

XIV. That, notwithstanding the Repeal of the respective recited Acts, all Tolls, Rates, and Charges, and all Byelaws, Rules, Regulations, and Orders made under the said recited Acts, or either of them, shall continue in force until the same be repealed, altered, or varied under this Act, and such Byelaws, Rules, Regulations, and Orders, and all Penalties and Forfeitures thereby respectively imposed, may and shall be enforced, recovered, and applied in the same Manner in all respects as if the same had been made and imposed respectively under this Act.

Byelaws, &c. to remain in force.

XV. That, notwithstanding the Repeal of the respective recited Acts, all Certificates, Sales, Transfers, and Dispositions, before the passing of this Act made or executed under the recited Acts respectively, of or in respect of any Shares in the *Cromford and High Peak* Railway Company, shall remain in full force and continue and be available in all respects.

Certificates and Transfers to remain in force.

XVI. That, notwithstanding the Repeal of the respective recited Acts, but subject to the Provisions of this Act, the several Persons who,

Directors to remain in Office.

*The Cromford and High Peak Railway Act, 1855.*

who, on the passing of this Act, are the Members of the Committee of Management under the first-recited Act shall be the Directors of the Company incorporated by this Act, and shall remain in Office, and shall retire therefrom in the Rotation and at the Period herein-after provided; and such Committeemen shall be entitled to the same Powers, and be subject to the same Duties, Provisions, and Responsibilities, as the Directors to be appointed under this Act, and shall be, to the same Extent, eligible for Re-election.

Present  
Officers con-  
tinued.

XVII. That, notwithstanding the Repeal of the respective recited Acts, all Officers and Persons appointed to or in Office or Employment under the recited Acts shall continue in their respective Offices and Employments according to their respective Appointments, until removed therefrom according to the Provisions of this Act; and all such Officers and Persons shall have the same Powers, Privileges, and Advantages, and all such Officers and Persons and their respective Sureties shall be liable to the same or the like Conditions, Penalties, Obligations, Restrictions, and Regulations, as if such Officers and Servants respectively had been appointed and such Sureties had become bound under this Act.

Books to be  
Evidence.

XVIII. That, notwithstanding the Repeal of the respective recited Acts, all Books and other Documents by those Acts or either of them directed or authorized to be kept, made, or executed, and which if this Act had not passed would be receivable in Evidence, shall be admitted in Evidence in all Courts of Law and Equity and elsewhere accordingly.

Forfeited  
Shares to  
merge in Un-  
dertaking.

XIX. That all Shares in the *Cromford and High Peak* Railway Company which at the Time of the passing of this Act have been forfeited shall on the passing of this Act be and the same are hereby cancelled, and all Rights, Claims, and Demands in respect thereof shall be and are hereby absolutely extinguished.

Paid-up  
Capital  
divided into  
Shares of 20l.  
each.

XX. That after the passing of this Act the existing paid-up Share Capital of the Company shall be converted into Shares of Twenty Pounds each, and the same shall be called "the Original Shares" of the Company; and the several Holders of such Shares shall (subject to the Charges on the Revenue of the Company created or to be created under this Act) be entitled to participate in the Dividends and Profits of the Company according to the Amount of their respective Interests in such Shares.

Paid-up  
Shareholders  
to become  
entitled to a

XXI. That after the passing of this Act every Person and Corporation who immediately before the passing of this Act was possessed of or entitled to One or more paid-up Share or Shares of One hundred



*The Cromford and High Peak Railway Act, 1855.*

hundred Pounds each in the existing Capital of the *Cromford and High Peak* Railway Company, shall for each such Share of One hundred Pounds be possessed of or entitled to Five Shares of Twenty Pounds each, without making any Payment in respect thereof; and such Shares are hereby vested in such Persons and Corporations accordingly.

correspond-  
ing Amount  
of Original  
Shares.

XXII. That all Corporations and Persons in whom any of the Original Shares of the Company shall be vested as aforesaid shall stand and be possessed thereof upon the same Trusts, and subject to the same Powers, Provisions, Declarations, and Agreements, Charges and Incumbrances, upon or to which the Share or Shares in the Capital of the *Cromford and High Peak* Railway Company in respect of which such "Original Shares" were so vested was or were subject and liable immediately before the passing of this Act, and so as to give effect to and not revoke any Will or other Testamentary Instrument disposing of or affecting such Share or Shares.

Substituted  
new Shares  
to be subject  
to same  
Trusts as  
Original  
Shares.

XXIII. That, for the Purpose of enabling the Company to improve their Line of Railway, and to construct the Works authorized by this Act, and to carry the other Provisions thereof into execution, it shall be lawful for the Company to raise, by the Creation of Preference Shares, the further Sum of Twenty thousand Pounds; and the said Sum of Twenty thousand Pounds to be raised by virtue of this Act shall be applied to the Improvement of the Railway, and to the Construction of Works, and to the Supply of Engines, Carriages, and other Means and Appliances for the Carriage of the Traffic passing on the Railway, and to the several other Purposes by this Act authorized, and to no other Purpose whatsoever.

Power to  
raise 20,000*l.*  
for Railway  
and Works.

XXIV. That the Shares to be created by the Company for the Purpose of raising the said Sum of Twenty thousand Pounds shall be issued subject to the Provisions of this Act, and shall entitle the Holders thereof to a preferential Dividend at the Rate of Six Pounds *per Centum per Annum* on the Amount actually paid up on such Shares, subject to the Amount of the said Shares being paid off by the Company at any Time after the Expiration of Ten Years from the passing of this Act.

Preference  
Shares to  
bear a pre-  
ferential  
Dividend of  
6*l.* per Cent.

XXV. That the Interest or Dividend for the Time being payable upon the said Preference Shares shall, after Payment of Interest upon the First Mortgage Debt or the Debenture Stock into which the same shall be converted as herein-after provided, and the Interest of any Money borrowed under the Powers of this Act, and the Principal of such Money when and as the same become due, be the First Charge on the Revenue of the Company, and shall be paid before the Interest

The Divi-  
dend on Pre-  
ference  
Shares to be  
a Charge on  
the Company  
after Deben-  
ture Stock A.

[*Local.*]

11 U

of



*The Cromford and High Peak Railway Act, 1855.*

of the Second Mortgage Debt or the Debenture Stock into which the same shall be converted, and before any Dividend is paid upon the Original Shares.

As to the nominal Amount of Preference Shares and Call thereon.

XXVI. That each of such Preference Shares shall be of the nominal Value of Twenty Pounds; and any Shares not already subscribed for or taken may be disposed of in such Manner as the Directors think proper, but not at a less Price than the nominal Value thereof.

New Subscribers to be entitled to Shares in proportion to their Subscription.

XXVII. That every Person and Corporation who has subscribed any Sum of Money towards the said Sum of Twenty thousand Pounds shall be entitled, on Payment of the Sums of Money which (in accordance with the Terms of such Subscription and with the Provisions of this Act) he or they shall be liable to pay in respect thereof, to receive from the Company Preference Shares created under this Act to the same Amount as he or they shall have so subscribed towards the said Sum of Twenty thousand Pounds; and every Person who shall become entitled to any such Shares shall in respect thereof be a Shareholder in the Undertaking of the Company hereby incorporated.

Calls.

XXVIII. That Twenty-five Pounds *per Centum* on the nominal Amount of a Share shall be the greatest Amount of any One Call which the Company may make on the Holder of such Shares; and Two Months at the least shall be the Interval between successive Calls; and the Amount to be called up in any One Year upon any Share shall not exceed Four Fifths of the Amount of such Share.

Company empowered after Ten Years, to call in Preference Shares.

XXIX. That, subject to the Provisions of this Act, it shall be lawful for the Company, after the Expiration of Ten Years from the passing of this Act, by the Direction of an Extraordinary Meeting of the Proprietors convened for the Purpose, to call in all or any of the Preference Shares created by virtue of this Act, and to cancel the same, on paying to the Proprietors of the Shares so called in such Sum of Money as shall be equal to the Sum which shall have been actually paid by way of Deposits and Calls on each Share so called in, together with Dividends on the Sums so repaid after the Rate herein-before prescribed on such Shares for the Period (if any) which shall have elapsed between the last Day of Payment of Dividend on such Shares and the Day appointed for paying off and cancelling the same: Provided always, that in case in any Year after the passing of this Act there shall have been a Deficiency in the Dividend of Six Pounds *per Centum per Annum* upon such Preference Shares, such Deficiency shall be paid by the Company at the Time of paying off and cancelling such Shares.

XXX. That



*The Cromford and High Peak Railway Act, 1855.*

XXX. That when and as often as the Company shall direct any Sum of Money to be applied in paying off any of the said Preference Shares for raising the Sum of Twenty thousand Pounds, the Directors shall (in case such Sum shall be insufficient to pay off the whole of such Shares) decide by Lot which of such Shares shall be paid off, and when the whole or any Part of such Shares shall be directed to be paid off, the Directors shall cause a Notice signed by the Secretary to be given to the Proprietors of the Shares so to be paid off, and such Notice shall state the Numbers of the Shares proposed to be paid off, and that the Sum to be paid in respect thereof will be paid on a Day to be therein named, not being less than Six Months from the Date of such Notice, and at a Place to be therein mentioned for paying the same.

Order in which Shares shall be called in, and Notice thereof.

XXXI. That the Notice of the Intention to pay off any of the said Preference Shares, or to repay any of the Sums paid in advance of Calls thereon, shall be given to the Proprietor thereof by sending the same by Post in a registered Letter addressed to him at his last Address as entered in the Books of the Company; and if any Proprietor to whom any such Notice shall have been sent shall, for the Period of One Month after the Day mentioned in such Notice for such Payment, refuse or neglect to accept such Payment, and in case such Notice be of the Intention to pay off any of the said Shares, then to surrender to the Company the Shares referred to in such Notice, then all Dividends which would, in case no such Notice had been given, have accrued due and been payable in respect of such Shares, or Sums paid in advance of Calls, as the Case may be, after the Day mentioned in such Notice for such Payment, shall cease and determine, anything in this Act to the contrary thereof notwithstanding, unless on Demand of Payment pursuant to such Notice, or at any Time thereafter, the Company shall fail to pay to the Proprietor the Sum mentioned in such Notice as intended to be paid to him.

Notice to be sent by Post.

XXXII. That if, after the Expiration of the said Period of Ten Years, the Company shall be able to raise Money by Preference Shares bearing a lower Rate of Interest than Six Pounds *per Centum per Annum*, it shall be lawful for the Company, from Time to Time, for the Purpose of paying off the said Six Pounds *per Centum* Preference Shares, and with the Approbation of Three Fifths at least of the Proprietors present in Person or by Proxy at any Meeting of the Company specially convened for the Purpose, to raise by the Creation of Preference Shares any Sum not exceeding the Sum by such Meeting directed to be applied in paying off the then existing Six Pounds *per Centum* Preference Shares; and all and every Part of the Sum to be raised by the Creation of such new Preference Shares shall be applied to the Purpose of paying off the said Six Pounds *per Centum* Preference

Company may create Preference Shares bearing a lower Rate of Interest, to pay off those bearing a higher Rate.



*The Cromford and High Peak Railway Act, 1855.*

ference Shares, and to no other Purpose whatsoever; and the Six Pounds *per Centum* Preference Shares which shall be so paid off shall be thereupon cancelled and destroyed: Provided, that the aggregate Amount of the Capital to be raised by the Issue of any such new Preference Shares shall not exceed the aggregate Amount of the nominal Value of the Preference Shares to be called in, cancelled, or redeemed, and in lieu of which such new Preference Shares shall be issued.

As to Division of Preference Shares created to pay off Preference Shares bearing a higher Rate of Interest.

XXXIII. That any new Preference Shares to be created for the Purpose of paying off the said Six Pounds *per Centum* Preference Shares shall be divided in such Manner, and be of such nominal Value, and be distributed in such Manner, and, subject to the Provisions of this Act, upon such Terms, and with such Preference or Priority and Amount of Dividend, not exceeding Five Pounds and Ten Shillings *per Centum per Annum*, and payable either in perpetuity or for such Term of Years, as any Meeting of the Company shall hereafter direct.

New Shares to be subject to Provisions of 8 & 9 Vict. c. 16.

XXXIV. That "The Companies Clauses Consolidation Act, 1845," incorporated with this Act, shall apply to all the new Capital and new Shares or Stock to be created under this Act, and the respective Proprietors thereof for the Time being, in the same Manner in all respects as if the same were original Capital and original Shares within the Meaning of the several Clauses and Provisions of the said Act, except as to the Payment of Dividends or Interest, and except as to the Time for making and Payment of Calls, which Calls, subject as herein mentioned, the Directors of the Company shall fix from Time to Time as they shall think proper; and every Person who shall become entitled to any of such new Shares or Stock shall in respect thereof be a Shareholder in the Undertaking, and such new Shares or Stock shall be Personal Estate.

Scale of voting.

XXXV. That the Scale according to which Shareholders may vote or qualify in respect of their Original Shares, Debenture Stock, or Preference Shares, shall be as follows; (that is to say,)

For every Five Original Shares up to Twenty-five Shares, and for every Sum of One hundred Pounds up to Five hundred Pounds Debenture Stock of both Classes, One Vote for every One hundred Pounds of such Stock, and One Vote for every Five such Original Shares:

For every Twenty-five Original Shares, and for every Sum of Five hundred Pounds Debenture Stock over and above the First Twenty-five Original Shares or First Five hundred Pounds Debenture Stock, an additional Vote for every such additional Twenty-five Shares or additional Sum of Five hundred Pounds Debenture Stock:

And



*The Cromford and High Peak Railway Act, 1855.*

And the Preference Shares shall confer on the Holders thereof Rights of voting, and Qualifications, in proportion to the aggregate nominal Value of such Shares, and not in proportion to the Number thereof; and every entire Sum of One hundred Pounds of such nominal Value shall be equivalent to Five Original Shares; and no Shareholder shall vote in respect of any Number of Shares or Stock, whether Original, Preference, or Debenture, which shall constitute a less Interest in the Capital of the Company than One hundred Pounds.

XXXVI. And whereas the First Mortgage Debt amounts to the Sum of Thirty-one thousand nine hundred and ten Pounds: And whereas the Sum of Forty-six thousand nine hundred and fifteen Pounds has been agreed upon as the Amount of the Second Mortgage Debt; and it is expedient, and has been agreed, that such respective Debts should be converted into Debenture Stock of Two Classes, bearing the respective Rates of Interest, and in the Priorities hereinafter mentioned: Be it therefore enacted, That the Company shall and they are hereby required, as soon as may be after the passing of this Act, to create and issue Stock to the Amount of Thirty-one thousand nine hundred and ten Pounds in exchange for the First Mortgage Debt, and the same Stock shall be called "*The Cromford and High Peak Railway Debenture Stock, Class A;*" and the Company shall also create and issue Stock to the Amount of Forty-six thousand nine hundred and fifteen Pounds, in exchange for the Second Mortgage Debt, and the same Stock shall be called "*The Cromford and High Peak Railway Debenture Stock, Class B.*"

Creation of  
Debenture  
Stock of  
Two Classes.

XXXVII. That the Company shall allot to the respective Mortgagees entitled to the First Mortgage Debt created under the first-recited Act such Amount of the Debenture Stock, Class A, to be created under the Provisions of this Act, as shall be equal to the Principal Money due to each such Mortgagee, and forming Part of the said First Mortgage Debt; and the Debenture Stock so allotted to each such Mortgagee shall be in satisfaction of all the Principal Money due to him on Mortgage under the first-recited Act, and of all Interest due or to become due up to the First Day of *January* One thousand eight hundred and fifty-six; and upon every such Allotment the Debenture Stock so allotted shall be deemed fully paid up, and the Mortgage in respect whereof such Stock is allotted, and all Interest thereon up to the First Day of *January* One thousand eight hundred and fifty-six, shall thereupon be extinguished.

Allotment of  
Debenture  
Stock,  
Class A.

XXXVIII. That the Company shall allot to the Person or Persons entitled to the Second Mortgage Debt the Sum of Forty-six thousand nine hundred and fifteen Pounds, Debenture Stock, Class B, in One

Allotment of  
Debenture  
Stock,  
Class B.

[*Local.*]

11 X

or



*The Cromford and High Peak Railway Act, 1855.*

or more Sums, as they may require, (and if in separate Sums, then according to the Interest of such Persons in such Second Mortgage Debt,) and the Debenture Stock so allotted shall be in satisfaction of the Sum due on Mortgage to such Person or Persons under the secondly-recited Act, and of the Simple Contract Debts due to such Person or Persons, and of all Interest due or to accrue due thereon respectively up to the First Day of *January* One thousand eight hundred and fifty-six, except such Portion of such Interest as may be included in the said Sum of Forty-six thousand nine hundred and fifteen Pounds in respect of which such Allotment is made, and upon such Allotment the Debenture Stock so allotted shall be deemed fully paid up, and the said Mortgage and Simple Contract Debts in respect whereof such Stock is allotted, and all such Arrears of Interest as aforesaid up to the First Day of *January* One thousand eight hundred and fifty-six, shall be thereupon extinguished.

Stock to be held subject to same Trusts as Mortgage Debts.

XXXIX. That every Person who shall become entitled to Debenture Stock of either Class in satisfaction of the Interest of such Person in the First and Second Mortgage Debts, as herein-before provided, shall continue to hold and stand possessed of such Debenture Stock to and upon such and the same Trusts (if any), and for such and the same Purposes, and under and subject to such and the same Disposition, and subject to such and the same Charges, Judgments, Liens, and Incumbrances (if any) to, upon, under, and subject to which he held and possessed the Security or Sum of Money secured upon Mortgage by or due to him under or by virtue of the recited Acts or either of them at the Time of the Exchange of such Mortgage or other Debts into Debenture Stock.

Interest on Class A Debenture Stock and the Stock to constitute a permanent Charge.

XL. That the Debenture Stock, Class A, shall be a permanent and First Charge on the Undertaking and Profits of the Company, and the Rate of Interest or Dividend payable on such Debenture Stock shall be the Sum of Three Pounds and Ten Shillings *per Centum per Annum*, such Interest to commence on and from the First Day of *January* One thousand eight hundred and fifty-six.

Debenture Stock, Class B, to be permanent Charge.

XLI. That the Debenture Stock, Class B, shall be a permanent Charge upon the Undertaking of the Company, and shall rank next in Priority after the Preference Shares of Six Pounds *per Centum per Annum*, or other Shares for the Redemption thereof, by this Act authorized to be created, and there shall be paid thereon, when and as the Revenues of the Company will allow thereof, Interest after the Rate of Two Pounds and Ten Shillings *per Centum per Annum*, in preference to any Dividend upon the Original Shares.

Power to raise Money on Mortgage.

XLII. That it shall be lawful for the Company to raise, by Mortgage or Bond, on the Credit of the Undertaking, any Sum not exceeding



*The Cromford and High Peak Railway Act, 1855.*

exceeding in the whole the Sum of Six thousand Pounds, and such Sum shall be in addition to the Debenture Stocks and Preference Shares of the Company, and shall rank next in Priority after the Debenture Stock, Class A: Provided always, that no Part of such Sum of Six thousand Pounds shall be raised by Mortgage or on Bond until the new Capital of Twenty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

XLIII. That after the passing of this Act the net Profits arising from the Undertaking of the Company shall be applied in manner following; (that is to say,) Division of the Profits of the Undertaking.

In the first place, in Payment to the Proprietors of Debenture Stock, Class A, of Interest or Dividend after the Rate of Three Pounds and Ten Shillings *per Centum per Annum*, such Dividend or Interest to accrue due from and after the First Day of *January* One thousand eight hundred and fifty-six:

Secondly, in Payment of the Sums of Money (if any) due upon Mortgage or Bond under the Powers of this Act, and Interest thereon:

Thirdly, in Payment to the Holders for the Time being of the Six Pound *per Centum* Preference Shares of Dividends at the Rate of Six Pounds *per Centum per Annum* upon such Monies as shall be actually raised and received by the Company upon such Shares, or in paying the Dividend upon any Shares raised for the Redemption of such Preference Shares:

Fourthly, in Payment of Dividend to the Proprietors for the Time being of the Debenture Stock, Class B, at and after the Rate of Two Pounds Ten Shillings *per Centum per Annum*:

Fifthly, in Payment to the Proprietors for the Time being of the Original Shares of Dividends, after the Rate of Two Pounds Ten Shillings *per Centum per Annum* upon such Shares: And,

Sixthly, any Residue from Time to Time of the said Profits shall be divided as an additional Dividend upon the Debenture Stock, Classes A and B, and the Proprietors for the Time being of the Original Shares, in proportion to their respective Capitals.

XLIV. That the First Ordinary Meeting of the Company hereby incorporated shall be held within Four Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held Twice in each Year, in the Months of *January* and *July*, as the Directors may appoint; and all Meetings, whether ordinary or extraordinary, shall be held at *Derby*, or such other Place as the Directors of the Company shall from Time to Time direct. First and subsequent General Meetings.

XLV. That



*The Cromford and High Peak Railway Act, 1855.*

Quorum of  
Meetings.

XLV. That the Quorum for every Meeting of the Company shall be Five Shareholders, holding in the aggregate not less than Ten thousand Pounds in the Capital of the Company.

Number and  
Qualification  
of Directors.

XLVI. That (subject to the Provisions herein contained for reducing the Number of Directors) the Number of Directors shall be Ten; and the Qualification of a Director shall be the Possession, in his own Right, of Five hundred Pounds in Shares or Stock in the Undertaking.

Power to  
reduce the  
Number of  
Directors.

XLVII. That it shall be lawful for the Company to reduce the Number of Directors, provided that the reduced Number be not less than Five.

First Elec-  
tion of  
Directors.

XLVIII. That the several Persons who were Members of the Committee of the *Cromford and High Peak* Railway Company at the Time of the passing of this Act shall continue in Office until the First Ordinary Meeting to be held within Four Months after the passing of this Act; and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

Future  
Directors.

XLIX. That at the First Ordinary Meeting to be held in the Year One thousand eight hundred and fifty-seven the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others shall have been elected in their Stead, in the Manner provided by "The Companies Clauses Consolidation Act, 1845."

Quorum of  
Directors.

L. That the Quorum of a Meeting of Directors shall be Three.

Committees  
of Directors.

LI. That the Number of Directors of which Committees appointed by the Directors shall consist shall be Three, and the Quorum of such Committee shall be Two.

Newspaper  
for Adver-  
tisements.

LII. That the Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted shall be a Newspaper published in the County of *Derby*.

LIII. And



*The Cromford and High Peak Railway Act, 1855.*

LIII. And whereas Plans and Sections showing the Line and Levels of the Works hereby authorized to be made, together with a Book of Reference to such Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through or in which the same are intended to pass or be made, have been deposited at the Offices of the Clerks of the Peace for the Counties of *Derby* and *Chester*: Be it enacted, That, subject to the Provisions in this Act, and the several Acts incorporated herewith, or any of them, contained, it shall be lawful for the Company to make and maintain the several Works shown on the said Plans, and hereinafter more particularly described, with all Conveniences connected therewith, in the Lines and upon the Lands shown upon the said Plans and described in the said Book of Reference, and according to the Levels shown on the said Sections, and to enter upon, purchase, take, and use such of the said Lands as shall be necessary for such Purposes, or any of them.

Power to  
make Rail-  
way accord-  
ing to  
deposited  
Plans.

LIV. That it shall be lawful for the Company to make and maintain the following Works, or any of them, or any Part or Parts thereof respectively, together with all such Stations and other Conveniences as they think proper; (that is to say,)

Description  
of Works  
hereby  
authorized.

An Extension or new Line of Railway commencing by a Junction with the existing Railway near the Top of the said First *Whaley* Inclined Plane in the Township of *Fernilee* in the Parish of *Hope*, and terminating by a Junction with the authorized *Stockport, Disley, and Whaley Bridge* Railway in or near certain Land belonging to *John William Jodrell* Esquire, and occupied by *William Ward*, situate and lying at the Back of the Inn known by the Name of the "*Jodrell Arms*," in the Township of *Whaley* otherwise *Yardsley-cum-Whaley* in the Parish of *Taxal* in the County Palatine of *Chester*:

A Deviation in the Line and Levels, and an Enlargement of the existing Railway in the Township of *Hartington-upper-Quarter* in the Parish of *Hartington*, such Deviation or Enlargement to commence at or near the Point in such Township where the new Road from *Macclesfield* to *Buxton* crosses under the Railway, and terminating at or near the Point where the old Road from *Macclesfield* to *Buxton* crosses over the Railway.

LV. That, subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," contained, it shall be lawful for the Company to carry the intended Railway across and on the Level of the public Highway numbered on the deposited Plans 16, in the Township of *Yardsley-cum-Whaley*: Provided always, that the Company may maintain and use the existing Railway upon the Level of any Road across which the same was constructed previous to the passing of this

Power to  
cross a Road  
on the Level.

[*Local.*]

11 Y

Act



*The Cromford and High Peak Railway Act, 1855.*

Act in the same Manner as they could have done if this Act had not passed, anything in the Railways Clauses Consolidation Act to the contrary notwithstanding; but after the opening of the Railway for Passenger Traffic the Company shall, with respect to such last-mentioned Roads, be subject to the Provisions in this and "The Railways Clauses Consolidation Act, 1845," contained, with respect to crossing Roads on the Level.

Company to erect Station or Lodge where Road crosses on the Level.

LVI. That for the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the Point where the intended Railway crosses the before-mentioned public Carriage Road on the Level; 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 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.

Board of Trade may require Bridge instead of level Crossing.

LVII. That it shall be lawful for the Board of Trade, if it shall appear to them necessary for the Public Safety, at any Time to require the Company, within such Time as the Board of Trade shall direct, and at the Expense of the Company, to carry the herein-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 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; and such Works shall be executed by the Company within such Time as shall be directed by the said Board of Trade.

Inclination of certain Roads.

LVIII. That it shall be lawful for the Company to alter the Levels of the Roads herein-after mentioned, but so that the Inclinations thereof be not steeper than the Inclinations following; (that is to say,)

Number on Plans deposited.	Township.	Inclination of Road when altered.
37	Hartington-upper-Quarter -	One Foot in 18 Feet.
29	Hartington-upper-Quarter -	One Foot in 10 Feet.
16	Yardsley cum-Whaley - -	One Foot in 10 Feet.

Provided



*The Cromford and High Peak Railway Act, 1855.*

Provided always, that the Company shall, in crossing the said Road numbered 16, in the Township of *Yardsley-cum-Whaley*, provide on each Side of the Railway upon such Road a level Space to the Extent of One Chain at the least, measured from the Gates on the Side of the Railway.

LIX. 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 be 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.

Mode of crossing Manchester and Buxton Road.

LX. That 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 connexion with the same.

Company to keep Bridge, &c. in repair.

LXI. That 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.

Obstructions on Roads to be removed under Penalty.

LXII. That 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 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

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



*The Cromford and High Peak Railway Act, 1855.*

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."

Lands for extraordinary Purposes.

LXIII. That the Quantity of Land to be taken by the Company for the extraordinary Purposes mentioned in the Railways Clauses Consolidation Act shall not exceed Twenty Acres, in addition to the Lands vested in or authorized to be taken compulsorily by the Company by virtue of this Act.

Period for Completion of Works.

LXIV. That the Deviation and Extension shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing the Deviation and Extension, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Deviation and Extension as shall then be completed.

If Railway not completed and opened for public Traffic within a limited Period, Payment of Dividends on ordinary Shares to be suspended.

LXV. That in case the said Extension Railway shall not be completed and opened for public Traffic within the Period aforesaid, then and from thenceforth it shall not be lawful for the Company, or the Directors thereof, to pay any Dividend to the Shareholders on the ordinary or unguaranteed Capital of the Company until such Extension Railway shall have been completed and open for public Traffic: Provided always, that the Completion of the Extension Railway by the *Stockport, Disley, and Whaley Bridge* Railway Company, as herein-after mentioned, shall be deemed and considered the Completion thereof by the Company.

Tolls hereafter to be taken for Goods, Passengers, &c.

LXVI. That it shall be lawful for the Company to demand and receive in respect of Passengers, and of the several Articles, Matters, and Things, and of the several Descriptions of Animals herein-after mentioned, conveyed on the Railway, or any Part thereof, any Tolls not exceeding the following; (that is to say,)

For all Dung, Compost, and Manure, Limestone, Freestone, Paving Stone, and all other Stone, *per Ton per Mile* not exceeding One Penny; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny:

For



---

*The Cromford and High Peak Railway Act, 1855.*

---

For all Coal, Coke, and Lime, Mineral and Metallic Ores, Pig, Bar, and Plate Iron, and Iron Castings, Lead and other Metals, Bricks, Tiles, Slates, Clay, Sand, and Timber, *per Ton per Mile* not exceeding One Penny Halfpenny; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* not exceeding Three Farthings:

For all Corn, Malt, Flour, and Meal, *per Ton per Mile* not exceeding Twopence Halfpenny; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* not exceeding One Penny:

For all other Goods, Wares, and Merchandise, and all other Commodities, Articles, Matters, and Things not before specified, *per Ton per Mile* not exceeding Threepence; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* not exceeding One Penny:

For every Carriage, of whatever Description, and 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, any Sum not exceeding Fivepence *per Mile*; and a like Sum of One Penny *per Mile* for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton, which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to or provided by the Company, an additional Sum *per Mile* not exceeding Twopence:

For every Passenger conveyed in a First-class Carriage, *per Mile* not exceeding Twopence; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum *per Mile* not exceeding One Penny:

For every Passenger conveyed in a Second-class Carriage, *per Mile* not exceeding One Penny Halfpenny; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum *per Mile* not exceeding One Halfpenny:

For every Passenger conveyed in a Third-class Carriage (except by the Government Trains), *per Mile* not exceeding One Penny; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum *per Mile* not exceeding One Farthing:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, *per Mile* not exceeding Fourpence; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum *per Mile* not exceeding One Penny:

For every Ox, Cow, Bull, or Neat Cattle, *per Head per Mile* not exceeding Twopence; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum *per Mile* not exceeding One Penny:

[*Local.*]

11 Z

For



*The Cromford and High Peak Railway Act, 1855.*

For every Calf, Pig, Sheep, Lamb, or other small Animal, *per* Head *per* Mile not exceeding Three Farthings; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum *per* Mile not exceeding One Farthing:

For all Goods, Wares, and Merchandise, and all other Commodities, Articles, Matters, and Things whatsoever which shall pass or be carried or conveyed upon any of the Inclined Planes upon the said Railway, the Sum of One Penny Halfpenny *per* Ton at each and every of the said Inclined Planes upon or over which such Goods, Wares, and Merchandise, or other Commodities, Matters, and Things shall be so passed, carried, or conveyed, over and above and in addition to the respective Rates and Tolls herein-before made payable for the same; and such Charge of One Penny Halfpenny *per* Ton shall be considered a full Compensation to the said Company for the Use of the Stationary Engine and other Machinery at each such Inclined Plane, and for the Attendance and Assistance of the Company's Servants in passing the Goods and Waggon over the said Planes.

Tolls for  
propelling  
Power.

LXVII. That the Toll which the Company may demand for the Use of Engines or Horses for propelling or drawing Carriages on the Railway, other than the Inclined Planes, shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Regulations  
as to Tolls.

LXVIII. That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Articles or Persons conveyed on the Railway for a less Distance than Four Miles the Company may demand Tolls as for Four entire Miles:

For a Fraction of a Mile beyond Four Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Merchandise for such Fraction in proportion to the Number of Quarters of a Mile contained therein; and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers, every Fraction of a Mile beyond an integral Number of Miles shall be deemed 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 all Articles the Weight shall be determined according to the usual Avoirdupois Weight.

LXIX. And



*The Cromford and High Peak Railway Act, 1855.*

LXIX. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,) Tolls for small Parcels and Articles of great Weight.

For the Carriage of small Parcels, the Company may demand for Parcels not exceeding Seven Pounds Weight any Sum not exceeding Fourpence:

For Parcels exceeding Seven Pounds and not exceeding Fourteen Pounds, any Sum not exceeding Eightpence:

For Parcels exceeding Fourteen Pounds and not exceeding Twenty-eight Pounds, any Sum not exceeding One Shilling and Fourpence:

For Parcels exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds, any Sum not exceeding One Shilling and Eightpence:

And for Parcels exceeding Fifty-six Pounds and less than Five hundred Pounds, the Company may demand any Sum which they may think fit:

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 such 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 Stone or Timber, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding the Sum of One Shilling *per Ton per Mile*:

For the Carriage of any 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 such Sum as they think fit.

LXX. That every Passenger travelling upon the Railway 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.

LXXI. That it shall not be lawful for the Company to demand or receive any greater Sum in respect of the Carriage of Passengers conveyed on the Railway than Twopence *per Passenger per Mile* in respect of any Passenger travelling in a First-class Carriage, One Penny Limiting Charges for Conveyance of Passengers.



*The Cromford and High Peak Railway Act, 1855.*

Penny Halfpenny *per* Passenger *per* Mile in respect of any Passenger travelling in a Second-class Carriage, and One Penny *per* Passenger *per* Mile in respect of any Person travelling in a Third-class Carriage, including the Charges for the Use of Carriages and Locomotive Power, and all other Charges incidental to such Conveyance, unless in the Case of Passengers travelling by Special Trains.

Limiting  
Charges for  
the Convey-  
ance of  
Goods and  
Cattle.

LXXII. That it shall not be lawful for the Company to charge, in respect of the several Articles, Matters, and Things, and of the several Descriptions of Animals herein-after mentioned, conveyed on the Railway, any greater Sum, including the Charges for the Use of Carriages, Waggon, or Trucks, and for Locomotive Power, and for all other Charges incidental to such Conveyance, (except the Sum for passing over the Inclined Planes, and except a reasonable Sum for loading, covering, and unloading, and the Delivery or Collection of Goods, when such Services, or any of them, are performed by the Company, and except a reasonable Sum for Warehouse and Wharfage,) that is to say,

For all Dung, Compost, and Articles herein-before classed therewith, *per* Ton *per* Mile Twopence :

For all Coal, Coke, and Articles herein-before classed therewith, *per* Ton *per* Mile Threepence :

For all Corn, and Articles herein-before classed therewith, *per* Ton *per* Mile Fourpence :

For all other Goods, Wares, and Merchandise, *per* Ton *per* Mile Fourpence Halfpenny :

For every Carriage, of whatever Description, and 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, Sixpence *per* Mile ; and for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh, One Penny Halfpenny *per* Mile :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, *per* Mile Fourpence :

For every Ox, Cow, Bull, or Neat Cattle, *per* Head *per* Mile Threepence :

For every Calf, Pig, Sheep, Lamb, or other small Animal, *per* Head *per* Mile One Penny.

Company  
may take  
increased  
Charges by  
Agreement.

LXXIII. That nothing herein contained shall be held to prevent the Company from taking any increased Charges over and above the Charges herein-before limited for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance of such Goods,  
other



*The Cromford and High Peak Railway Act, 1855.*

other than small Parcels, by Passenger Trains, or by reason of any other special Service performed by the Company in relation to such Goods.

LXXIV. And whereas a Bill has been introduced into Parliament in the present Session to enable the *Stockport, Disley, and Whaley Bridge* Railway Company to make an Extension from their Railway to the *Cromford and High Peak* Railway, and the Line of such Extension is identical, or nearly so, with the Extension or new Line of Railway between the same Points hereby authorized, and it is expedient that One Line only should be formed for the joint Purposes of the Two Companies: Therefore, if the said Bill shall pass into a Law in the present Session, the Company shall not make any Portion of the said Extension or new Line of Railway, or purchase or take any Portion of the Lands described upon the Plans herein-before mentioned relating to such Extension or new Line of Railway, unless the *Stockport, Disley, and Whaley Bridge* Railway Company shall fail to purchase within Three Years from the passing of "The *Stockport, Disley, and Whaley Bridge* Railway Act, 1854," the Lands requisite for the Completion of such Extension, or shall fail to complete such Extension within Four Years from the passing of such last-mentioned Act, or at such earlier Period as the *Stockport, Disley, and Whaley Bridge* Railway Company may open for Traffic the *Stockport, Disley, and Whaley Bridge* Railway.

Extension  
Railway not  
to be com-  
menced in  
certain  
Events.

LXXV. And whereas Provision is contained in the said Bill promoted by the said *Stockport, Disley, and Whaley Bridge* Railway Company, enabling the Company hereby incorporated to contribute out of their Corporate Funds to the Construction of such Undertaking, or any Part thereof, with the view to the Construction of the said Extension: Therefore the Company may contribute such Sums as may be authorized by such Bill if the same pass into a Law, and may pay all Calls made in respect thereof, out of the Money raised by the Issue of the Six Pound preferential Shares authorized by this Act.

Contribution  
to be made of  
Preference  
Shares.

LXXVI. That if any Difference shall arise between the Company and the *Stockport, Disley, and Whaley Bridge* Company touching the Sums expended by the *Stockport, Disley, and Whaley Bridge* Railway Company, either in the Purchase of Lands or Completion of Works upon such Extension, such Difference shall be determined by Arbitration, in manner provided by "The Railways Clauses Consolidation Act, 1845."

Arbitration  
in case of  
Disputes.

LXXVII. That after the passing of this Act no Portion of the Railway shall be deemed to have been opened for the public Con-veyance

Railway to  
be subject to  
Inspection by

[Local.]

12 A



*The Cromford and High Peak Railway Act, 1855.*

Board of  
Trade pur-  
suant to  
5 & 6 Vict.  
c. 55.

veyance of Passengers, but the said Railway shall be subject to the Provisions of the Act of the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Fifty-five, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*, in the same Manner as if the Railway had been constructed under the Powers of this Act.

Interest not  
to be paid on  
Calls paid up.

LXXVIII. That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay 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 the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

LXXIX. That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, 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 execute any other Work or Undertaking.

Railway not  
exempt from  
Provisions of  
present and  
future Gene-  
ral Acts.

LXXX. That nothing herein contained shall be deemed or construed to exempt the Railway or the Company from the Provisions of any General Act relating to this Act, or of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or the Rate for small Parcels, authorized by this Act.

Saving  
Rights of the  
Crown and  
the Duchy of  
Lancaster.

LXXXI. 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*.

LXXXII. That



---

*The Cromford and High Peak Railway Act, 1855.*

---

LXXXII, That all the Costs, Charges, and Expenses of and Expenses of  
attending the passing of this Act or incidental thereto shall be paid Act.  
by the Company,

---

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1855.



