CHAPTER ccv.

An Act for authorising the North Staffordshire Railway Company to construct certain Railways and Works for the improvement of their system in the counties of Stafford and Chester; to abandon portions of certain Railways; to appoint Directors of the Cheadle Railway Company; to amend the Company's Acts with respect to Tolls and Charges; to provide for the establishment of Hotels; and for other purposes. [11th August 1879.] A.D. 1879.

WHEREAS it is expedient that the North Staffordshire Railway Company (in this Act called "the Company") should be authorised to make and do the following works and things; (that is to say,)

To make certain short railways in the county of Stafford, to connect, in the parish of Keele, the railways respectively described as Railway No. 2 and Railway No. 1 in the North Staffordshire Railway (Branches) Act, 1864, (in this Act called "the Branches Act, 1864,") and to abandon portions of those railways, and to alter the levels of part of the said Railway No. 1; also to make a railway, in the township of Macclesfield, in the county of Chester, from the Macclesfield, Bollington, and Marple Railway to the Company's Potteries Lines, and certain short railways in connexion with the same line near the Stoke-upon-Trent Station, in the township of Shelton, in the county of Stafford; 27 & 28 Vict. c. cccix.

To widen, in the townships of Longton and Weston Coyney, or one of them, in the county of Stafford, the branch railway from the Churnet Valley Line to Stoke-upon-Trent, and the bridges which carry the same over the road from Longton to Adderley Green and the Colliery Tramway near the Sutherland

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Wharf, and to enlarge the Cobridge Station on the Company's loop line:

And whereas it is expedient that the Company should be authorised to provide storehouses or warehouses as places of special security or of ordinary security for goods, wares, and merchandise, and to make reasonable charges for the warehousing or wharfage of goods:

27 & 28 Vict. c. cccviii. 24 & 25 Vict. c. lxxi.

And whereas under the provisions of the North Staffordshire Railway (New Works) Act, 1864, (in this Act called "the New Works Act, 1864,") the Company have leased and entered into possession of the railways referred to in Sneyd's Railway Act, 1861, except the railway therein referred to as Branch Railway No. 2, and the railways so leased and entered upon by the Company are in this Act referred to as "Sneyd's railways," and it is expedient that the Company should be empowered to enter into agreements with adjoining landowners and others in respect of the user of Sneyd's railways:

And whereas it is expedient that certain of the provisions of the Company's Acts should be amended with respect to tolls and charges, and other matters of a like description or affecting the Company's rights and powers in relation to the traffic upon their railways and canal:

41 & 42 Vict. c. clxviii.

And whereas by the Cheadle Railway Act, 1878, the Cheadle Railway Company were incorporated and authorised to raise in shares a capital of fifty thousand pounds, and to make the Cheadle Railway from the North Staffordshire Railway to Cheadle, in the county of Stafford, and the Company were authorised (section eighteen) to subscribe ten thousand pounds towards the said capital, and (section forty-seven) to vote at meetings of the Cheadle Railway Company, and (sections forty-one, forty-two, and forty-three) were required to maintain and use the Cheadle Railway as part of their system upon the terms therein mentioned, and it is expedient that the Company should be authorised to appoint a director of the Cheadle Railway Company:

And whereas it is expedient that the Company should be authorised to hold and maintain as part of their undertaking the hotels and refreshment rooms built by them at their Stoke-upon-Trent, Rudyard, Leek, and Hanley Stations, and to build and hold refreshment rooms at or in connexion with any of their stations, and to conduct and manage or let the same:

And whereas it is expedient that the Company should be authorised to contribute towards the maintenance of friendly societies

established by and for the benefit of their officers, servants, workmen, and apprentices: A.D. 1879.

And whereas plans and sections describing the lines, situations, and levels of the intended railways and works, and books of reference to such plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of the lands which may be taken for the purposes of this Act, have been deposited with the respective clerks of the peace for the counties of Stafford and Chester (which respectively 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; (that is to say,)

Short title.

1. This Act may be cited as the North Staffordshire Railway Act, 1879.

Incorporation of general Acts.

2. The following Acts and part of an Act (as far as they are applicable for the purposes of and are not expressly varied by this Act) are hereby incorporated with and shall be part of this Act; (that is to say,)

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (in this Act referred to as the Lands Clauses Acts); — 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18.

The Railways Clauses Consolidation Act, 1845, and Part I. of the Railways Clauses Act, 1863, relating to construction of a railway. — 8 & 9 Vict. c. 20. 26 & 27 Vict. c. 92.

Interpretation of terms.

3. In this Act and (for the purposes of this Act) in enactments incorporated with this Act the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt, and not a debt or demand created by statute, and the term "superior courts" shall include any court of competent jurisdiction.

Power to execute works according to deposited plans.

4. Subject to the provisions of this Act, the Company may from time to time make, execute, and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railways and improvements of railways, highway, and bridges described in this Act, with all proper stations, sidings, approaches, works, and conveniences in connexion therewith respectively.

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Power to take and use lands described in deposited plans, &c.

5. Subject to the provisions and for the purposes of this Act, the Company may from time to time enter on, take, and use the lands delineated on and described in the deposited plans and books of reference, so far as the same plans and books of reference relate to the railways and works by this Act authorised, and to lands in the township and parish of Burslem, in the county of Stafford, required for the enlargement of the Cobridge Station.

Description of railways authorised by this Act.

6. The railways authorised by this Act are the following; (that is to say,)

1. A railway (in this Act called "the Keele Junction Curve"), 1 furlong 6·39 chains in length, commencing on the eastern side of and by a junction with the railway called "Railway No. 2" in the New Works Act, 1864, and terminating on the northern side of and by a junction with the same railway, which intended railway will be wholly situate in the township and parish of Keele, in the county of Stafford:

2. A railway (in this Act called "railway at Macclesfield"), 8·80 chains in length, commencing by a junction with the Macclesfield, Bollington, and Marple Railway, and terminating by a junction with a siding to the Pottery Line of the North Staffordshire Railway (in this Act called "the Pottery Line") in the Hibel Road goods-yard of the Company, which intended railway will be wholly situate in the township of Macclesfield and parish of Prestbury, in the county of Chester:

3. Four additional short lines of railway in the township of Shelton and parish of Stoke-upon-Trent, in the county of Stafford, and respectively near the Stoke-upon-Trent Station of the Pottery Line; (namely,)

   1st. A line, 1 furlong and 6·10 chains in length, commencing and terminating on the eastern side of and by a junction with the Pottery Line:

   2nd. A line, 1 furlong and 3 chains in length, commencing on the western side of and by a junction with the Pottery Line, and terminating in the goods-yard at the Stoke-upon-Trent Station:

   3rd. A line, 1 furlong and 3·60 chains in length, commencing on the western side of and by a junction with the last-mentioned intended line of railway, and terminating in the said goods-yard:

   4th. A line, 5·60 chains in length, commencing on the eastern side of and by a junction with the Pottery

Line, and terminating at a point one hundred and eighty yards or thereabouts, measured in a southern direction, from the south end of the viaduct which carries the Pottery Line over the River Trent, which intended railway will be wholly in the township of Fenton in the said parish of Stoke-upon-Trent.

Description of improvements, &c. authorised by this Act.

7. The improvements of railways, highway, and bridges which the Company are by this Act authorised to make, execute, and maintain comprise the improvement of the following railways, highway, and bridges respectively, by alterations in the levels thereof and widening or extending the same as herein-after expressed; (that is to say,)

1. An alteration of the levels of the railway called in the New Works Act, 1864, Railway No. 1, where it passes through or near Halmer End, in the township of Halmer, in the parish of Audley and county of Stafford, commencing at a point thereon four hundred and forty yards, or thereabouts, measured in a northern direction, from the point where it crosses the public highway from Halmer End to Alsager Bank, and terminating at another point thereon six hundred yards, or thereabouts, measured in a southern direction, from such commencement, and in connexion therewith:
2. An alteration of the levels of the said public highway, so far as may be necessary for the purposes of the alteration of the levels of the railway:
3. A widening of the branch railway from the Churnet Valley Line to Stoke-upon-Trent, in the township of Longton and parish of Stoke-upon-Trent, and the township of Weston Coyney, in the parish of Caverswall, or one of them, in the county of Stafford, and in connexion therewith over the road from Longton to Adderley Green, and the bridge which carries the said branch railway over the Colliery Tramway near the Sutherland Wharf:
4. The construction of certain sidings at that place in connexion with the said branch railway:
5. A widening on their respective southern sides of the bridge which carries the said branch railway.

Land for extraordinary purposes.

8. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, in connexion with the railways and works by this Act authorised, shall not exceed one acre.

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As to lands, &c. in Duchy of Lancaster.

9. And whereas it is expedient that this Act should contain certain provisions relative to lands, hereditaments, estates, rights, and interests belonging to the Queen's most Excellent Majesty in right of her Duchy of Lancaster (in the rest of this section called "the Duchy"), as are herein-after contained: Be it therefore enacted that—

(1.) With respect to any lands belonging to Her Majesty in right of the Duchy which may be required for the purposes of this Act the following provisions shall (but subject and without prejudice to any lease or tenancy which at the time of any agreement authorised by this section may be subsisting in the said last-mentioned lands) have effect; that is to say, the Chancellor and Council for the time being (herein-after called "the Chancellor and Council") of the Duchy may agree with the Company for the absolute sale in fee simple of all or any of the said last-mentioned lands, or any part thereof, in consideration of any such gross sum of money or of such annual rentcharge, or in consideration partly of such gross sum and partly of such annual rentcharge payable by the Company, and upon such terms and conditions in all respects as shall be settled between the Chancellor and Council and the Company; and in case the same lands shall be subject jointly with any other lands to any lease or tenancy for a life or lives or a term of years unexpired, the Chancellor and Council may agree, as well with the Company as also with the lessee or tenant, for the apportionment of the rent payable in respect of the lands comprised in such lease or tenancy between the lands agreed to be sold and such other lands. And upon payment of such (if any) agreed gross sum, and upon such (if any) agreed rentcharge being secured in manner herein-after provided, the Chancellor and Council may grant and assure the same lands and the fee simple and inheritance thereof to the Company, their successors and assigns, for the purposes of this Act, and (if the same lands shall be subject jointly with any other lands to any such lease or tenancy as aforesaid) may apportion or concur with all other necessary parties in apportioning the rent payable in respect of the lands comprised in such lease or tenancy between the lands so granted and assured and such other lands.

(2.) With respect to any such lands held by copy of court roll or other customary tenure of any honour, manor, or

lordship belonging to Her Majesty in right of the Duchy as may be required for the purposes of this Act, the following provisions (but subject and without prejudice to any lease or tenancy which at the time of any agreement authorised by this section may be subsisting of the same honour, manor, or lordship) shall have effect; that is to say,

The Chancellor and Council may agree with the Company for the enfranchisement of all or any of the said last-mentioned lands and for the release thereof from all or any of the customary fines, rents, suits, and services which the same may be charged with or liable to, in consideration of such gross sum of money or of such annual rentcharge, or in consideration partly of such gross sum and partly of such annual rentcharge payable by the Company, and upon such terms and conditions in all respects as shall be settled between the Chancellor and Council and the Company:

And in case the same lands shall be liable jointly with any other lands to any such aforesaid rents, suits, or services, the Chancellor and Council may agree as well with the Company as also with the tenant or proprietor of such other lands for the release or apportionment of such rents, suits, and services, either with or without any consideration being paid for the same:

Upon any such agreement for enfranchisement, release, or apportionment, and upon payment of such (if any) agreed gross sum, and upon such (if any) agreed rentcharge as last aforesaid being secured in manner herein-after provided, the Chancellor and Council may release the lands so to be enfranchised or released from all customary fines, rents, suits, and services, or (as the case may be) such of them or such part or parts thereof as shall have been in that behalf agreed, and the lands so released shall thenceforth be holden by the Company, their successors and assigns, as of the honour, manor, or lordship whereof they are or were holden or parcel in free and common socage. And every such release of lands, if made previously to the purchase or acquisition by the Company of the estate and interest of the copyhold or customary tenant of such lands, shall after such purchase or acquisition operate and take effect as if the Company had been in

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possession of the same lands at the time of the execution of such release:

Provided that no such enfranchisement, release, or apportionment shall in any other respects affect any custom by or under which any copyhold or customary lands not required for the purposes of this Act shall be holden:

And whenever any such aforesaid release of lands shall be made, any other lands which were previously subject jointly with the released lands to any such rents, suits, and services as aforesaid shall, as between the Company and Her Majesty in right of the Duchy, (but expressly without prejudice to any right of contribution in respect of such rents, suits, or services which previously to such release the tenant or proprietor of such other lands may have had against the tenant or proprietor of the released lands,) thenceforth be subject to the whole of such rents, suits, and services, or (as the case may be) to such of them or such parts or part thereof as shall not have been comprised in and intended to be extinguished by that release, in the same manner in all respects as the entirety of the lands so previously subject as aforesaid would have continued subject to the whole of such rents, suits, and services if such release had not been made, and all the rights, powers, and remedies subsisting previously to such release for the recovery of the whole of the said rents, suits, and services shall, as against the lands not so released, be and thenceforth remain, as between the Company and Her Majesty in right of the Duchy, (but without prejudice as aforesaid,) as available and as valid and effectual in the law to all intents for the recovery of the same rents, suits, and services, or (as the case may be) such of them or such parts or part thereof as shall not have been comprised in and intended to be extinguished by the same release, as if the said last-mentioned lands had originally been alone subject to the same rents, suits, and services or such of them or such parts or part thereof as last aforesaid.

(3.) With respect to any lands being waste or common lands the right to the soil whereof belongs to Her Majesty in right of the Duchy (subject to rights of common or other rights or easements), which may be required for the purposes of this Act, the following provisions shall have effect; that is to say,

The Chancellor and Council may agree with the Company for the absolute sale in fee simple of the estate, right,

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and interest of Her Majesty in the soil of all or any of the same lands, and for the absolute extinguishment of any commonable or other rights to which Her Majesty in right of the Duchy may be entitled in the same lands (other than and besides her said right in the soil of such lands), in consideration of such gross sum of money or of such annual rentcharge, or in consideration partly of such gross sum and partly of such annual rentcharge payable by the Company, and upon such terms and conditions in all respects as shall be settled between the Chancellor and Council and the Company:

And upon payment of such (if any) agreed gross sum as last aforesaid, and upon such (if any) agreed rentcharge as last aforesaid being secured in manner herein-after provided, the Chancellor and Council may grant and assure such last-mentioned estate, right, and interest to the Company, their successors and assigns, for the purposes of this Act:

Provided that the lands so granted and assured as last aforesaid shall remain subject to all the commonable and other rights (except those of Her Majesty, her heirs and successors) which immediately before such grant and assurance affected the same until such rights shall have ceased and become extinguished by the payment or deposit of the compensation for the same in manner provided by the Lands Clauses Consolidation Acts, 1845, 1860, and 1869.

(4.) With respect to any mines, minerals, and quarries to which Her Majesty in right of the Duchy is entitled (either in possession or subject to any lease or tenancy) in, under, or upon any lands required for the purposes of this Act, the following provisions (but subject and without prejudice to any lease or tenancy which at the time of any agreement authorised by this section may be subsisting of the same mines, minerals, or quarries) shall have effect; that is to say,

The Chancellor and Council, either before or after the execution of the works authorised by this Act, or any part thereof, may agree with the Company for the absolute sale of all or any of the said mines, minerals, and quarries for such price or consideration in money, and upon such terms and conditions in all respects, as shall be settled between

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the Chancellor and Council and the Company, and upon payment of such agreed price or consideration as last aforesaid in manner herein-after provided the Chancellor and Council may grant and assure such last-mentioned mines, minerals, and quarries unto the Company, their successors and assigns, for the purposes of this Act. The Chancellor and Council may also enter into any agreement with the Company concerning the working by Her Majesty, her heirs, successors, and assigns, of all or any of the said mines, minerals, or quarries, whether being in, under, or upon any lands taken by the Company under the powers of this Act:

Provided that nothing contained in this Act shall extend or operate to prevent or hinder Her Majesty, her heirs, successors, or assigns, or her or their lessees, from working, (subject and without prejudice only to any such agreement as last aforesaid,) as well before as after the execution of the works authorised by this Act, any such mines, minerals, or quarries, whether being in, under, upon, or in the neighbourhood of any lands taken by the Company under the powers of this Act, nor shall anything in this Act contained extend or operate to make Her Majesty, her heirs, successors, or assigns, in any way liable for any damage or injury which may be done to or on the works authorised by this Act by any such working, unless and except only to such extent as the Chancellor and Council shall have expressly agreed in writing with the Company that the Duchy shall become so liable:

Provided also, that it shall not be lawful for the Company, their successors or assigns, by reason of any aforesaid grant or assurance of mines, minerals, or quarries, to work, get, or use any of the same except so far as may be necessary in executing the works authorised by this Act.

(5.) With respect to any gross sum of money which under this section shall become payable in consideration of any sale, enfranchisement, or release thereby authorised, the following provisions shall have effect; (that is to say,)

Each such sum shall be paid into the hands of the receiver-general of the revenues of the Duchy, or of his deputy or deputies, and a receipt shall be given by him or them for the same:

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And such sum shall be applicable and dealt with to all intents and purposes as if it were the purchase money of lands sold by the Chancellor and Council under the authority of the Duchy of Lancaster Lands Act, 1855. And the Chancellor and Council shall for the purposes of this Act have and be entitled to the benefit of all such powers and provisions in reference to moneys invested in bank annuities under this present section as under the Duchy of Lancaster Lands Act, 1855, they are entitled to concerning moneys invested in bank annuities under that Act.

18 & 19 Vict. c. 53.

(6.) With respect to any annual rentcharge which under this section shall become payable in consideration of any sale, enfranchisement, or release by this section authorised, the following provisions shall have effect; that is to say,

Each such annual rentcharge shall be a perpetual rentcharge, and shall be such charge on the tolls or rates payable under this Act, and shall be recoverable in like manner, as by the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, provided concerning the rentcharges thereby authorised to be granted, and shall, if the Chancellor and Council think fit, be otherwise secured in such manner as may be settled between the Chancellor and Council and the Company:

And the same shall be limited to the use of Her Majesty, her heirs and successors, in right of the Duchy, and shall vest in her and them in the same right as fully and effectually as the lands or hereditaments which shall be granted, assured, or released in consideration of the same annual rentcharge stood vested in her and them immediately before such grant and assurance thereof:

Provided that every such annual rentcharge shall be subject to the same application to all intents and purposes as the rents and profits of the said lands or hereditaments to be granted and assured in consideration thereof would be subject if the same lands or hereditaments had not been so granted and assured:

Provided also, that, notwithstanding anything contained in the Railway Companies Act, 1867, no money borrowed by the said Company on mortgage or bond or debenture stock under the provisions of any Act authorising the borrowing thereof shall have priority over or affect any claim of Her Majesty, her heirs or successors, against the

30 & 31 Vict. c. 127.

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Company, their successors or assigns, or against their property for the time being, in respect of any such last-mentioned rentcharge.

(7.) Any lands, hereditaments, estate, right, or interest conveyed or assured or released by the Chancellor and Council by virtue of any of the foregoing provisions of this section shall be so conveyed, assured, or released in the name of Her Majesty, her heirs or successors, in right of the Duchy, and by deed or writing under the seal of the Duchy, and every such deed or writing shall be enrolled in the court of the Duchy of Lancaster within six calendar months from the date thereof.

Company not to take certain lands without consent of owner or lessee.

10. Nothing in this Act contained shall enable the Company to enter upon, take, or use the lands or any part of the lands shown upon the deposited plans, and numbered respectively 12, 14, and 15 in the parish of Stoke, and 2 in the parish of Caverswall, except with the previous consent in writing of the owner or lessee or owners or lessees thereof for the time being.

Improvements, &c. in bridge over Gas Road in Macclesfield.

11. The following provisions shall apply with reference to the railway at Macclesfield by this Act authorised:

1. The Company may for the purpose thereof widen the bridge now carrying the Pottery Line over Gas Road (numbered on the deposited plans 3 in the said township of Macclesfield and parish of Prestbury) to an extent sufficient to enable them to lay two additional lines of rail alongside the said Pottery Line: Provided that the Company shall remove the pier or wall under the said existing bridge, and shall set back the buttress at the south-western angle of the said bridge to an extent of at least four feet six inches, and reconstruct the same bridge so as to leave thereunder a clear space or roadway not less than thirty-six feet throughout between the abutments, and a clear headway throughout not less than twelve feet six inches:

2. Except with the consent in writing of the mayor, aldermen, and burgesses of the borough of Macclesfield, acting by the Council, (in this section called "the Corporation,") under their corporate seal, the Company shall not interfere with Gas Road aforesaid otherwise than in accordance with the provisions of this section:

3. On the completion to the reasonable satisfaction of the Corporation of the works specified in this section the Cor-

poration shall pay to the Company the sum of five hundred pounds.

Period for compulsory purchase of lands.

12. 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.

Height and span of bridges.

13. The Company may make the arches of the bridges for carrying the railways over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
33	Audley - -	Public - -	15·0	20·0
3	Prestbury - -	Public - -	13·0	40·0
10	Stoke-upon-Trent, Township of Lane End.	Public - -	8·6	17·9

Power to take easements, &c. by agreement.

14. 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 rencharges, 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.

Penalty unless railways opened within time limited by this Act.

15. If the Company fail within the period limited by this Act to complete the railways by this Act authorised, they shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railways are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the railways or railway not completed, and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act, 1854, and every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in that

17 & 18 Vict. c. 31.

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section, to an account opened or to be opened, in the name and with the privity of Her Majesty's Paymaster General on behalf of the Chancery Division of the High Court of Justice, in the bank specified in such warrant or order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the railway by unforeseen accident or circumstances beyond their control; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

16. Every sum of money so recovered by way of penalty for the non-completion of the railways by this Act authorised 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 such 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 shall have 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 may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, 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 of the High Court of Justice 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 of the said Court, 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 to liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Period for completion of works.

17. If the railways and works by this Act authorised and described on the deposited plans are not completed within five years

from the passing of this Act, then, on the expiration of that period, the powers by this Act granted to the Company for making and completing the said railways and works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Tolls on railways.

18. The railways authorised by this Act shall, subject to the provisions of this Act, be, in respect of tolls, rates, and other charges, and in all other respects, part of the undertaking of the Company.

Company to abandon portions of Railways No. 1 and No. 4 authorised by 27 & 28 Vict. c. cccviii.

19. The Company shall abandon the construction of so much of Railway No. 1 authorised by the New Works Act, 1864, as lies between the respective junctions of that railway with the Silverdale and Newcastle Railway and with Railway No. 2 authorised by the same Act, and shall also abandon the construction of so much of Railway No. 4 authorised by the same Act as lies between the present termination thereof in the parish of Audley, in the county of Stafford, and the authorised termination thereof in the same parish.

Compensation for damage to land by entry, &c. for purposes of any portion of any railway abandoned.

20. The abandonment by the Company, under the authority of this Act, of any portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out of the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation, or for any loss, damage, or injury which has been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act, 1845, or the New Works Act, 1864.

Compensation to be made in respect of portions of railways abandoned.

21. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portions of the railways or works authorised to be abandoned by this Act, 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 and occupiers or other persons interested in such 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

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amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act, 1845, as amended by any subsequent Act, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Sale of superfluous lands.

22. All lands which the Company have acquired for the purposes of the portions of railways the construction of which is by this Act authorised to be abandoned, and which shall not be required for any of the purposes of the Company's undertaking, shall be deemed superfluous lands within the meaning of the one hundred and twenty-seventh section of the Lands Clauses Consolidation Act, 1845, and shall be sold as such by the Company within ten years from the passing of this Act.

Provisions for fixing rates.

23. As regards the fixing of rates and charges to be taken by the Company on their railways, the following provisions and regulations shall be applicable to the fixing of such rates of charge, notwithstanding anything contained in the North Staffordshire Railway Act, 1847, to the contrary; (that is to say,)

10 & 11 Vict. c. cviii.

For articles conveyed on the railways (other than and except the Newcastle and Silverdale Railway) for a less distance than six miles, the Company may demand tolls, rates, and charges as for six miles:

For a fraction of a mile beyond six miles or any greater number of miles the Company may demand rates on merchandise for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile, and in respect of animals every fraction of a mile beyond an integral number of miles shall be deemed a mile:

For the fraction of a ton the Company may demand a rate of charge 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:

When the gross charge for carriage shall include a fraction of a penny, such fraction shall be chargeable as a penny:

With respect to the following articles, (that is to say,) coals, coke, culm, cinders, clay, sand, stones for building, pitching, or paving, bricks, flooring tiles conveyed in bulk, ironstone, iron ore, pig iron, dung, compost, and all sorts of manure, including packed or artificial lime, and limestone, and all undressed materials for the repair of public roads or highways, the Company may, if required to convey less than four tons in one waggon or truck, charge as for four tons:

With respect to the following articles, (that is to say,) charcoal, tiles other than flooring tiles conveyed in bulk, slates, bar iron, rod iron, hoop iron, and all other similar descriptions of wrought iron and iron castings not manufactured into utensils or into other articles of merchandise, the Company may, if required to convey less than two tons in one waggon or truck, charge as for two tons:

With respect to all articles, including stone not in blocks, and round timber not exceeding twelve inches in girth and twelve feet in length, and timber in boards or otherwise prepared for use, the weight shall be determined according to the usual avoirdupois weight:

With respect to all other stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, beech, ash, or other hard wood, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity:

Provided always, that nothing herein contained shall prejudice or affect the subsisting agreements between the Company and the Reverend Walter Sneyd or his lessees.

Company may take increased charges by agreement.

24. Section eighty-six of the North Staffordshire Railway Act, 1847, is hereby repealed, but nothing in that Act or in this Act contained shall be held to prevent the Company from taking any increased charge, over and above the charges in those Acts or either of them limited, for the conveyance of goods of any description, by agreement with the owners or persons in charge of such goods, either in respect of the conveyance thereof by passenger or other trains, or by reason of any other special service performed by the Company in relation thereto.

Company may provide warehouses, &c.

25. The Company may provide and maintain, at such place or places as they may deem expedient for the better accommodation of the traffic of their railways, storehouses or warehouses as places of special or of ordinary security for goods, wares, and merchandise, and after any such storehouse or warehouse shall have been approved of and appointed by the Commissioners of Her Majesty's Customs as a warehouse of special security, goods, wares, and merchandise may be warehoused and kept therein without payment of duty, in accordance with the provisions of the Act passed in the eighth and ninth years of the reign of Her present Majesty, intituled "An Act for the warehousing of Goods," and the Company may demand, take, and receive such rents, charges, and remuneration for and in

8 & 9 Vict. c. 91.

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respect of the use and accommodation and services rendered in respect of any goods, wares, or merchandise stored, warehoused, or kept in any such warehouse of special security as may be reasonable, or as may be agreed between the Company and the owner of any such goods, wares, or merchandise; and the Company are also hereby empowered to give such security and to do all acts necessary to enable them to obtain such approval and appointment of and from the said Commissioners, and otherwise to comply with the provisions of the said Act.

Power to Company to charge for warehousing goods, &c.

26. The Company, in addition to any other tolls, rates, or charges which they can lawfully demand and recover, may demand and recover for the warehousing and wharfage of goods (after due notice to the consignee, and allowing a reasonable time for removal), or for any other extraordinary services performed by them, not incidental to the business or duty of a carrier, such reasonable sum or sums as they may think fit; but nothing herein contained shall extend or apply to coal, cannel, culm, slack, coke, or cinder traffic where such traffic is delivered into the yards or sidings owned or rented by the consignors or consignee, but where such coal, cannel, culm, slack, coke, or cinder traffic is wharfed upon sidings or yards belonging to and in the occupation of the Company, the Company may charge a sum for the use of such siding or yard not exceeding threepence per ton in respect thereof, and if the said traffic shall remain in the said siding or yard for a longer period than four days (Sunday, Good Friday, Christmas Day, and Bank Holidays excepted) the Company may, after due notice to the consignee, and allowing one clear day for removal, charge a further reasonable sum in respect thereof.

Haulage charges for Preston Brook, Barnton, and Saltersford Tunnels. 30 & 31 Vict. c. cxlii.

27. Whereas the Company were authorised, but not required, by the twentieth section of the New Works Act, 1864, as amended by the North Staffordshire Railway Act, 1867, upon payment of charges not exceeding the charges therein prescribed, to provide steam-tugs or fixed machinery for haulage of boats through the Preston Brook, the Barnton, and the Saltersford Tunnels, forming part of the navigation from the Trent to the Mersey: And whereas it is found that such charges do not afford any remuneration to the Company for such service, and the same steam-tugs or fixed machinery have not and cannot be provided at or for such charges, and as it will be advantageous to persons using the said navigation that such improved means of propulsion should be continued for haulage of boats through the same tunnels: Therefore in lieu of the charges specified in the said Acts, which charges are hereby

repealed, it shall be lawful for the Company to charge sums not exceeding the following: A.D. 1879.

	For Haulage through the Preston Brook Tunnel.	For Haulage through the Barnton and Saltersford Tunnels and intermediate Navigation.	For Haulage through the Harecastle Tunnel.
	s. d.	*s. d.*	*s. d.*
For each boat, either empty or with a lading not exceeding 5 tons - -	0 4	0 4	0 4
For each boat not exceeding 7 feet 3 inches beam, with a lading exceeding 5 tons and not exceeding 22 tons - -	0 5	0 5	0 5
For each boat not exceeding 7 feet 3 inches beam, with a lading exceeding 22 tons but not exceeding 30 tons - -	0 6	0 6	0 6
For each boat not exceeding 7 feet 3 inches beam, with a lading exceeding 30 tons	0 9	0 9	0 9
For each boat exceeding 7 feet 3 inches beam, with a lading exceeding 50 tons	1 0	1 0	1 0

As to traffic to or from collieries of New North Staffordshire Coal and Iron Company, Limited.

28. With respect to traffic of all descriptions to or from the collieries or works of the New North Staffordshire Coal and Iron Company, Limited, all tolls, rates, and charges, whether for local traffic or for through traffic passing over the railways of the Company and over the railways of any other company, shall be chargeable, and in the case of through traffic shall be divisible, as between the companies entitled thereto, as if Mr. Sneyd's railway from the point of junction with the New North Staffordshire Coal and Iron Company's private line to the junction with the Company's main line at Chatterley were four miles in length.

Power to enter into agreements as to user of Sneyd's railways.

29. It shall be lawful for the Company from time to time to enter into agreements with any owners or occupiers of lands or owners and lessees of mines or minerals adjacent to Sneyd's railways, or either of them, with respect to the use of the said railways respectively, or either of them, or to the payment or division of any tolls, rates, charges, or receipts payable in respect of or arising from the said railways respectively, or either of them.

Power to Company to appoint a director of the Cheadle Railway Company.

30. The Company may at any time and from time to time after they shall have subscribed and raised and paid the whole or not less than half of the capital sum of ten thousand pounds mentioned in the eighteenth section of the Cheadle Railway Act, 1878, appoint one of their directors to be a director of the Cheadle Railway Company, in addition to the five directors authorised to be appointed

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pursuant to the said Act, and no other qualification than being a director of the Company shall be requisite, and the Company may at pleasure revoke any such appointment, and the person from time to time appointed by them shall accordingly be a director of the Cheadle Railway Company, but shall not retire from office by rotation like the ordinary directors of such railway company, and every appointment and revocation of a director under this section shall be testified in writing under the hand of the secretary of the Company, and shall be delivered to the directors of the Cheadle Railway Company: Provided that nothing in this section contained shall authorise the Company to appoint more than one director of the Cheadle Railway Company at one and the same time.

Hotels and refreshment rooms.

31. The Company may hold and maintain as part of their undertaking the hotels and refreshment rooms built by them at or connected with their Stoke-upon-Trent, Rudyard, Leek, and Hanley Stations respectively, and may build, provide, and maintain as part of their undertaking at or in connexion with any of their stations such refreshment rooms or like accommodation as they may consider necessary for the accommodation of passengers and others using their railways, and may furnish, stock, equip, manage, and conduct the same and the business thereof respectively, and may employ officers, managers, and servants therein or in connexion therewith respectively, and may from time to time demise the same, or any of them, for terms of years (not exceeding in the case of refreshment rooms five years) or otherwise, and may apply their corporate funds for those purposes or any of them.

Company may contribute to friendly societies established by their officers.

32. The Company may, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting specially convened for the purpose, contribute towards the establishment and maintenance of any registered friendly society or societies established or which may be established by the officers, servants, workmen, and apprentices of the Company, and any such society may invest all or any part of its funds on deposit with the Company, anything in the Friendly Societies Acts contained to the contrary notwithstanding.

Company may apply their surplus funds to purposes of this Act.

33. The Company may apply towards the purposes of this Act any of the moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised.

Saving rights of Duchy of Lancaster.

34. 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

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.

Company not exempt from provisions of any present or future general Railway Acts.

35. Nothing in this Act contained shall exempt the Company or their undertaking 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 any Act relating to the Company.

Expenses of Act.

36. The 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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