ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

****

Cap. xlii.

An Act for relinquishing certain Works authorized by the *North Staffordshire* Railway Branches Act, 1854, and for authorizing Agreements with respect to the *Silverdale and Newcastle* Railway, and for other Purposes. [15th *May* 1860.]

WHEREAS the following Acts relate to the *North Staffordshire* Railway Company (herein-after called the Company) and their Undertaking; (that is to say,) Ninth and Tenth of 9 & 10 Vict.
Victoria, Chapter Eighty-five; Tenth and Eleventh of *Victoria*, Chapter c. lxxxv. 10 & 11 Vict.
One hundred and eight; Eleventh and Twelfth of *Victoria*, Chapters c. cviii.
Sixty-six and Eighty-three; Thirteenth and Fourteenth of *Victoria*, 11 & 12 Vict. cc. lxvi. and
Chapter Fifty-five; Seventeenth and Eighteenth of *Victoria*, Chapter One lxxxiii.
hundred and ninety-four; Twenty-second and Twenty-third of *Victoria*, 13 & 14 Vict.
Chapter One hundred and twenty-six; and First of *William* the Fourth, c. lv. 17 & 18 Vict.
Chapter Fifty-five: And whereas by the recited Act Seventeenth and c. cxciv.
Eighteenth of *Victoria*, Chapter One hundred and ninety-four, "*North* 22 & 23 Vict. c. cxxvi.
Staffordshire Railway Branches Act, 1854," the Company were authorized 1 & 2 W. 4.
to make a Railway from the *North Staffordshire* Railway in the Parish c. lv.
of *Stoke-upon-Trent* to *Congleton* in the County of *Chester*, with Branch

Railways therefrom, and the Powers of the Company for making the said Railways were limited to Five Years from the passing of that Act, and by the "*North Staffordshire* Railway Act, 1859," after reciting, amongst other things, that it might become expedient that the Construction of the said Branch Railways should be abandoned or modified, the Time for completing the same was extended and enlarged until the Expiration of One Year from the passing of that Act: And whereas it is expedient that the Construction of certain of the Railways and Parts of Railways authorized by the "*North Staffordshire* Railway Branches Act, 1854," should be relinquished: And whereas Two millions eight hundred and twenty-six thousand three hundred and seventy-two Pounds Ten Shillings, Part of the Capital of the Company, consists of One hundred and sixty-one thousand five hundred and seven Shares of the nominal Amount of Nineteen Pounds Sixteen Shillings and Fourpence each, whereof Seventeen Pounds Ten Shillings *per* Share only has been paid, and the remaining Two Pounds Six Shillings and Fourpence *per* Share has not been called up: And whereas it is expedient to facilitate the voluntary Payment of the uncalled Part of the said Shares, and to make Provision for the Consolidation of the paid-up Share Capital into Stock: And whereas it is expedient that the Company on the one hand and the Undertakers of the *Silverdale and Newcastle* Railway (herein-after called "the Undertakers") on the other hand should be authorized to enter into Agreements with respect to the Maintenance, Management, Use, and Working of the *Silverdale and Newcastle* Railway, and the Traffic thereof, and otherwise in relation to the *Silverdale and Newcastle* Railway, and that the Undertakers should be authorized to grant and the Company to accept and take a Lease of the said Railway: 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 of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to abandon Portions of Works authorized by 17 & 18 Vict. c.cxciv.

I. The Company shall relinquish the Construction of the following Railways and Portions of Railways authorized by the *North Staffordshire* Railway (Branches) Act, 1854; (that is to say,)

So much of the Railway first described in the Second Section of the said Act as lies between a Point in a certain Field numbered 58. in the Parish of *Astbury* on the Plans referred to in such Act and the Terminus of such Railway in the Town of *Congleton*:

So much of the Railway secondly described in the Second Section of the said Act as lies between the Road numbered 179. in the Parish of *Stoke-upon-Trent* upon the Plans referred to in such Act and the Terminus of such Railway at or near *Winton's Field*:

The

The Three Railways lastly described in the Second Section of the said Act, the First of which Railways is therein described as terminating by a Junction with the *North Staffordshire* Railway at or near to the *Congleton* Station, the Second of which Railways is therein described as terminating in the Parish of *Caverswell*, and the Third of which Railways is therein described as terminating in the Parish of *Burslem*:

And the Provision of the said Act restricting the Company from declaring or paying Dividend to the Shareholders on their ordinary Capital until the Railways thereby authorized should be completed and opened for public Traffic shall be read and construed as though the Railways and Parts of Railways the Construction of which is hereby authorized to be abandoned had not been authorized by the said Act.

Compensation to be made in respect of Lines abandoned.

II. Provided always, That where before the passing of this Act any Contract was entered into or Notice given by the Company for purchasing any Land which the Company are authorized to purchase for the Purpose of making any Part of the Works the Construction of which they are by this Act authorized to relinquish, the Company shall make to the Owners or Occupiers of or other Persons interested in those Lands full Compensation 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 provided by the "Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of Compensation paid for Lands taken under the Provisions of that Act.

Compensation for Damage to Lands by Entry, &c.

III. Provided always, That the Authority by this Act given to the Company to relinquish the Construction of the said Railways and Parts of Railways shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company are authorized to purchase for the Purpose of making those Railways or Parts of Railways to receive from the Company Compensation according to the Provisions in that Behalf of the "Lands Clauses Consolidation Act, 1845," for any Damage occasioned by the Entry of the Company upon the Lands, for the Purpose of surveying and taking Levels, or probing or boring to ascertain the Nature of the Soil, or setting out the Lines of those Railways and Parts of Railways.

Shareholder paying up his Shares in full to be entitled to new Shares or to Stock.

IV. Every Proprietor of a Share or of any Number of Shares in the Company shall be entitled, at his Option, to pay up the Amount uncalled in respect of such Share or Shares, or on any Number of such Shares, and thereupon to have, as he may elect, for every full Sum of Seventeen Pounds Ten Shillings comprised in the aggregate Amount of such Shares paid up in full a Share of Seventeen Pounds Ten Shillings, upon which no further Call shall be payable, and for any Fraction which

may

may remain of such aggregate Amount beyond the Sum or such Number of Sums of Seventeen Pounds Ten Shillings to a Scrip Share or Shares bearing a Rate of Interest to be fixed by the Company not exceeding the Rate of Five Pounds *per Centum per Annum* on the Amount of such Fraction, or shall be entitled to Consolidated Stock of the Company to the full Sum of such aggregate Amount.

Rights of Holders of Scrip Shares.

V. The Holder of any such Scrip Shares shall not be entitled to participate in any Dividend declared or Profits realized by the Company beyond the fixed Rate of Interest, nor to attend or vote at any Meeting of the Company until such Scrip Shares shall be consolidated into Shares of Seventeen Pounds Ten Shillings, or into Stock of the Company.

Holders of Scrip Shares may have them consolidated into 17*l.* 10*s.* Shares or into Stock.

VI. Every Holder of Scrip Shares shall be entitled at any Time to bring in the same, or any Number thereof, for Registration, and thereupon the same shall be cancelled, and in lieu thereof he shall be entitled, at his Option, to so many Shares of Seventeen Pounds Ten Shillings each as there shall be Sums of Seventeen Pounds Ten Shillings in the Capital represented by the Scrip Shares so brought in for Registration by him, or to consolidated Stock of the Company of the aggregate Amount of such Capital.

Company to create Stock and Shares necessary for Purposes of Act.

VII. The Company shall from Time to Time create such an Amount of Stock and so many new Shares of such nominal Amounts respectively as shall be necessary for carrying the Provisions of this Act into effect.

Provisions of 8 & 9 Vict. c. 16. as to consolidating Shares into Stock incorporated.

VIII. The Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Consolidation of the Shares into Stock (except the Sixty-first Section of the said Act authorizing the Company to consolidate Shares into Stock) are hereby incorporated with this Act, and shall be applicable to any consolidated Stock which may be created by the Company under the Powers of this Act.

Stock and new Shares to vest in Proprietors, subject to the same Trust, &c. as the 19*l.* Shares.

IX. All Stock and new Shares created by the Company under the Powers of this Act shall vest in the Parties respectively entitled thereto upon and subject to the same Trusts, Powers, Provisions, Agreements, Liens, Charges, and Liabilities as the Shares for which respectively such Stock and new Shares shall be substituted were respectively subject at the Time of Substitution, and so as to give Effect to and not revoke any Will or Testamentary Disposition of or affecting such Shares.

Undertakers may grant and Company may take a Lease of the

X. Subject to the Provisions of this Act, the Undertakers may grant to the Company and the Company may accept and take a Lease of the *Silverdale and Newcastle* Railway, and the Stations, Works, and Conveniences connected therewith, for such Term and with and subject to such

such Covenants and Conditions as may be mutually agreed upon between the Undertakers and the Company. Silverdale and Newcastle Railway.

XI. The Company on the one Hand and the Undertakers on the other Hand, according to their respective Estates, Rights, and Interests, from Time to Time may enter into such Agreements for any of the Purposes for which they are by this Act authorized to enter into Agreements as they from Time to Time think fit. Power for Company and the Undertakers to agree for Purposes authorized.

XII. The Purposes for which the Agreements may from Time to Time be entered into include the following; (that is to say,) Purposes for which the Agreements may be made.

First, the Maintenance and Management and the Use and Working by the Company, with their Engines and Carriages, of the *Silverdale and Newcastle* Railway or any Part thereof, and the Stations, Works, and Conveniences connected therewith:

Secondly, the Interchange of Traffic between the *North Staffordshire* Railway and the *Silverdale and Newcastle* Railway:

Thirdly, the Division and Apportionment of the Tolls, Fares, Rates, Charges, and Profits arising from such Traffic:

Fourthly, the Appointment and Regulation of any Joint Committee for carrying into effect any Agreements so entered into:

Fifthly, the renewing or modifying of any Agreements so entered into.

XIII. No such Lease or Agreement shall in any Manner alter, affect, increase, or diminish any of the Tolls, Fares, Rates, or Charges which the Company or Undertakers are from Time to Time respectively authorized to demand and receive from any Person or any other Company, but all other Persons and Companies shall, notwithstanding any such Lease or Agreement, be entitled to the User and Benefit of the *Silverdale and Newcastle* Railway, upon the same Terms and Conditions, and on Payment of the same Tolls, Fares, Rates, and Charges, as they would be if the Lease or Agreement were not made. Restrictions on Agreements.

XIV. No Lease and no Agreement for any of the Purposes aforesaid which shall hereafter be entered into shall, so far as the Terms and Conditions thereof are not authorized by "The Railways Clauses Consolidation Act, 1845," or by any other General Statute or Law from Time to Time in force with respect to the Company, have any Operation unless and until it be sanctioned by not less than Three Fifths of the Votes of the Shareholders of the Company present, personally or by Proxy, at a Meeting of the Company convened with special Notice of the Purpose. Sanction of Shareholders to Agreements.

XV. No such Agreement shall have any Operation until it be approved by the Board of Trade. Approval of Board of Trade.

Agreements may be modified by Board of Trade.

XVI. Provided always, That at the Expiration of the first or any subsequent Period of Ten Years from the making of any such Agreement the Board of Trade may, if they think fit, cause the same to be revised, and the Board of Trade shall have Power to modify the Agreement in such Manner as the Board of Trade may think necessary, and to declare the Modification made by them to be Part of such Agreement, and the same shall be read and take effect accordingly.

Notice of Revision.

XVII. The Company previous to the Expiration of each such decennial Period shall give such public Notice as the Board of Trade may prescribe that the Board has such Power, and is about to enter on such Revision, and will entertain Complaints with a view to the Removal of any Evil resulting to the Public from any such Arrangement.

Joint Committee for Purposes of Agreements.

XVIII. The Company and Undertakers, Parties to any such Agreement, may, in accordance therewith, and for the Purposes thereof, appoint a Joint Committee, composed of such Number of the Directors of the Company and such of the Undertakers, or such Persons appointed by the Undertakers, as the Company or Undertakers think proper, and from Time to Time may alter, vary, and renew the Joint Committee as Occasion requires, and may regulate the Proceedings of the Joint Committee, and may delegate to the Joint Committee all such Powers as the Company and Undertakers respectively think necessary for carrying into effect the Purposes of the Agreement; and every Joint Committee so appointed shall have and may exercise the Powers so from Time to Time delegated to them in like Manner as those Powers might be had and exercised by the Company or their Directors, or by the Undertakers.

Tolls for Traffic partly on North Staffordshire and Silverdale Railway.

XIX. For the Purpose of ascertaining the Toll or Charge payable in respect of any Person, Animal, or Thing conveyed in accordance with this Act by the Company partly on their Railway and partly on the *Silverdale and Newcastle* Railway, the Distance traversed on both Railways shall be reckoned as if they had formed One continuous Railway.

Saving Rights of Undertakers.

XX. Except as is by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, prejudice, or alter any of the Estates, Rights, Powers, or Privileges of the Undertakers.

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

XXI. This Act or anything therein shall not exempt the Railways to which this Act relates from the Provisions of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or the Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges

Charges or of the Rates for small Parcels authorized by the "*Silverdale and Newcastle-under-Lyme* Railway Act, 1859," or this Act.

Expenses of Act.

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

Short Title.

XXIII. This Act may be cited for any Purpose as "The *North Staffordshire* Railway Act, 1860."

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1860.