CHAPTER xxxiv.

An Act to authorise the North Staffordshire Railway Company to construct new locks and approaches thereto on the Trent and Mersey Navigation to divert certain roads to acquire additional lands and to confer other powers on such Company. [11th June 1891.] A.D. 1891.

WHEREAS it is expedient that the North Staffordshire Railway Company (in this Act called "the Company") should be empowered to construct the new locks and approaches thereto on the Trent and Mersey Navigation to divert the roads and exercise the powers in this Act respectively mentioned and to acquire for the purposes of the works by this Act authorised and for other purposes of their undertaking the lands shown on the plans and described in the books of reference deposited as hereinafter mentioned:

And whereas it is expedient that the Company should be empowered to stop up remove and discontinue the towing-path through Harecastle New Tunnel and that it should be obligatory on the Company on the removal of such towing-path to tow vessels through the said tunnel and also that the Company should be empowered to tow vessels using the Trent and Mersey Navigation and to make and recover charges in respect of such service:

And whereas it is expedient that the Company should be authorised to build purchase hire and let tug-boats and make charges for the use of the same:

And whereas it is expedient that the Company should be authorised to grant licenses for the use of tug-boats and steam lighters on the said navigation and also to grant licenses to the masters of such tug-boats and lighters and to provide that tug-boats and lighters not so licensed or not commanded by a master licensed by the Company should be prohibited from using the said navigation:

A.D. 1891.

And whereas since the construction of the railway between Stoke-on-Trent and Longton the tramway known as the Lane End Tramway authorised by and constructed under the powers of the Act (Local) of 42 George III. cap. 25 has fallen into disuse and it is expedient that the Company be authorised to abandon the maintenance of the same:

And whereas it is expedient that further powers should be conferred upon the Company with respect to the sale lease or other disposal of lands acquired by them which are not or eventually may not be required for the purposes of their undertaking:

And whereas it is expedient to enable the Company and any owner lessee and worker of mines or minerals under or near any canal or navigation belonging to the Company to enter into and fulfil agreements with respect to the working thereof as hereinafter provided:

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of this Act and for the general purposes of their undertaking and to apply their funds to any such purposes:

And whereas plans and sections showing the lines and levels of the new locks and approaches and other works by this Act authorised to be constructed and plans of the lands by this Act authorised to be acquired and appropriated and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerks of the peace for the counties within which those works will be constructed and those lands are situate which plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference:

And whereas the purposes of this Act 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 for all purposes as the North Staffordshire Railway Act 1891.

Incorporation of general Acts.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act:—

The Lands Clauses Acts:

The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The borrowing of money on mortgage or bond;

The conversion of borrowed money into capital;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested:

And Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction;

The expression "The Trent and Mersey Navigation" or "The Navigation" shall mean and comprise all the canals and branches tramways and other works which formerly belonged to the Company of proprietors of the navigation from the Trent to the Mersey and became vested in the Company under and by virtue of the North Staffordshire Railway (Pottery Line) Act 1846;

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 for the purposes of this Act 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.

Power to construct new locks and ap-

4. Subject to the provisions of this Act the Company may make and maintain in the lines shown on the deposited plans and according to the levels shown on the deposited sections the following

A.D. 1891.

proaches and other works.

new locks and approaches thereto and the following diversions of roads and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for the purposes thereof or in connection therewith.

The new locks and approaches thereto and diversions of roads hereinbefore referred to and authorised by this Act to be made by the Company are—

A new Lock (No. 1) with approaches thereto wholly situate in the parish of Church Lawton commencing in the Trent and Mersey Navigation at a point two chains or thereabouts south of the southern end of the locks known as Kent's Locks and terminating in the said navigation at a point three chains or thereabouts north of the northern end of the locks known as Townfields Locks;

A new Lock (No. 2) with approaches thereto wholly situate in the parish of Church Lawton commencing in the said navigation at a point three chains or thereabouts south of the southern end of the southern lock known as Churchfield Locks and terminating in the said navigation at a point three chains or thereabouts north of the northern end of the northern lock of the said Churchfield Locks;

Two new Locks (No. 3) with approaches thereto commencing in the parish of Church Lawton in the said navigation at a point four and a half chains or thereabouts measured in a southerly direction from the southern end of the locks known as Hall's Locks and terminating in the parish of Astbury in the said navigation at a point one chain or thereabouts north of the northern end of the northernmost of the locks known as Lawton Locks which said locks and approaches will be wholly situate in the said parishes of Church Lawton and Astbury;

A new Lock (No. 4) with approaches thereto situate wholly in the parish of Astbury commencing in the said navigation at a point two and a half chains or thereabouts south of the southern end of the locks known as Thurlwood First Locks and terminating in the said navigation at a point two and a half chains or thereabouts north of the northern end of the said locks;

A new Lock (No. 5) with approaches thereto commencing in the parish of Astbury in the said navigation at a point two and a half chains or thereabouts south of the southern end of the locks known as Thurlwood Second Locks and terminating in the parish of Sandbach in the said navigation at a point two

chains or thereabouts north of the northern end of the said locks;

A new Lock (No. 6) with approaches thereto situate wholly in the parish of Sandbach commencing in the said navigation at a point five and a half chains or thereabouts south of the southern end of the locks known as Hassall Green Locks and terminating in the said navigation at a point three chains or thereabouts north of the northern end of the locks known as Ellison's First Locks;

A new Lock (No. 7) with approaches thereto situate wholly in the parish of Sandbach commencing in the said navigation at a point two chains or thereabouts south of the southern end of the locks known as Garden Locks and terminating in the said navigation at a point two chains or thereabouts north of the northern end of the locks known as Hibbard's Locks;

A new Lock (No. 8) with approaches thereto situate wholly in the parish of Sandbach commencing in the said navigation at or near the locks known as Malkin's Top Locks and terminating in the said navigation at a point one and a half chains or thereabouts north of the northern end of the locks known as Malkin's Bottom Locks;

A new Lock (No. 9) with approaches thereto situate wholly in the parish of Sandbach commencing in the said navigation at a point one chain or thereabouts south of the southern end of the locks known as Bidner's Locks and terminating in the said navigation at a point two chains or thereabouts north of the northern end of the locks known as Wheelock Locks;

Two new Locks (No. 10) with approaches thereto situate wholly in the parish of Middlewich commencing in the said navigation at a point two chains or thereabouts south of the southern end of the southernmost of the locks known as Middlewich New Locks and terminating in the said navigation at a point one and a half chains or thereabouts north of the northern end of the northernmost of the Middlewich New Locks:

A new Lock (No. 11) with approaches thereto situate wholly in the parish of Middlewich commencing in the said navigation at a point four and a half chains or thereabouts south of the southern end of the lock known as Middlewich Big Lock and terminating in the said navigation at a point three chains or thereabouts north of the northernmost end of the said lock;

A Diversion (No. 1) wholly in the parish of Sandbach of the public road leading from Sandbach to Crewe between a point on that road half a chain or thereabouts north of the northern abutment

A.D. 1891.

of the bridge known as Wheelock Bridge and a point on that road three quarters of a chain or thereabouts south of the southern abutment of that bridge;

A Diversion (No. 2) wholly in the parish of Middlewich of the public road leading from Middlewich church to the Middlewich station of the London and North-Western Railway between a point on that road three chains or thereabouts east of the eastern abutment of the bridge known as Town Bridge and a point on that road two chains or thereabouts west of the western abutment of that bridge.

Power to acquire additional lands.

5. Subject to the provisions of this Act the Company may from time to time enter upon take use and appropriate for the purposes of the Trent and Mersey Navigation or for other purposes of their undertaking the lands delineated on the deposited plans and described in the deposited books of reference but nothing in this Act contained shall authorise the Company to enter upon use or take the lands numbered 1 on the deposited plans in the parish of Middlewich.

New works to form part of undertaking.

6. The locks and approaches thereto shall in respect of tolls rates duties and charges and in all other respects form part of the Trent and Mersey Navigation.

Company may stop up towing-path through Harecastle New Tunnel and shall provide tugs or haulage power through tunnel.

7. The Company may stop up and remove the towing-path through Harecastle New Tunnel and on such stopping up and removal the Company shall provide steam or other tugs or fixed machinery and shall at all reasonable times by day or by night haul boats through the said Harecastle New Tunnel by means thereof without making any charge therefor.

Company may provide tugs and may levy tolls for use of same.

8. The Company may from time to time build or purchase and may use maintain and work tug-boats for the purpose of towing boats on the navigation and may demand and recover reasonable charges in respect of such towage.

Power to license tugs lighters and boats propelled by steam or other mechanical power.

9. The Company shall from time to time on application license such number of tugs lighters and boats propelled by steam or other mechanical power as may be required by the trade of the district and may charge for each license the sum of one shilling and shall not refuse to grant a license to any person without some good and sufficient reason Such license shall remain in force until the licensee shall commit any act which shall render him unfit to hold the same and any person using the navigation without holding such license as aforesaid shall for every such offence be liable to a penalty not exceeding five pounds.

Abandonment and discontinuance of Lane End Railway or Tramway.

10. The Company may abandon for the purposes of public traffic and discontinue the maintenance of the railway or tramway known as the Lane End Tramway authorised by and constructed under the powers of the Act (Local) of 42 Geo. III. cap. 25 and in the said Act described as a railway from the canal from the Trent to the Mersey at Stoke-upon-Trent and the Company may deal with or dispose thereof in such manner and on and subject to such terms and conditions as they may think proper.

Agreements with mine owners.

11. The Company may enter into and fultil agreements with the owners lessees and workers of mines and minerals under or near the navigation or canal of the Company enabling such owners lessees and workers to work the said mines and minerals or any portion thereof without being liable for any damage by reason of such working and enabling the Company to undertake the risk of any damage or injury which might thereby accrue to the said navigation or mines.

Extending time for sale of certain superfluous lands of the Company.

12. Notwithstanding anything to the contrary in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company with which that Act is incorporated the periods for and within which the Company may hold sell and dispose of any superfluous lands connected with the railways or situate in the parishes respectively described or mentioned in the schedule to this Act are hereby extended for the periods following (that is to say) As regards such of the said lands as are situate near to or adjoining any railway or station of the Company for the period of ten years from the passing of this Act and as regards the other of the said lands for the period of two years from the passing of this Act.

Period for compulsory purchase of lands and stopping up &c. towing path.

13. The powers of the Company for the compulsory purchase of lands and for stopping up and removing the towing-path through Harecastle New Tunnel under the powers of this Act shall cease after the expiration of three years from the passing of this Act.

Power to deviate in construction of new works.

14. The Company may in constructing the locks and approaches thereto and roads and other works by this Act authorised deviate from the lines thereof to the extent of the limits of deviation marked on the deposited plans and may deviate from the levels of the said works as shown on the deposited sections to any extent not exceeding three feet but not so as to increase the rate of inclination of any new road as shown on the said sections.

Roads not to be stopped up till substituted roads completed.

15. The Company shall not stop up any road by this Act authorised to be stopped up until they shall have completed to the satisfaction of two justices and opened to the public the diversion

A.D. 1891.

of such road by this Act authorised to be made in lieu of the road so to be stopped up Provided that the Company shall before applying to such justices for their certificate that such road is completed to their satisfaction give seven days' notice in writing of their intention to apply for the same to the road authority of the district in which such road is situate.

Extinguishment of rights of way.

16. All rights of way over or along the several roads footpaths thoroughfares or highways or portions thereof which shall under the provisions of this Act be diverted stopped up and discontinued and over any of the lands which shall be purchased or acquired under the compulsory powers of this Act shall be and the same are as from the diversion stopping up purchase or acquisition thereof respectively by this Act extinguished.

Vesting in Company of site and soil of portions of roads &c. stopped up.

17. The site and soil of the several roads or portions thereof by this Act authorised to be diverted stopped up and discontinued and the fee simple and inheritance thereof shall (except where by this Act otherwise provided) if the Company are or if and when under the powers of this Act or of any other Act relating to the Company already passed they become the owners of the lands on both sides thereof be from the time of the stopping up thereof respectively wholly and absolutely vested in the Company for the purposes of their undertaking subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway.

For the protection of the London and North-Western Railway Company.

18. The following provisions for the protection of the London and North-Western Railway Company (hereinafter referred to as "the North-Western Company") shall apply and have effect:—

1. The Company shall not without the previous consent in writing of the North-Western Company enter upon take use or interfere with any portion of the lands of the North-Western Company in the parishes of Warmingham or Davenham but such consent shall not be unreasonably withheld;

2. The Company shall not execute any works upon the lands numbered on the deposited plans 5 in the parish of Davenham until they shall have delivered to the principal engineer for the time being of the North-Western Company plans and sections of such intended works and those plans and sections shall have been approved in writing by the said principal engineer or in the event of his failure for one month after the delivery of the plans and sections until the same shall have been approved by an engineer to be appointed on the

application of the Company by the president for the time being of the Institution of Civil Engineers and all the intended works shall be executed by the Company at their sole expense in all things according to such approved plans and sections and to the reasonable satisfaction of the said principal engineer for the time being of the North-Western Company or in case of difference of an engineer to be appointed by the said president of the Institution of Civil Engineers;

3. Notwithstanding anything in this Act contained the Company shall from time to time be responsible for and make good to the North-Western Company all losses costs damages and expenses which may be occasioned to them or any of their works or property or to any traffic on their Sandbach and Northwich Railway or to any company or persons using the same during the execution or renewal or by means of the failure of any of the intended works or of any act default or omission of the Company or of any persons in their employ or of their contractors and the Company shall effectually indemnify and hold harmless the North-Western Company from all claims and demands upon or against them by reason of such execution or failure and of any such act default or omission.

For protection of county council of the county of Chester.

19. For the protection of the interests of the county council of the county of Chester (in this section called "the county council") the following provisions shall apply and have effect:—

1. (*a*) The alterations to the bridge known as Wheelock Bridge (the road over which is numbered on the deposited plans 57 in the parish of Sandbach) shall be carried out to the reasonable satisfaction of the surveyor to the county council (in this section called "the county surveyor");

(*b*) The bridge shall be of a clear width of thirty feet between the parapets measured on the square the parapets shall be not less than six feet in height above the level of the roadway and shall extend the whole width of the canal as altered and for a distance of not less than six feet beyond on each side;

(*c*) The approach to the bridge on the south or Crewe side thereof shall not be of a steeper gradient than 1 in 15 and the approach on the north or Sandbach side thereof shall be level;

(*d*) The Company shall make and form to the reasonable satisfaction of the county surveyor a paved footpath four feet six inches

A.D. 1891.

in width with proper kerbs and channels on one side of the bridge for the whole length of the parapet;

(*e*) The roadway of that portion of the said road which shall be altered or interfered with by the Company shall be re-formed and made to the reasonable satisfaction of the county surveyor with all such kerbs and channels retaining walls grids drains and connections for taking away the surface water as the said surveyor shall reasonably require.

2. (*a*) The bridge to be substituted for the bridge known as Red Bull Bridge and the proposed new bridge adjoining thereto (the road over which is numbered on the deposited plans 11 in the parish of Church Lawton) shall be constructed to the reasonable satisfaction of the county surveyor such bridges to have a clear width of thirty feet between the parapets measured on the square The parapets of each bridge shall be not less than six feet in height above the level of the roadway and shall extend the whole width of the canal as altered and for a distance of not less than six feet on each side thereof The approaches to the said bridges on the Congleton side shall not be of a steeper gradient than 1 in 15 and on the Newcastle side shall be level;

(*b*) The approaches to the said bridges shall be fenced to the reasonable satisfaction of the county surveyor and the slopes on the sides thereof shall be not less than $1\frac{1}{2}$ to 1 and shall be carefully formed soiled and sown to the like satisfaction;

(*c*) The Company shall make and form to the reasonable satisfaction of the county surveyor a paved footpath four feet six inches in width with proper kerbs and channels on one side of each of the said bridges for the whole length of the parapet and also between the said bridges;

(*d*) The road leading to or over the said bridges where taken up or interfered with by the Company shall be re-formed to the reasonable satisfaction of the county surveyor with such footpath or footpaths and with all such kerbs and channels as the said surveyor shall reasonably require The width of the roadway between the fences of the approaches to the said bridges shall be not less than the existing road.

3. If the existing bridge in the parish of Church Lawton carrying the road numbered 18 in that parish on the deposited plans is altered or reconstructed the new bridge shall be constructed to the reasonable satisfaction of the county surveyor and of the clear width between the parapets of thirty feet measured on the square The parapets shall be not less than six feet in

height above the level of the roadway and shall extend the whole width of the canal as altered and for a distance of not less than six feet beyond on each side:

The levels of the approaches to the bridge shall remain unaltered:

The Company shall make and form to the reasonable satisfaction of the county surveyor a paved footpath four feet six inches in width with proper kerbs and channels on one side of the bridge for the whole length of the parapet:

The roadway leading to or over the said bridge if taken up or interfered with shall be re-formed and made good to the reasonable satisfaction of the county surveyor and in such manner as he may reasonably require.

4. The main road from Middlewich to Sandbach at or near Chedford Bridge in the parish of Middlewich if taken up or interfered with by the Company shall be formed and made good by the Company and grids drains and gulleys for draining the same shall be provided by them to the reasonable satisfaction of the county surveyor The gradients of the road where altered shall not be steeper than 1 in 30.

5. Before any road is interfered with the Company shall make and maintain a temporary road in lieu thereof as convenient for passengers and carriages as the road to be interfered with or as nearly so as may be.

For protection of the Shropshire Union Railways and Canal Company.

20. In exercising the powers conferred upon them by section 5 of this Act the Company shall not without the consent in writing of the Shropshire Union Railways and Canal Company (in this Act called "the Shropshire Union Company") take any more of the land of that Company which abuts upon the Trent and Mersey Navigation at or near Shelton Lock and is within the limits of land shown on the deposited plans as land to be taken than may be absolutely necessary for enabling the Company to widen the said navigation and such land shall be so taken by the Company as to leave to the Shropshire Union Company a frontage to and upon the said navigation and available for their use not less extensive or convenient than is now possessed and enjoyed by them.

Provision for improving Wardle Lock and the cut connecting the same with the Middlewich Branch of the Shropshire Union Canal.

21. And whereas the Middlewich branch of the Shropshire Union Company's canal communicates with the Trent and Mersey Navigation by means of a short canal or cut of about one hundred yards in length and of the lock upon the said navigation called and known as Wardle Lock And whereas while seeking powers by this Act to widen other parts of their navigation the Company do not take powers to widen the said cut and lock and it is important that a

A.D. 1891.

through communication for traffic should be maintained between the said navigation and the said branch canal by means of vessels able to use the said navigation as the same will be improved under the powers and provisions of this Act Therefore if the Shropshire Union Company shall determine to promote a Bill before Parliament for widening and improving their Middlewich Branch Canal with the object of establishing such communication the Company shall on due notice being given to them of such determination by the Shropshire Union Company apply simultaneously for such if any powers as may be necessary to enable them to widen at their own expense the said cut and Wardle Lock so far as such widening may be necessary for the purpose aforesaid or shall if necessary join with the Shropshire Union Company in applying or shall permit that Company to apply for such power in the Bill promoted by that Company for widening their Middlewich Branch Canal and afford every facility for establishing such through communication as aforesaid and the said two Companies may make and carry into effect arrangements and agreements with reference to the matters aforesaid and for providing as far as possible an uninterrupted communication for the carriage of traffic between the said navigation and the said Middlewich Branch Canal during the progress of the works for widening and improving the said cut and lock.

For protection of the Middlewich local board.

22. In making the Diversion No. 2 referred to in clause 4 the Company may construct the bridge to be raised in substitution for the present town bridge at a height not exceeding 12 inches above the level of the present bridge and shall make such bridge of the width of 25 feet at the least and shall construct such bridge and the road approaches thereto extending from Kinderton Street on the one side and from Leadsmithy and Lower Streets on the other side of such bridge so that the gradients shall not in any place be less than 1 in 30.

Restrictions on displacing persons of labouring class.

23.—(1.) The Company shall not under the powers of this Act purchase or acquire in any city borough or urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December next before the passing of this Act were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

(A) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the

fifteenth day of December aforesaid or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4.) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the High Court.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

Provided that the Court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may

A.D. 1891.

purchase such further lands as they may require and for the purpose of any such purchase sections one hundred and seventy-six and two hundred and ninety-seven of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7.) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking:

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

(8.) So much of section one hundred and fifty-seven of the Public Health Act 1875 as provides that the provisions of that section and of sections one hundred and fifty-five and one hundred and fifty-six of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(10.) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and

issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11.) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(12.) For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Company may apply corporate funds to purposes of Act.

24. The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by virtue of any Acts relating to the Company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Company may raise additional capital.

25. The Company may for the purposes of this Act and for the general purposes of their undertaking from time to time subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole three hundred thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those methods respectively but the Company

A.D. 1891.

shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation 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.

New shares or stock to be subject to same incidents as other shares or stock.

26. The capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital:

The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares or stock.

27. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Restriction as to votes in respect of preferential shares or stock.

28. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

New shares or stock raised under this Act and any other Act of past sessions may be of same class.

29. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Power to borrow on mortgage.

30. The Company may from time to time borrow on mortgage of their undertaking additional sums not exceeding in the whole one hundred thousand pounds in respect of the additional capital by this Act authorised to be raised But no part of the said sum of one hundred thousand pounds shall be borrowed until shares for so much of the additional capital as is to be raised by means of shares are issued and accepted and one-half of such capital is paid up and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such additional capital have been issued and accepted and that one-half of the amount 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 until stock for one-half of so much of such additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said capital is raised by shares that such persons or corporations or 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 certificate shall be sufficient evidence thereof.

Debenture stock.

31. 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 at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Existing mortgages to have piority.

32. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and which shall be subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Application of moneys.

33. All moneys raised by the Company under this Act whether by shares stock debenture stock or borrowing shall be applied to the purposes of this Act and to the general purposes of the Company being in each case purposes to which capital is properly applicable.

Receipt in case of persons not sui juris.

34. If any money is payable to a holder of shares or stock in the Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

A.D. 1891.

Interest not to be paid on calls paid up.

35. 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.

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

36. 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.

Provision as to general Railway Acts.

37. Nothing in this Act contained 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.

Costs of Act.

38. All 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.

SCHEDULE.

SUPERFLUOUS LANDS OF THE COMPANY.

County.	Parish.
Chester - - - - -	Prestbury Gawsworth Astbury Church Lawton Church Coppenhall Barthomley Wybunbury Warmingham Sandbach
Stafford - - - - -	Audley Wolstanton Burslem Stoke-upon-Trent Trentham Barlaston Stone Swinnerton Chebsey Sandon Weston Colwich-and-Stowe Horton Leek Cheddleton Ipstones Kingsley Alton Cheadle Rocester Uttoxeter Caverswall Dilhorn Draycott-in-the-Moors Checkley

SCHEDULE—*continued.*

County.	Parish.
Stafford—*continued* - - -	Leigh Bramshall Church Mayfield Ellaston Hanbury Rolleston Burton-on-Trent Biddulph Bucknall-cum-Bagnall Norton-in-the-Moors Newcastle-under-Lyme Keele Madeley Eccleshall Mucclestone-or-Muxton
Derby - - - -	Ashbourne Snelston Norbury Doveridge Sudbury Scropton Marston-on-Dove Egginton Willington Mickleover
Salop - - - -	Woore Norton-in-Hales Drayton-in-Hales

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