CHAPTER xlviii.

An Act to authorise a deviation from the authorised line of the Longton, Adderley Green, and Bucknall Railway, the abandonment of some portions of that railway, and to revive and extend the time for the purchase of lands for and to extend the time for the completion of that railway; and for other purposes. [27th June 1872.]

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WHEREAS by "The Longton, Adderley Green, and Bucknall Railway Act, 1866," in this Act referred to as the Act of 1866, the Longton, Adderley Green, and Bucknall Railway Company were incorporated for the purpose of making a railway from Longton through Adderley Green to Bucknall, with branches: 29 & 30 Vict. c. clxxiv.

And whereas by the Act of 1866 the period for the compulsory purchase of land for the purposes of that Act was (section 21) limited to three years, and the period for the completion of the railways by that Act authorised was (section 22) limited to four years from the passing of that Act; and that Act received the royal assent on the sixteenth day of July one thousand eight hundred and sixty-six:

And whereas by a warrant of the Board of Trade dated the thirteenth day of July one thousand eight hundred and seventy-one, made pursuant to "The Railways (Extension of Time) Act, 1868," and validated by "The Regulation of Railways Act, 1868," (section 46), the period for the compulsory purchase of the said lands was extended for two years, videlicet, to the sixteenth day of July one thousand eight hundred and seventy-one; and the period for the completion of the said railways was also extended for two years, videlicet, to the sixteenth day of July one thousand eight hundred and seventy-two:

And whereas it is expedient to authorise—

(*a.*) A deviation from the line of the railway No. 1, authorised by the Act of 1866:

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(*b.*) The abandonment of the portion of that railway for which the deviation will be substituted:

(*c.*) The abandonment of the whole of the railway No. 3, by that Act authorised:

And whereas it is expedient that, as regards the residue of the railways authorised by the Act of 1866, the time limited as aforesaid for the compulsory purchase of lands and houses for the purposes of those railways be revived and extended, and also that the time limited as aforesaid for the completion of those railways be extended:

And whereas it is expedient that the Act of 1866 be in some respects amended:

And whereas, for the purposes of this Act, plans and sections showing the situation, lines, and levels of the proposed deviation railway, and the lands which may be taken for the purposes thereof, and books of reference to those plans respectively, containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of those lands, have been deposited with the clerk of the peace for the county of Stafford; and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Longton, Adderley Green, and Bucknall Railway Act, 1872."

Provisions of general Acts herein named incorporated.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, "The Railways Clauses Consolidation Act, 1845," Part I. (relating to construction of a railway), Part II. (relating to extension of time), 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 of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Longton, Adderley Green, and Bucknall Railway Company; the expression "superior courts" or "court of competent jurisdiction," or other

like expression in this Act or any Act incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Powers to make railway according to deposited plans.

4. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated upon the deposited plans and described in the deposited books of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act is—

A deviation railway, two furlongs and seven chains, or thereabouts, in length, commencing in the township of Bucknall in the parish of Stoke-upon-Trent in the county of Stafford, by a junction with the said authorised railway No. 1, and terminating in the township of Botteslow in the said parish and county, by a junction with the Biddulph branch of the North Staffordshire Railway.

Powers for compulsory purchases limited.

5. The powers of the Company for the compulsory purchase of lands for the purposes of the deviation railway by this Act authorised shall not be exercised after the expiration of one year from the passing of this Act.

Period for completion of works.

6. The deviation railway by this Act authorised shall be completed within two years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for executing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Deviation railway to form part of Company's undertaking.

7. The railway and works by this Act authorised shall for all purposes of tolls, rates, and charges, and for all other purposes whatsoever, be part of the undertaking, railway, works, and property of the Company, as if the Company had by the Act of 1866 been authorised to make and maintain the same.

Tolls.

8. The Company may demand and take on and in respect of the railway by this Act authorised, tolls, rates, and charges not exceeding those specified in the Act of 1866; provided that the maximum charges to be made upon or in respect of such railway shall not in any case to which maximum charges are applicable exceed those by that Act limited.

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Certain works to be abandoned.

9. The Company shall abandon the construction of—

(*a.*) The whole of the railway No. 3, authorised by the Act of 1866:

(*b.*) The railway No. 1, authorised by that Act, from the commencement of the intended deviation railway by this Act authorised, up to the authorised termination of the said railway No. 1.

Compensation for damage to land by entry, &c. for purposes of work abandoned.

10. The abandonment by the Company, under the authority of this Act, of any work shall not prejudice or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of "The Lands Clauses Consolidation Act, 1845," for any damage occasioned by the entry of the Company on the land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out the line of the work; and shall not prejudice or affect the right of the owner or occupier of any land temporarily occupied by the Company to receive compensation in accordance with the provisions in that behalf of "The Railways Clauses Consolidation Act, 1845," for the temporary occupation, or for any loss, damage, or injury sustained by the owner or occupier by reason thereof, or of the exercise with respect to the land of any of the powers contained in the last-mentioned Act, or the Act authorising the work.

Company to make compensation for lands taken for works abandoned.

11. Where before the passing of this Act any contract was entered into or notice given by the Company for purchasing any lands which they were authorised to purchase for making any work by this Act directed to be abandoned, the Company shall be released from all liability to purchase or to complete the purchase of any such lands, but, notwithstanding, full compensation shall be made by the Company to the owners or occupiers or other persons interested in those lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner by "The Lands Clauses Consolidation Act, 1845," provided for determining the amount and application of compensation for lands taken under the provisions thereof.

Revival and extension of powers for compulsory purchase of lands.

12. The powers by the Act of 1866 and the said warrant given for the compulsory purchase of lands shall, as to the whole of railway No. 2, by that Act authorised, and of so much of railway No. 1, by that Act authorised, as is not by this Act directed to be abandoned, be revived, and may be exercised by the Company within one year, but not after the expiration of one year, from the passing of this Act.

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Extension of period for completion of works.

13. The time limited by the Act of 1866 and the said warrant for the completion of the works by that Act authorised shall be and the same is hereby extended and enlarged, as to the whole of railway No. 2, by that Act authorised, and as to so much of railway No. 1, by that Act authorised, as is not by this Act directed to be abandoned, until the expiration of two years from the passing of this Act, and on the expiration of that period the powers granted to the Company for executing the works shall cease to be exercised, except as to so much thereof as shall then be completed.

Deposit money not to be repaid until line opened or half the capital paid up and expended.

14. Whereas pursuant to the condition contained in the said warrant a sum of three thousand four hundred and fifty-one pounds, being eight per centum on forty-three thousand one hundred and thirty-four pounds, the amount of the estimate of the expense of the railways authorised by the Act of 1866, was deposited with Her Majesty's Paymaster General, on behalf of the Company, by Joseph Hulse and John Hackett Goddard, and the said sum of three thousand four hundred and fifty-one pounds still remains deposited with Her Majesty's Paymaster General: And whereas five per centum upon the amount of the estimate is at present required by the standing orders of both Houses of Parliament to be deposited in respect of applications to Parliament for the construction of any new line, or by which the time for completing any line already authorised is extended: And whereas five per centum on that estimate would amount to the sum of two thousand one hundred and fifty-seven pounds: Be it enacted, that the said sum of two thousand one hundred and fifty-seven pounds, part of the sum so deposited as aforesaid, shall not be paid or transferred to or on the application of the said Joseph Hulse and John Hackett Goddard, or the survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railways hereby and by the Act of 1866 authorised to be made, either open the said railways 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 the Act of 1866 authorised to be raised by means of shares, and have expended for the purposes of this Act and the Act of 1866 a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the said railways for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of two thousand one hundred and fifty-seven pounds shall be applied in the manner herein-after specified, and the certificate of the Board of Trade that

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such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed.

Application of deposit.

15. The said sum of two thousand one hundred and fifty-seven pounds shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said railways or any of them, 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 shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as the Court of Chancery in England may deem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of two thousand one hundred and fifty-seven pounds, or such portion thereof as may not be required as aforesaid, shall be paid to or on the application of the said Joseph Hulse and John Hackett Goddard, or the survivor of them: Provided that until the said sum of two thousand one hundred and fifty-seven pounds shall have been repaid to the depositors, or shall have 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 said Joseph Hulse and John Hackett Goddard, or the survivor of them.

Release of portion of deposit money.

16. On the application of the said Joseph Hulse and John Hackett Goddard, or the survivor of them, to Her Majesty's Paymaster General, he may and shall pay or order that the sum of one thousand two hundred and ninety-four pounds, the balance of the said sum of three thousand four hundred and fifty-one pounds, after deducting therefrom the said sum of two thousand one hundred and fifty-seven pounds, be paid to the parties or party so applying, or to any other person or persons whom they or he may appoint in that behalf.

Tolls on the railway while worked by the North Staffordshire Railway Company.

17. Notwithstanding anything in the Act of 1866 contained, the railways of the Company, so long as they are maintained and used by the North Staffordshire Railway Company, shall, for the purposes of tolls and charges, be considered as part of the North Staffordshire Railway.

Railway not exempt from provisions of present and future general Acts.

18. Nothing herein contained shall be deemed or construed to exempt the railway by this Act authorised to be made from the provisions of any general Act relating to railways, or the better or more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised to be taken by the Company.

Expenses of Act.

19. All costs, charges, and expenses preliminary to, and of and incidental to the preparing of and applying for, and the obtaining and passing of this Act shall be paid by the Company.

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