



CHAPTER clxxxi.

An Act to incorporate a Company for the construction of the Dore and Chinley Railway and for other purposes. A.D. 1884.

[28th July 1884.]

WHEREAS the construction of the railways in the county of Derby herein-after described would be of public and local advantage :

And whereas the persons in this Act named are willing with others at their own expense to construct such railways and are desirous of being incorporated into a company for the purpose :

And whereas plans and sections of the said railways showing the lines and levels thereof with a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands through which the said railways will pass were duly deposited with the clerk of the peace for the county of Derby and are herein-after respectively referred to as the deposited plans sections and book of reference :

And whereas it is expedient that the agreement between the Company incorporated by this Act and the Midland Railway Company which is set forth in the schedule to this Act should be confirmed :

And whereas the purposes aforesaid cannot be accomplished 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 :—

1. This Act may be cited for all purposes as the Dore and Chinley Railway Act 1884. Short title.

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Incorporation of
general
Acts.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction the expression "the Company" means the Company incorporated by this Act the expressions "the railway" or "the railways" and "the undertaking" mean respectively the railways and the undertaking by this Act authorised and the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company
incorporated.

4. Robert How Ashton William Henry Greaves Bagshawe William Henry Brittain George Henry Cammell Arthur Francis Pennell John Spencer Ashton Shuttleworth William George Thorpe and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be united into a company for the purpose of making and maintaining the railways and for other the purposes of this Act and for those purposes shall be incorporated by the name of "the Dore and Chinley Railway Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to
make rail-
ways.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited

book of reference as may be required for that purpose The railways herein-before referred to and authorised by this Act are—

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1. A railway (No. 1) twenty miles nine chains and fifty links in length wholly in the county of Derby commencing in the parish of Dronfield by a junction with the Chesterfield and Sheffield Line of the Midland Railway at or near the south end of the passenger platform of the Dore and Topley Station and terminating in the parish of Glossop by a junction with the Ambergate and Manchester Line of the Midland Railway at or near the north end of the Milton Viaduct;

2. A railway (No. 2) two furlongs and four chains in length wholly in the parish of Glossop in the county of Derby commencing by a junction with Railway No. 1 and terminating by a junction with the Ambergate and Manchester Line of the Midland Railway at a point twenty-three chains or thereabouts from the before-described termination of Railway No. 1.

6. The capital of the Company shall be one million and fifty thousand pounds in one hundred and five thousand shares of ten pounds each.

Capital.

7. The Company shall not issue any share created under the authority of this Act nor shall any share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

Shares not to be issued until one-fifth part thereof shall have been paid up.

8. One-fifth of the amount of a share shall be the greatest amount of a 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 the calls made in any year upon any share.

Calls.

9. Subject to the provisions of this Act the Company with the authority of three-fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half-shares of which one shall be called "preferred half-share" and the other shall be called "deferred half-share" but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half-share (being the whole amount payable thereon) and the residue to the credit of the preferred half-share.

Power to divide shares.

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Dividends
on half-
shares.

10. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half-shares in manner following that is to say First in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half-share and the remainder if any in payment of dividend on the deferred half-share and the Company shall not pay any greater amount of dividend on the two half-shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends on
preferred
half-shares
to be paid
out of the
profits of
the year
only.

11. Each preferred half-share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half-share bearing the same number But if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half-share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half-shares
to be
registered
and certi-
ficates
issued.

12. Forthwith after the creation of any half-shares the same shall be registered by the directors and each half-share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half-shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof But the directors shall not be bound to issue a certificate of any half-share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Terms of
issue of
half-shares
to be stated
on certi-
ficates.

13. The terms and conditions on which any preferred half-share or deferred half-share created under this Act is issued shall be stated on the certificate of each such half-share.

Forfeiture
of preferred
half-shares.

14. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half-shares created under the authority of this Act and every such preferred half-share shall for that purpose be considered an entire share distinct from the corresponding deferred half-share and until any forfeited preferred

half-share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

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15. No preferred half-share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Preferred
half-shares
not to be
cancelled
or sur-
rendered.

16. The several half-shares under this Act shall be half-shares in the capital of the Company and every two half-shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Half-shares
to be half-
shares in
capital.

17. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Receipt
clause in
case of
persons not
sui juris.

18. The Company may from time to time borrow on mortgage any sum not exceeding in the whole the sum of three hundred and fifty thousand pounds but no part of such sum of three hundred and fifty thousand pounds shall be borrowed until the whole capital of one million and fifty thousand pounds is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that the whole of such capital of one million and fifty thousand pounds has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued *bonâ fide* and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

Power to
borrow.

19. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of principal

For ap-
pointment
of a re-
ceiver.

A.D. 1884. the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Debenture stock.

20. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the date of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

21. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

First ordinary meeting.

22. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

23. The number of directors shall be seven but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification of directors.

24. The qualification of a director shall be the possession in his own right of not less than fifty shares.

Quorum.

25. The quorum of a meeting of directors shall be three but if the number of directors be less than five the quorum shall be two.

First directors :
Election of directors.

26. Robert How Ashton William Henry Greaves Bagshawe William Henry Brittain George Henry Cammell Arthur Francis Pennell John Spencer Ashton Shuttleworth and William George Thorpe shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if qualified eligible for re-election And at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions in the Companies Clauses Consolidation Act

1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act. A.D. 1884.

27. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed ten acres. Lands for extraordinary purposes.

28. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

29. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Power to owners, &c. to grant easements.

30. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say):— Inclinations of roads.

Number on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
2	Norton	Public	1 in 16.
102	Hathersage	Turnpike	1 in 11 on one side and 1 in 16½ on the other.
103	Hathersage	Public	1 in 13 on one side and 1 in 20 on the other.
26	Hope	Public	1 in 13 on one side and level on the other.
72	Hope	Public	1 in 15 on one side and level on the other.
104	Hope	Public	1 in 11.
151	Hope	Public	1 in 10 on one side and level on the other.
52	Castleton	Public	1 in 17 on one side and level on the other.
26	Glossop	Public	1 in 13 on one side and level on the other.

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Widths of
 certain
 bridges.

31. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of any widths not less than the widths herein-after mentioned in connexion therewith respectively (that is to say) :—

No. on Plan.	Parish.	Description of Roadway.	Width of Arch.
110 - -	Hathersage - -	Public road - -	20 feet.
52 - -	Castleton - -	Public road - -	20 feet.
94 - -	Castleton - -	Public road - -	20 feet.
135 - -	Castleton - -	Public road - -	20 feet.

For protec-
 tion of the
 Duke of
 Devonshire.

32. For the protection of the Most Noble William Duke of Devonshire the following provisions shall have effect (that is to say) :—

The Company shall construct and for ever after maintain on Railway No. 1 in the parish of Hathersage a station to be situate between the points respectively marked or indicating six miles six furlongs and seven miles on the deposited plans and the Company shall provide at the said station all proper and necessary accommodation for passengers animals goods and minerals.

For protec-
 tion of the
 Duke of
 Rutland.

33. For the protection of the Most Noble Charles Cecil John Duke of Rutland and his successors in estate (who are herein-after in this section called and intended to be included in the expression “ the Duke ”) the following provisions shall have effect (that is to say) :—

(A.) The tunnel shown upon the deposited sections of Railway No. 1 between 1 mile 7 furlongs and 2 chains and 4 miles 7 furlongs and 2 chains so far as the same is upon the property of the Duke shall be constructed by boring from either end or from both ends simultaneously without disturbing the surface except that the Company may sink one shaft for the purpose of excavating the said tunnel such shaft to be situate in the property numbered on the deposited plans 169 in the parish of Dronfield and one shaft for ventilating purposes at a point upon the said plans about 3 miles and 68 chains from the commencement of the said railway and such last-mentioned shaft shall be constructed at such point as the Duke shall approve and between the 1st of October and the 10th of August in any year or years and at no other time without the express permission in writing of the Duke Neither shaft shall project

above the level of the ground and both shafts shall be protected by a proper iron railing to the satisfaction of the Duke : A.D. 1884.

(B.) The Company shall not heap up or leave on the Duke's land any spoil (whether consisting of excavations from the said tunnel or of other materials) except for the purpose of forming the embankment necessary for the due construction of the railway and except as aforesaid all earth and other materials excavated from the said tunnel shall forthwith be taken away by the Company on trucks or otherwise along the intended site of the railway and shall not be carted or otherwise removed over any adjacent or adjoining land of the Duke Provided always that all surface operations on the Duke's land excepting as to the cutting and embankment at each end of the said tunnel shall (if required by notice in writing from the Duke or his agent) be suspended between the 10th of August and the 1st of October in any year or years before the opening of the railway for public traffic :

(C.) The Company so far as regards the said tunnel shall acquire an underground easement only without any right to or interest in the superincumbent soil or surface land belonging to the Duke :

(D.) The Company shall make and maintain a passenger station at or near Grindleford Bridge :

(E.) All embankments and slopes constructed by the Company on the Duke's land shall be seeded down and kept covered with verdure to the satisfaction of the Duke and any drive or walk which may be disturbed in constructing the works shall be restored as nearly as possible to its former condition :

(F.) The foregoing provisions of this section shall be in addition to and not in substitution for any liability and obligations imposed on the Company by the Lands Clauses Consolidation Acts 1845 1860 and 1869 the Railways Clauses Consolidation Act 1845 and the Railways Clauses Act 1863 or any of those Acts so far as the same Acts are respectively incorporated with this Act.

34. For the protection of Edward Firth of Birchfield in the parish of Hope in the county of Derby and his successors in title (herein-after in this section referred to and included in the expression "the owner") the following provisions shall unless otherwise agreed between the Company and the owner have effect (that is to say) :—

(A.) Notwithstanding anything shown on the deposited plans and sections or contained in this Act the Company shall at the distance of 10 miles 53 chains deviate the railway 30 yards

For protec-
tion of
Edward
Firth.

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south-westward of the centre line shown on the deposited plans and at the same point construct the line of railway at a level 5 feet below the level of rails as shown on the deposited section provided that the Company are able to obtain the necessary power to alter the level of the road numbered 122 on the deposited plans in the parish of Hope :

- (B.) The Company shall carry the railway over the road numbered on the deposited plans 104 in the parish of Hope by means of a girder bridge of a single span of not less than 25 feet measured on the square and having a headway throughout of not less than 15 feet above the level of the crown of the said road and the Company shall not alter the level of the said road without the consent of the owner :
- (C.) The Company shall carry the railway over the road numbered 122 on the deposited plans in the parish of Hope by means of a bridge 15 feet span and 14 feet high And from the north-east side of the said bridge the Company shall make and properly pitch and metal a carriage road of the width of 15 feet into the field numbered 125 on the deposited plans in the said parish with a gradient not steeper than 1 in 11 :
- (D.) The Company shall between 10 miles 30 chains and 11 miles 13 chains at such points on the property of the owner as the owner may require construct two accommodation bridges under the railway having each a width measured on the square of 12 feet and a headway of not less than 14 feet throughout if practicable without more than 2 feet sunk approaches and with properly pitched and metalled approaches on each side having gradients not steeper than 1 in 10 :
- (E.) The Company shall properly soil and plant to the reasonable satisfaction of the owner the north side of the embankment of the said Railway No. 1 throughout from the distance of 10 miles 30 chains to the distance of 11 miles 20 chains. (whether constructed through lands of the owner or through lands of other persons) with evergreen shrubs and suitable trees and shall maintain the same so planted and from time to time as occasion may require replace such shrubs and trees and shall properly soil and sow with grass seed the south side of the embankment for the same length :
- (F.) The Company shall not without consent of the owner construct any station or station buildings between the two points aforesaid of 10 miles and 30 chains and 11 miles and 13 chains and no sidings between the same points unless necessary for the purposes of the railway :

(G.) The Company shall not purchase or acquire any greater quantity of land of the owner than shall be absolutely required for the construction of the railway and necessary works :

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(H.) All works to be constructed or matters and things to be done under this section shall be so constructed and done to the reasonable satisfaction in all respects of the owner and at the expense of the Company.

35. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of forty-nine thousand seven hundred and forty pounds Consolidated Three per Centum Annuities being equal in value to five per centum upon the amount of the estimate in respect of the railways has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not 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 issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as the depositors) unless the Company shall previously to the expiration of the period limited by this Act for completion of the railways open the same for the public conveyance of passengers provided that if within such period as aforesaid the Company open any portion of the railways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the portion of the railways so opened bears to the entire length of the railways the Chancery Division shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Deposit
money not
to be repaid
except so
far as
railways
opened.

36. If the Company do not previously to the expiration of the period limited by this Act for the completion of the railways complete

Application
of deposit.

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and open the same for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railways or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit And if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for
completion
of works.

37. The railways shall be completed within five years from the passing of this Act and if the railways shall not be completed within that period then on the expiration thereof the powers by this Act granted to the Company for making and completing the railways or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Tolls.

38. The Company from time to time may lawfully demand and take in respect of the use of the railways any tolls not exceeding the following (that is to say) :—

In respect of the tonnage of goods conveyed on the railways as follows :— A.D. 1884.

For all dung compost common manures undressed materials for the repair of public roads or highways coals culm cinders cannel ironstone iron ore limestone clay (except fire-clay) chalk sand and slag per ton per mile one penny farthing and if conveyed in carriages belonging to the Company an additional sum per ton per mile of one halfpenny ; Tonnage
on articles
of merchan-
dise.

For all coke charcoal pig-iron bar-iron rod-iron sheet-iron hoop-iron plates of iron wrought iron heavy iron castings railway chairs slabs billets and rolled iron guano and artificial manures lime bricks tiles slates salt fire-clay and stone per ton per mile one penny halfpenny and if conveyed in carriages belonging to the Company an additional sum per ton per mile of one penny ;

For all sugar grain corn flour hides dyewoods earthenware timber staves deals metals (except iron) nails anvils vices chains and light iron castings per ton per mile twopence and if conveyed in carriages belonging to the Company an additional sum per ton per mile of one penny ;

For all cotton and other wools drugs manufactured goods fish and all other wares merchandise articles matters or things per ton per mile threepence and if conveyed in carriages belonging to the Company an additional sum per ton per mile of one penny ;

And for every carriage of whatever description 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 belonging to the Company per mile 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 passengers conveyed in carriages upon the railways or any part thereof as follows :— Passengers.

For any person conveyed in or upon any such carriage per mile twopence and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one penny ;

In respect of animals conveyed on the railways or any part thereof as follows :— Animals.

For every horse mule ass or other beast of draught or burden conveyed in or upon any such carriage per mile threepence

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and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one penny ;

For every ox cow bull or head of neat cattle conveyed in or upon such carriage per mile twopence and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one penny ;

For every calf pig sheep lamb or other small animal conveyed in or upon any such carriage per mile three farthings and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one farthing.

Regulations
as to tolls ;

39. The following provisions and regulations apply to the fixing of all tolls (that is to say) :—

Short dis-
tances ;

For persons animals or things conveyed on the railways for a less distance than three miles the Company may demand and receive the before-mentioned tolls as for three miles ;

Fractional
parts of a
mile ;

For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may demand tolls 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 ;

Fractional
parts of a
ton ;

For a fraction of a ton the Company may demand tolls 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 ;

General
weight ;

With respect to all articles except stone and timber the weight shall be determined according to the imperial avoirdupois weight ;

Weight of
stone and
timber.

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 smaller quantity.

Tolls for
small parcels
and articles
of great
weight.

40. With respect to small packages not exceeding five hundred pounds in weight and single articles of great weight notwithstanding the rates prescribed by this Act the Company may demand and take any tolls not exceeding the following (that is to say) :—

For the carriage of small parcels on the railway as follows :—

For any parcel not exceeding seven pounds in weight three-pence ;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight five-pence ;

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight seven-pence ;

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence ;

And for any parcel exceeding fifty-six pounds and not exceeding five hundred pounds in weight the Company may demand for the first fifty-six pounds one shilling and for every additional fifty-six pounds or fractional part of fifty-six pounds above the first fifty-six pounds sixpence ;

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term applies only to single parcels in separate packages :

For the carriage of single articles of great weight as follows :—

For the carriage of any single article the weight of which including the carriage exceeds four tons but does not exceed eight tons the Company may demand any sum not exceeding sixpence per ton per mile ;

For the carriage of any single article the weight of which including the carriage exceeds eight tons the Company may demand and take any sum they think fit.

41. The toll which the Company may demand and receive for the use of locomotive engines for propelling carriages on the railways shall not exceed one penny per mile for each passenger or animal or for each ton of goods or other articles.

Limiting charges for propelling power.

42. Every passenger travelling upon the railways may take with him his ordinary luggage not exceeding the weight following (that is to say) :—

Passengers' luggage.

Every passenger travelling in a first-class carriage one hundred and twenty pounds in weight ;

Every passenger travelling in a second-class carriage one hundred pounds in weight ;

Every passenger travelling in a third-class carriage sixty pounds in weight ;

without any charge being made for the carriage thereof.

43. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railways including the tolls for the use of the railways and of carriages and for locomotive power and every other expense incidental to the conveyance shall not exceed the following (that is to say)—

Maximum rates for passengers.

For every passenger conveyed in a first-class carriage threepence per mile ;

For every passenger conveyed in a second-class carriage twopence per mile ;

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For every passenger conveyed in a third-class carriage one penny per mile.

Maximum
rates for
animals and
goods.

44. The maximum rate of charge to be made by the Company for the conveyance of animals and things on the railways including the tolls for the use of the railways and of carriages and for locomotive power and every other expense incidental to the 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 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 dung and other goods herein-before classed therewith per ton per mile one penny halfpenny ;

For all coke and other goods herein-before classed therewith per ton per mile twopence ;

For all sugar and other goods herein-before classed therewith per ton per mile threepence ;

For all cotton and other goods herein-before classed therewith per ton per mile fourpence ;

And for every carriage of whatever description 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 per mile sixpence and one penny halfpenny for every additional quarter of a ton which such carriage may weigh ;

For every horse mule ass or other beast of draught or burden conveyed in or upon any carriage per mile fourpence ;

For every ox cow bull or head of neat cattle conveyed in or upon any carriage per mile threepence ;

For every calf or pig conveyed in or upon any carriage per mile one penny ;

For every sheep lamb or other small animal conveyed in or upon any carriage per mile three farthings.

Terminal
station.

45. No station shall be considered a terminal station in regard to any goods conveyed on the railways unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

Foregoing
charges not
to apply to
special
trains.

46. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railways in respect of which the Company may make such charges as they

think fit but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railways. A.D. 1884.

47. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof either by reason of any special service performed by the Company in relation thereto or in respect of the conveyance of animals or goods (other than small parcels) by passenger trains. Company may take increased charges by agreement.

48. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railways shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal offices of the Company at a price not exceeding one shilling : Classification table to be open for inspection and copies to be sold.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railways render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railways shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified :

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act 1873.

49. The articles of agreement set forth in the schedule to this Act are hereby confirmed and made binding upon the Company and the Midland Railway Company respectively and full effect may and shall be given thereto Provided always that the said agreement shall be subject to revision by the Railway Commissioners in the manner provided by section 27 of the Railways Clauses Act 1863 as amended by the Regulation of Railways Act 1873. Confirming agreement with Midland Railway Company.

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Tolls on
traffic con-
veyed
partly on
railways of
Company
and partly
on railways
of Midland
Railway
Company.

50. Where under the provisions of this Act traffic is conveyed partly on the railways of the Company and partly on the railways of the Midland Railway Company the railways of the said companies shall for the purposes of tolls and charges be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways of each of the said companies for a less distance than three miles tolls and charges may only be charged as for three miles and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile beyond three miles tolls and charges as for a quarter of a mile only and no other short distance charge shall be made for the conveyance of passengers animals or goods partly on the railways of each of the said companies.

Interest not
to be paid
on calls paid
up.

51. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him. But nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Saving
rights of
the Duchy
of Lancaster.

52. Nothing contained in this Act shall extend or operate to authorise the Company to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to Her Majesty in right of Her Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said Duchy first had and obtained (which consent the said Chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by Her Majesty Her heirs or successors in right of Her said Duchy.

Deposits for
future Bills
not to be
paid out of
capital.

53. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum 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 authorising the Company to construct any other railway or to execute any other work or undertaking.

54. Nothing in this Act shall exempt the Company or their railways from the provisions of any general Act relating to railways or 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 or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by this Act.

A.D. 1884.
Provision as
to general
railway
Acts.

55. All costs charges and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Costs of
Act.

A.D. 1884.

SCHEDULE referred to in the foregoing Act.

ARTICLES OF AGREEMENT made the 18th day of April 1884 between Robert How Ashton of Castleton in the county of Derby Esquire George Henry Cammell of Brookfield Manor Hathersage in the said county Esquire and William George Thorpe of Elm Court Temple London Esquire being three of the promoters of the Dore and Chinley Railway (and herein-after called "the Owing Company") of the one part and the Midland Railway Company (herein-after called "the Working Company") of the other part.

WHEREAS the above-named Robert How Ashton George Henry Cammell and William George Thorpe are with others promoting a Bill in the present session of Parliament whereby they seek authority to incorporate the Owing Company with power to construct a Railway (No. 1) twenty miles nine chains and fifty links in length commencing by a junction with the Chesterfield and Sheffield Line of the Midland Railway at or near the Dore and Topley Station thereon and terminating by a junction with the Ambergate and Manchester Line of the Midland Railway at the north end of the Milton Viaduct and a Railway (No. 2) two furlongs and four chains in length commencing by a junction with the proposed Railway No. 1 and terminating by a junction with the said Ambergate and Manchester Line of the Midland Railway twenty-three chains or thereabouts from the proposed termination of Railway No. 1: And whereas the said railways will form in connexion with the existing railways of the Working Company an improved through route for traffic of the Working Company between on the one hand Chesterfield and Sheffield and places north thereof and on the other hand Liverpool Manchester Stockport Buxton and other important towns and districts and will also form a second or alternative route between the last-mentioned towns and districts on the one hand and the Working Company's system south of Ambergate on the other hand.

And whereas the Working Company are willing to undertake to work the said railways when constructed according to the provisions of the intended Act and of this agreement and in consideration of the advantages accruing to them by the construction of the proposed railways the Working Company are willing to secure to the Owing Company in manner and upon the terms herein-after expressed a minimum annual revenue calculated at the rate of thirty pounds per week for each mile in length of the proposed railways.

NOW IT IS HEREBY AGREED between the parties hereto as follows:—

Article 1.—The Owing Company shall at their own expense acquire in fee-simple in consideration of sums paid in gross and free from all incumbrances rent-

charges land-tax rents and outgoings (except a duly apportioned amount of tithe commutation rentcharge) all the necessary land and properties for forming the site of the said railways and for forming the site of the several stations approaches works and conveniences necessary and proper to be made in connexion therewith which railways works and conveniences are in these articles comprised under the expression "the said railways."

Article 2.—The said railways—

- (A.) Shall be constructed on the gauge of four feet eight inches and one half exclusively ;
- (B.) Shall be at least proper and sufficient for receiving carrying and accommodating the working plant of the Working Company of all descriptions and all traffic upon or over the railway no bridges or other structures being constructed of timber ;
- (C.) Shall be constructed as authorised by the intended Act and the junctions with the railways of the Working Company shall be formed with their incidental signals and signal and point apparatus and block or electrical apparatus by the Working Company at the expense of the Owing Company within the limits respectively authorised by the intended Act and the details incidental to the same junctions respectively and the exact points and mode of forming the same junctions shall be fixed by the Working Company but subject to and so as to receive the approval of the Board of Trade ;
- (D.) Shall be constructed finished and completed as double lines of railway and with signals signal boxes and all appliances connected therewith required by the Board of Trade or reasonably by the Working Company telegraph communication the electric block system and other incidental works and conveniences including proper and efficient intermediate stations but no station shall be placed on a steeper gradient than 1 in 300 ;
- (E.) Shall also include proper and sufficient station and gate-houses waiting-sheds station-yards and approaches station buildings with all usual necessary and proper accommodation goods sheds sidings turn-tables cranes water-supply water-tanks and cranes loading banks and other works and conveniences such as in all respects the Owing Company would have had to construct if they had been about to work the railways as designed in connexion with the Midland Railway ;
- (F.) Shall be constructed with steel rails made to a design and specification as to quality to be approved by the Working Company's engineer and of not less weight than eighty pounds per yard and to be properly fished and laid in chairs weighing not less than forty pounds each which shall be fastened by spikes and trenails to sleepers not less than three spikes and trenails to each sleeper for each chair the sleepers to be laid not more than two feet nine inches apart anywhere and not more at any joint than two feet two inches apart from centre to centre and measuring not less than nine feet in length and at no point of their length less than ten by five inches rectangular and the whole shall be of larch or foreign red wood timber of the best quality thoroughly creosoted ;

The rails fish-plates chairs fastenings and sleepers shall subject as aforesaid be in every respect equal and similar to those now obtained for use on the Working Company's lines ;

- (G.) Shall be properly ballasted with good clean ballast for a thickness of not less than twenty-one inches and a width of not less than twenty feet ;

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(H.) Shall be completed by and at the expense of the Owing Company in the particulars in this article enumerated and in every other respect so as to be fit and safe for traffic of all descriptions and to the satisfaction of the Board of Trade and to the reasonable satisfaction of the chief engineer for the time being of the Working Company.

Article 3.—The said railways shall at the expense of the Owing Company comprise all works lawfully required by landowners commissioners boards turnpike trustees surveyors and others under any statutory right or under any agreement and all works rendered necessary by reason of the roads being interfered with by the railways or either of them and all accommodation and other works whatsoever which on the opening of the railways or at any time thereafter are or may be necessary or proper for the purposes of the railways and the traffic thereon respectively and which the Owing Company would have had to construct if the line were worked by themselves.

Article 4.—The Owing Company shall at their own expense during one year after the opening of the said railways for public traffic uphold maintain and repair the structural works and embankments of the same and all buildings and works and conveniences of the railways except those in this article named to be maintained and repaired by the Working Company the workmen engaged in the maintenance to be approved by and be under the control of the Working Company The Working Company to maintain and repair the permanent way and all other works and conveniences connected therewith from such day of opening at their own expense.

Article 5.—From and after the completion or opening of the said railways for public traffic the Working Company shall (subject to the restrictions mentioned in these articles) have the privilege and duty of exclusively and in perpetuity working equipping with all rolling stock and locomotive power tools and stores adequate and proper or required by the Working Company manning managing and maintaining and shall at their own expense exclusively and in perpetuity work equip as aforesaid man manage and (but subject and without prejudice to the obligation of the Owing Company as aforesaid in Article 4) maintain the railways and the works and conveniences thereof as effectively as if the railways were part of their own system of railways and the Working Company shall pay all rates properly chargeable on the occupiers of the railways including the apportioned tithe commutation rentcharge and shall indemnify the Owing Company therefrom.

Article 6.—From the opening of the said railways for public traffic and thenceforth during the continuance of this agreement there shall be formed a fund to be called the Dore and Chinley revenue fund which shall from time to time be credited with the following sums:—

- (A.) The gross receipts of the Working Company in respect of local traffic arising and terminating on the railways ;
- (B.) The mileage proportion due to the said railways of the Working Company's receipts in respect of through traffic passing over the railways or any portion thereof ; and
- (C.) The usual terminal allowances on through traffic arising or terminating on the said railways ;
- (D.) The receipts due to the said railways from all other sources of revenue whatsoever including tolls paid by other companies.

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Article 7.—The Dore and Chinley revenue fund shall be made up half-yearly to the 30th day of June and the 30th day of December in each year and shall be divided equally between the Owing Company and the Working Company on the 15th day of August and the 15th day of February in each year Provided that the Working Company guarantee that the Owing Company's share of the Dore and Chinley revenue fund accruing to the Owing Company shall never be less than a sum equal to thirty pounds per week for each mile in length of the said railways.

Article 8.—Any question of difference arising between the Owing Company and the Working Company under this agreement shall be determined by arbitration according to the provisions of the Railway Companies Arbitration Act 1859.

Article 9.—Within two months after the Bill shall have received the Royal Assent a part of this agreement executed under the common seal of the Owing Company shall be delivered to the Working Company.

Article 10.—This agreement is made subject to such alterations as Parliament shall think fit to make therein.

In witness whereof the said promoters on behalf of the Owing Company have hereto set their hands and seals and the Working Company have hereto affixed their common seal the day and year first above written.

The common seal of the Midland Railway
Company was affixed in the presence of

G. E. PAGET

L.S.

Director of the Midland Railway Company
Sutton Bonnington Loughboro'.

ROBT. HOW ASHTON.

L.S.

GEORGE H. CAMMELL.

L.S.

W. G. THORPE.

L.S.

Signed sealed and delivered by the said Robert How Ashton George Henry
Cammell and William George Thorpe in the presence of

DONALD McMILLAN

Articled Clerk

2 Victoria Mansions Victoria Street,
S.W.

