

The Macclesfield, Bollington, and Marple Railway Act, 1864.

Company, and to enter into Agreements as herein-after provided: And whereas the Objects of this Act cannot be attained 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,)

Short Title. **1.** This Act may for all Purposes be cited as "*The Macclesfield, Bollington, and Marple Railway Act, 1864.*"

8 & 9 Vict.
cc. 16. 18.
& 20.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
cc. 92. & 118.
incorporated.

2. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," Parts I. and III. of "The Railways Clauses Act, 1863," (relating to the Construction of a Railway and to Working Agreements,) and Part II. of "The Companies Clauses Act, 1863," (relating to additional Capital,) save so far as any of the Clauses and Provisions of those Acts respectively are varied or excepted by or are inconsistent with this Act, are incorporated with this Act.

Same Mean-
ings to
Words in in-
corporated
Acts as in
this Act.

3. The several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context.

The Mac-
clesfield,
Bollington,
and Marple
Railway
Company,
incorporated.

4. *John Upton Gaskell, George Swindells, Edward Marsland, Thomas Wardle, Henry Brocklehurst, Edward William Watkin, Thomas Brodrick, Lieutenant-Colonel Charles Pearson, and James Marshall,* and all other Persons or Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, or take Shares in the Capital of the Company, and their Executors, Administrators, Successors, and Assigns respectively, are by this Act united into a Company for the Purposes of the Undertaking by this Act authorized, and for those Purposes are by this Act incorporated by the Name of "*The Macclesfield, Bollington, and Marple Railway Company,*" and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, take, hold, sell, and otherwise dispose of Lands and other Property for the Purposes, but subject to the Restrictions, of this Act, and to exercise the other Powers by this Act conferred upon them.

Capital. **5.** The Capital of the Company shall be Two hundred thousand Pounds in Twenty thousand Shares of Ten Pounds each.

Shares not to
issue until
One Fifth
paid up.

6. It shall not be lawful for the Company to issue any Share, nor shall any Share vest in the Person accepting the same, unless and until

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until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

7. Two Pounds a Share shall be the greatest Amount of any Calls. One Call, and Three Months at least shall be the Interval between successive Calls, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of Calls in any One Year on any Share.

8. When the whole of the Capital of Two hundred thousand Pounds has been subscribed, and One Half thereof paid up, the Company may borrow on Mortgage any further Sum or Sums of Money not exceeding in the whole Sixty-six thousand six hundred Pounds, but no Part of such last-mentioned Sum of Sixty-six thousand six hundred Pounds shall be borrowed until the whole of the said Capital of Two hundred thousand Pounds shall have been *bonâ fide* subscribed and issued, and One Half thereof paid up, and the Company shall have proved to the Justice who is to certify under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the said Capital of Two hundred thousand Pounds has been subscribed for *bonâ fide* and issued, and that not less than One Fifth of the Amount of each Share has been paid on Issue of the same, and that such Shares are held by the Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, of which Proof having been given the Certificate of the Justice under that Section shall be sufficient Evidence.

Power to
borrow on
Mortgage.

9. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on their Mortgages by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver is Six thousand Pounds.

Arrears may
be enforced
by Appoint-
ment of a
Receiver.

10. All and every Part of the Monies by this Act authorized to be raised by the Company by Shares and by borrowing respectively shall be applied only to the Purposes of this Act.

Application
of Monies.

11. John Upton Gaskell, Thomas Wardle, Henry Brocklehurst, George Swindells, Thomas Brodrick, Lieutenant-Colonel Charles Pearson, and Edward Christopher Egerton, together with John Chapman and Edward William Watkin, shall be the First Directors of the Company, and shall continue in Office until the First Ordinary Meeting of the Company after the passing of this Act.

First Direc-
tors.

12. At the First Ordinary Meeting of the Company the Shareholders present, personally or by proxy, may continue in Office the First Directors 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,

Election of
Directors
at Firstordi-
nary Meet-
ing.

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Office, the First Directors appointed as aforesaid being eligible to be elected as Members of such new Body.

Quorum.

13. The Quorum of a Meeting of Directors shall be Five, and if the Number be reduced to Seven the Quorum shall be Three.

Number and Qualification of Directors.

14. Subject to the Provisions herein contained for reducing the Number of the Directors, the Number of Directors shall be Nine, and the Qualification of a Director appointed by the Shareholders shall be the Possession in his own Right of not less than Twenty-five Shares in the Undertaking.

Power to reduce Number of Directors.

15. It shall be lawful for the Company from Time to Time to reduce the Number of Directors, provided that the reduced Number be not less than Seven.

Subsequent Election of Directors.

16. At the First Ordinary Meeting to be held every Year after the Year in which the First General Meeting shall be held 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 are elected in their Stead in the Manner provided by "The Companies Clauses Consolidation Act, 1845."

Meetings of the Company.

17. The First General Meeting of the Company shall be held within Six Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly, in the Months of *February* and *August*, or such other Months as the Directors shall from Time to Time appoint.

Newspapers for Advertisements.

18. The Newspapers for Advertisements shall be any Newspapers published and circulating in the County of *Chester*.

Power to take Lands for Works authorized by Act.

19. Subject to the Provisions of this Act, the Company from Time to Time may enter upon, take, and use such of the Lands and Property shown on the deposited Plans and described in the deposited Books of Reference as the Company may from Time to Time think expedient.

Powers for compulsory Purchases limited.

20. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years after the passing of this Act.

Lands for extraordinary Purposes.

21. The Company by Agreement from Time to Time may purchase any Quantity of Land not exceeding in the whole Two Acres for any of the extraordinary Purposes expressed in "The Railways Clauses Consolidation Act, 1845," incorporated with this Act.

22. The

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22. The Railway shall be completed within Five Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for making the same respectively, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same respectively as is then completed.

Period for
Completion
of Railway
and Works.

23. Subject to the Provisions of this Act and of the Acts and Parts of Acts incorporated herewith, the Company from Time to Time may make the several Works by this Act authorized in the Lines and according to the Levels respectively shown on the deposited Plans and Sections, and in and upon the Lands delineated on those Plans, and described in the deposited Books of Reference.

Power to
make Works
authorized
by Act.

24. The Works by this Act authorized comprise the following Railway, with all proper Stations, Sidings, Bridges, Roads, Approaches, or Communications, and other incidental Works and Conveniences; (that is to say,)

Works
authorized.

A Railway commencing in the Township of *Macclesfield* and Parish of *Prestbury* in the County of *Chester* by a Junction with the *North Staffordshire* Railway, and terminating in the Township of *Marple* in the Parish of *Stockport* in the said County of *Chester* by a Junction with the *Newton and Compstall* Branch of the *Manchester, Sheffield, and Lincolnshire* Railway.

25. The Railway shall be carried through the Property of Messieurs *Thomas Oliver* and *William Creswick Lomas Oliver* by means of a Viaduct with open Arches, and the Company shall not at any Time hereafter partially or wholly close up such Arches without the Consent in Writing of the Local Board of Health for the District of *Bollington*, and also of the Owner or Owners for the Time being of the Lands on either Side of all of the said Arches, first had and obtained for that Purpose.

Railway to
be carried
on Arches
through
Property of
Messieurs
Oliver.

26. The Railway shall be carried across the *Stockport, Disley, and Whaley Bridge* Railway by means of a Bridge at such Point within the Limits of Deviation defined on the deposited Plans as may be agreed on between the respective Engineers for the Time being of the *London and North-western* Railway Company (who, under the Authority of Parliament, work over and use as Part of their own Undertaking the *Stockport, Disley, and Whaley Bridge* Railway,) and of the Company, or as in case of Difference shall be settled by a Referee to be appointed by the Board of Trade on the Application of either the *London and North-western* Railway Company or of the Company, and such Referee shall have Power to determine how the Costs of the Arbitration shall be defrayed; and such Bridge shall be so constructed so that each Abutment thereof shall be at least Twenty-four Feet distant from the Centre of the Railway, and so as to leave

As to Bridge
over the
Stockport,
Disley, and
Whaley
Bridge Rail-
way.

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not less than a clear Width of Forty-eight Feet between the Abutments, and a clear Height of Fifteen Feet at the least for the entire Width of the Bridge from the Surface of the Rails of the said *Stockport, Disley, and Whaley Bridge* Railway to the under Side of such Bridge; and such Bridge and the Works connected therewith shall be made and constructed in a substantial and workmanlike Manner, and to the reasonable Satisfaction of the Engineer for the Time being of the *London and North-western* Railway Company, and shall for ever after be maintained and kept in good and proper Repair by and at the Expense of the Company.

In Construc-
tion of
Bridge
Traffic not
to be inter-
rupted.

27. The Construction, Maintenance, and Reparation of the said Bridge, and the necessary Works in connexion therewith, shall be carried on so that the Traffic on the *Stockport, Disley, and Whaley Bridge* Railway be not in any way interrupted, and in such Manner as shall be agreed upon between the respective Engineers for the Time being of the *London and North-western* Railway Company and of the Company; and in case of Difference arising as to the Mode of carrying on such Construction, Maintenance, or Reparation, the same shall be determined by a Referee to be appointed by the Board of Trade, on the Application of either the *London and North-western* Railway Company or of the Company, and such Referee shall have Power to determine how the Costs of the Arbitration shall be defrayed.

Company
not to take
Lands be-
longing to
the Stock-
port, Disley,
and Whaley
Bridge Com-
pany,
London and
North-west-
ern Com-
pany, or the
North Staf-
ford Com-
pany with-
out Consent.

28. Nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company to take or enter upon or use, either permanently or temporarily, any of the Lands belonging to the *Stockport, Disley, and Whaley Bridge* Railway Company, or to the *London and North-western* Railway Company, or to the *North Stafford* Company, otherwise or further than may be necessary to construct the Railway and form a Junction with the *North Staffordshire* Railway, without the Consent of the *North Stafford* Company first had and obtained, or to alter, vary, or interfere with the *Stockport, Disley, and Whaley Bridge* Railway, or any of the Works thereof, further or otherwise than is necessary for the proper and convenient Construction, Use, and Repair of the said Railway and the Works connected therewith, without the Consent in Writing in every Instance for that Purpose first had and obtained of the *London and North-western* Railway Company.

Saving
Rights of
Railway
Companies
herein
named.

29. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, or Powers of the *Stockport, Disley, and Whaley Bridge* Railway Company, or of the *London and North-western* Railway Company, otherwise than is herein expressly provided.

Company
not to take
Lands be-

30. Nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company to take or enter

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enter upon or use, either permanently or temporarily, any of the Lands belonging to the *Stockport* District Waterworks Company, and numbered on the deposited Plans of the Company 36 and 37, in the Township of *Norbury* and Parish of *Stockport* in the County of *Chester*, without the Consent in Writing of the said *Stockport* District Waterworks Company for that Purpose first had and obtained.

longing to
Stockport
District
Waterworks
Company
without
Consent.

31. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to the Act of the Session of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Twenty, a Sum of Ten thousand four hundred Pounds, being Eight *per Cent.* upon the Sum of One hundred and thirty thousand Pounds, the Amount of the Estimate in respect of the Railway by this Act authorized, has been deposited with the Court of Chancery with respect to the Application to Parliament for this Act: Therefore, notwithstanding anything in that Act, the Sum so deposited, or the Interest or Dividends thereof, shall not, except upon the Execution and Deposit of such a Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order lodged in pursuance of that Act, or the Survivors or Survivor of them, unless the Company before the Expiration of the Period limited for the Completion of the Railway either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half; and if that Period expire before the Company either open the Railway for the public Conveyance of Passengers, or give the aforesaid Proof to the Satisfaction of the Board of Trade, the Sum so deposited, and the Interest and Dividends thereof, shall immediately from and after the Expiration of that Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they are then deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom: Provided that at any Time after the passing of this Act if a Bond in twice the Amount of the Sum so deposited be executed by the Company, with One or more Sureties, (the Bond to be prepared to the Satisfaction of, and the Surety or Sureties to be approved by, the Solicitor to the Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the Sum so deposited if the Company do not, within the Time limited for the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by Shares, and have expended for the Purposes of this Act a

Bond for
Completion
of Railway.

Sum

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Sum equal in Amount to such One Half of that Capital, and if the Bond be deposited with the Solicitor to the Treasury, then that Sum of Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed; and the Monies recovered on the Bond shall be dealt with in like Manner as the deposited Sum of Money, and the Interest or Dividends thereof, would be dealt with under this Act if the Bond were not so executed and deposited; and the Certificate of that Solicitor that the Bond has been so executed and deposited, and the Certificate of the Board of Trade that the Proof has been given to their Satisfaction, shall respectively be sufficient Evidence of the Facts so certified.

Tolls.

32. It shall be lawful for the Company to demand and take any Tolls for the Use of the Railway not exceeding the following; (that is to say,)

Tonnage on Articles of Merchandise.

In respect of the Tonnage of all Articles conveyed upon the Railway, or any Part thereof, as follows:

Class 1. For all Coals, Cinders, Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile* not exceeding One Penny; and if conveyed in Carriages provided by the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny:

Class 2. For all Coke, Culm, Charcoal, and all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile* not exceeding One Penny; and if conveyed in Carriages provided by the Company, an additional Sum *per Ton per Mile* not exceeding Three Farthings:

Class 3. For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Nails, Anvils, Vices, and Chains, *per Ton per Mile* not exceeding Twopence; and if conveyed in Carriages provided by the Company, an additional Sum *per Ton per Mile* not exceeding Three Farthings:

Class 4. For all Cotton and other Wools, Drugs, manufactured Goods, Fish, and all other Wares, Merchandise, Articles, Matters, or Things, *per Ton per Mile* not exceeding Threepence; and if conveyed in Carriages provided by the Company, an additional Sum *per Ton per Mile* not exceeding One Penny:

Class 5. And for every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and
not

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not weighing more than One Ton, carried and conveyed on a Truck or Platform belonging to the Company, *per Mile* not exceeding Sixpence; and a Sum of One Penny Halfpenny *per Mile* for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton, which any such Carriage may weigh.

In respect of Animals conveyed in Carriages upon the Railway :

Tolls for
Animals.

Class 6. For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any Carriage belonging to the Company, *per Mile* not exceeding Threepence :

Class 7. For every Ox, Cow, Bull, or Head of Neat Cattle conveyed in or upon any Carriage belonging to the Company, *per Mile* not exceeding Twopence :

Class 8. For every Calf or Pig, Sheep, Lamb, or other small Animal conveyed in or upon any Carriage, *per Mile* not exceeding One Penny ; and if conveyed in or upon any Carriage provided by the Company, an additional Sum *per Mile* not exceeding One Halfpenny.

In respect of Passengers conveyed in Carriages upon the Railway :

Tolls for
Passengers.

For every Person conveyed in or upon any Carriage, *per Mile* not exceeding Twopence ; and if conveyed in or upon any Carriage provided by the Company, an additional Sum *per Mile* not exceeding One Penny Halfpenny.

33. The Toll which the Company may demand and take for the Use of Engines for drawing or propelling Carriages on the Railway 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 by this Act authorized to be taken.

Tolls for
propelling
Power.

34. The maximum Charges to be made by the Company for the Conveyance of Passengers upon the Railway, including the Tolls for the Use of the Railway and of Carriages and for locomotive Power, and for every other Expense incidental to such Conveyance, shall not exceed the following Rates ; (that is to say,)

Maximum
Charges for
Passengers.

For every Passenger conveyed in a First-class Carriage, Twopence Halfpenny *per Mile* :

For every Passenger conveyed in a Second-class Carriage, Twopence *per Mile* :

For every Passenger conveyed in a Third-class Carriage, One Penny Farthing *per Mile*.

35. The maximum Rate of Charge to be made by the Company for the Conveyance of Goods and Animals, including the Tolls for the Use of the Railway and Waggon or Trucks and locomotive Power, and every Expense incidental to such Conveyance, except a reasonable Sum for loading, covering, and unloading of Goods at any Terminal Station of such Goods, and for Delivery and Collection, and

Maximum
Charges for
Goods and
Animals.

[Local.]

32 X

any

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any other Services incidental to the Business or Duty of a Carrier, where such Services, or any of them, are or is performed by the Company, shall not exceed the following Sums; (that is to say,)

For all Articles comprised in Class 1, *per Ton per Mile* One Penny Halfpenny:

For all Articles comprised in Class 2, *per Ton per Mile* One Penny Halfpenny:

For all Articles comprised in Class 3, *per Ton per Mile* Threepence:

For all Articles comprised in Class 4, *per Ton per Mile* Threepence Halfpenny:

For every Carriage comprised in Class 5, and not weighing more than One Ton, carried and conveyed on a Truck or Platform, *per Mile* Sixpence; and for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton beyond One Ton which any such Carriage may weigh, the further Sum of One Penny Halfpenny *per Mile*:

For every Animal comprised in Class 6, *per Mile* Fourpence:

For every Animal comprised in Class 7, *per Mile* Twopence:

For every Calf or Pig, *per Mile* One Penny:

For every other Animal comprised in Class 8, *per Mile* Three Farthings.

Definition of
Terminal
Station.

36. No Station is to be considered a Terminal Station in regard to any Goods conveyed on the Railway which have not been received thereat direct from the Consignor of such Traffic, or are not directed to be delivered thereat to the Consignee.

Regulations
as to Tolls.

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

In respect of Passengers, Animals, and Articles conveyed upon the Railway for a less Distance than Three Miles the Company may demand Tolls and Charges as for Three Miles:

For a Fraction of a Mile beyond Three Miles, or beyond any greater Number of Miles, the Company may with respect to Goods, Minerals, and Animals demand Tolls for such Fraction in proportion to the Numbers 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 with respect to Passengers, every Fraction of a Mile beyond Three Miles, or any greater 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, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With

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

38. With respect to small Packages and single Articles of great Weight, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand and take any Tolls not exceeding the Tolls following; (that is to say,)

Tolls for
small Parcels
and single
Articles of
great
Weight.

For the Carriage of small Parcels on the Railway, or any Part thereof, as follows:

If not exceeding Seven Pounds in Weight, Fourpence:

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

If exceeding Fourteen Pounds in Weight, but not exceeding Twenty-eight Pounds in Weight, Sevenpence:

If exceeding Twenty-eight Pounds in Weight, but not exceeding Fifty-six Pounds in Weight, Ninepence:

If exceeding Fifty-six Pounds in Weight, but not exceeding One hundred and twelve Pounds in Weight, One Shilling and Fourpence:

If exceeding One hundred and twelve Pounds in Weight, but not exceeding Two hundred and fifty Pounds in Weight, One Shilling and Eightpence:

And for Parcels exceeding Two hundred and fifty Pounds in Weight, but not exceeding Five hundred Pounds in Weight, the Company may demand any Sum which they 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, Bob, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage provided by the Company, shall exceed Four Tons, but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding Sixpence *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.

39. Every Passenger travelling by the Railway may take with him his ordinary Luggage, not exceeding One hundred and twenty Pounds in Weight for First-class Passengers, One hundred Pounds in

Passengers
Luggage.

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in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Foregoing
Charges not
to apply to
Special
Trains.

40. The Restrictions as to the Charges to be made for Passengers do not extend to any Special Train that is required to run on the Railway, but apply only to the Ordinary and Express Trains from Time to Time appointed by the Company for the Conveyance of Passengers, Animals, and Things on the Railway.

Company
may take in-
creased
Charges by
Agreement.

41. Nothing in this Act contained shall prevent the Company from taking any increased Charges, over and above the Charges by this Act limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of the Goods, either with respect to the Conveyance thereof, except small Parcels, by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto.

The Com-
pany and the
North Staf-
ford and
Sheffield
Railway
Companies
to afford
Traffic Faci-
lities to
each other.

42. The Company on the one hand, and the *North Stafford* Company and the *Sheffield* Company respectively on the other hand, shall from Time to Time afford to each other all reasonable and proper Facilities for the due Interchange, Accommodation, Protection, and direct and speedy Transmission of, and shall accordingly interchange, accommodate, protect, or directly and speedily transmit on their respective Railway, or any Part thereof, any Traffic passing or intended to pass over their own and each other's Railways respectively, and which is from Time to Time tendered to the Company or the respective Railway Company for Transmission on their own respective Railway or any Part thereof.

Terms for
affording the
Traffic
Facilities.

43. All such Facilities for the Interchange, Accommodation, Protection, and Transmission of Traffic shall be afforded by the Company and the respective Railway Companies herein-before mentioned, subject to such reasonable Rules and Regulations, and on Payment of such Tolls, Fares, Rates, and Charges, as the Company and such One of the several Railway Companies as are interested from Time to Time agree on, or (in default of Agreement) upon such Terms as an Arbitrator appointed by the Board of Trade shall direct.

Power for
Company
and the
other Com-
panies to
enter into
Agreements.

44. The Company on the one hand, and the *North Stafford* Company and the *Sheffield* Company, or either of them, on the other hand, may from Time to Time after the passing of this Act enter into and carry into effect all such Agreements for any of the Purposes for which they respectively are by this Act authorized to enter into Agreements as they from Time to Time think fit.

Purposes for
which the
Agreement
may be
made.

45. The Purposes for which such Agreements may be entered into between the said Companies under the Authority of this Act include

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include the following Purposes and all incidental Matters ; (that is to say,)

First, the Maintenance, Management, working, and using by the *North Stafford* and the *Sheffield* Railway Companies, or either of them, of the Railway and Works of the Company, and the Terms and Conditions thereof :

Secondly, the Traffic Facilities to be afforded by the *North Stafford* and the *Sheffield* Railway Companies to the Company, and by the Company to the before-mentioned Railway Companies, and the Terms and Conditions for the same :

Thirdly, the Interchange of Traffic between the Company and the before-mentioned Railway Companies, and the working and using of their respective Lines of Railway and Works, or any of them.

46. During the Continuance of any such Agreement, in estimating the Tolls and Charges to be paid in respect of Articles or Persons conveyed partly on the Railway of the Company and partly on the Railway of the *North Stafford* Company or the *Sheffield* Company, the Distances traversed shall be reckoned continuously as if the Railways were One Railway, and the Charges to be made in respect of the Railways so made continuous shall be the Tolls and Charges by this Act authorized ; and if the Distance traversed by any such Traffic be for a less Distance than Three Miles, no more than a Charge for Three Miles shall be made in respect of such Traffic passing both on the Company's Railway and on the Railways of the *North Stafford* Company and the *Sheffield* Company ; and no other Short-distance Charge than One for Three Miles shall be made for traversing the Railway of the Company and the Railway of the *North Stafford* Company and the Railway of the *Sheffield* Company, or any of them, when united together under the Provisions herein-before contained.

Railways to be continuous.

47. The *North Stafford* Company and the *Sheffield* Company may severally subscribe for or take and hold Shares in the Capital of the Company to any Amount not exceeding in the whole Eighty thousand Pounds, and may jointly and severally guarantee any Interest or Dividend not exceeding the Rate of Five *per Centum per Annum* on all or any Part of the Capital of the Company ; and each of the subscribing Companies may apply to the Purposes of this Act any Money which by any Act relating to them respectively they respectively are authorized to raise by Shares or by borrowing, and the Application of which is not by any such Act otherwise prescribed, or being so prescribed which is not wanted for the Purposes for which the same is made applicable : Provided, with respect to each of the *North Stafford* Company and the *Sheffield* Company, that no such Subscription shall be made by the respective Companies without

The *North Stafford* and *Sheffield* Companies may subscribe for Shares.

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the Sanction of at least Three Fifths of the Votes of the Shareholders present, in person or by proxy, at an Extraordinary General Meeting of the respective Companies specially convened for the Purpose: Provided also, that it shall not be lawful for the *North Stafford* Company or the *Sheffield* Company to transfer any of the Shares in the Company held by them in respect whereof further Capital shall have been raised by them under this Act.

Saving
existing
Guarantees.

48. Provided always, That any such Preference or Guarantee of Interest or Dividend given or granted by the *North Stafford* Company or the *Sheffield* Company respectively shall not affect but shall rank after any Preference or Guarantee that may have been granted by either of the Companies under or confirmed by any previous Act or Acts, or that at the Time of the passing of this Act may be otherwise lawfully subsisting.

Votes for
Companies
so subscri-
ing.

49. With respect to the *North Stafford* Company and the *Sheffield* Company, they respectively from Time to Time while holding Shares of the Capital of the Company may appoint any Person, whether a Shareholder of the Company or not, to vote on their Behalf at Meetings of the Company, and from Time to Time may revoke the Appointment and appoint another Person in that Behalf; and every Person so appointed shall during his respective Appointment have the like Right of voting at the Meetings of the Company in right of the Shares from Time to Time so held by the respective subscribing Company as if those Shares were held by him in his own Right.

Instruments
of Appoint-
ment and
Removal by
the sub-
scribing
Companies.

50. Every such Appointment and Removal by the subscribing Companies respectively of a Person to vote at Meetings of the Company for the respective subscribing Company shall be by Writing under the Hand of their respective Chairman or Secretary, and every such Instrument shall be transmitted to the Company, and an Entry thereof shall be made in the Minutes of the Proceedings of the Company.

Validity of
the Instru-
ments and
Acts there-
under.

51. Unless and until the contrary be shown, every Instrument purporting to be the Instrument of any such Appointment or Revocation, and under the Hand of the Chairman or Secretary of the respective subscribing Company, and without any Proof except of his Signature thereto, shall be Evidence of the Appointment or Revocation purporting to be thereby made: Provided always, that notwithstanding it be afterwards discovered that there was some Defect in the Appointment of any such Person, all his Votes and Acts as a Nominee of the respective subscribing Company, or as a Director of the Company, and all Proceedings consequent thereon

or

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or relating thereto respectively, shall be as valid as if he were duly appointed.

52. The Powers of the Directors of the Company are not dependent on there being in Office any Director appointed on behalf of the subscribing Companies.

Powers of Company not dependent upon Appointment of Directors by subscribing Companies.

53. With respect to the *North Stafford* Company and the *Sheffield* Company, for the Purposes of any Subscription by the respective subscribing Company towards the Funds of the Company, the respective subscribing Company from Time to Time may raise by the Creation and Issue of new Shares any Sums not exceeding the Amount which they are by this Act authorized to subscribe towards the Funds of the Company.

Power to subscribing Companies to raise Monies for subscribing to Funds of Company.

54. When and so soon as the *North Stafford* and *Sheffield* Companies respectively shall have contributed or entered into any Guarantee as aforesaid, the Company so contributing or guaranteeing may work over and use with their Engines, Carriages, and Servants of every Description the Railway, and all Sidings, Buildings, Offices, Approaches, Water Supplies, Telegraphs, Signals, Engines and Machinery, Works and Conveniences, on or connected or used with the Railway, upon and subject to such Terms, Conditions, Regulations, and Payments as may have been or herein-after shall be agreed upon between the *North Stafford* and *Sheffield* Companies, jointly or severally, and the Company, or as (failing Agreement) shall be determined by an Arbitrator to be appointed by the Board of Trade on the Application of either Company, and the Arbitrator shall have regard to all Agreements made between the Companies at any Time prior to the Arbitration.

After Subscriptions, Companies may use Railway.

55. The Company and the *North Stafford* Company and the *Sheffield* Company respectively shall not, out of any Money by this Act or any Act relating to the *North Stafford* Company or the *Sheffield* Company authorized to be raised by Shares or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of Calls made on the Shares held by him; provided that the Company and the *North Stafford* Company and the *Sheffield* Company respectively may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as is in conformity with the Provisions in that Behalf of "The Companies Clauses Consolidation Act, 1845," incorporated with this Act.

Interest not to be paid on Calls paid up.

56. The Company and the *North Stafford* Company and the *Sheffield* Company respectively shall not, out of any Money by this Act or any Act relating to the *North Stafford* Company or the *Sheffield* Company authorized to be raised by Shares or by borrowing,

Deposits for future Bills not to be made out of Capital.

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ing, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now or hereafter 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 or the *North Stafford* Company or the *Sheffield* Company to make any other Railway, or execute any other Work or Undertaking.

Saving
Rights of
Companies.

57. Except only so far as is by this Act provided, nothing in this Act shall take away, lessen, prejudice, or alter any of the Estates, Rights, Interests, Powers, Privileges, or Authorities of any of the several Railway Companies named in this Act.

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

58. Nothing in this Act shall exempt the Railway by this Act authorized, or the Railways of any other Company to which this Act relates, from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges or the Rates for small Parcels by this Act or any of the Acts relating to those Railways respectively authorized.

Saving
Rights of
Crown.

59. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the said Company to take, use, or in any way interfere with any Land, Soil, Tenements, or Hereditaments, Part or Parcel of Her Majesty's Manor of *Macclesfield*, or any Rights of whatsoever Nature belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Expenses of
Act.

60. All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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