ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. clviii.

An Act to authorize the *North Staffordshire* Railway Company to make certain Railways at *Burton-upon-Trent,* and from their Railway at *Burslem* to their Railway at *Cheddleton,* and to acquire Station Lands at *Burton* and *Uttoxeter;* and for other Purposes. [13th *July* 1863.]

WHEREAS the following Acts relate to the *North Staffordshire* Railway Company and their Undertaking; (that is to say,) Ninth and Tenth of *Victoria,* Chapter Eighty-five; Tenth and Eleventh of *Victoria,* Chapter One hundred and eight; Eleventh and Twelfth of *Victoria,* Chapters Sixty-six and Eighty-three; Thirteenth and Fourteenth of *Victoria,* Chapter Fifty-five; Seventeenth and Eighteenth of *Victoria,* Chapter One hundred and ninety-four; Twenty-second and Twenty-third of *Victoria,* Chapter One hundred and twenty-six; Twenty-third of *Victoria,* Chapter Forty-two; and First of *William* the Fourth, Chapter Fifty-five: And whereas a Railway from the *Burton* Branch of the *North Staffordshire* Railway to that Branch in *Burton-upon-Trent* of the *Midland* Railway which was authorized by "The *Midland* Railway and *Burton-upon-Trent* Bridge Act, 1859," and is described No. 2 in the Ninth Section of that Act, and also a Railway from the *North*

Staffordshire Railway in the Parish of *Burslem* to the *North Staffordshire* Railway in the Parish of *Cheddleton*, all in the County of *Stafford*, would be of public Advantage; and the *North Staffordshire* Railway Company, herein-after called "the Company," are willing, if authorized by Parliament, to make the said Railways: And whereas it is expedient that the Company should be authorized to acquire certain Lands in the Parish of *Burton-upon-Trent* adjoining and on the Eastern Side of the said Main Line, and also certain other Lands in the Parish of *Uttoxeter* and adjoining the Railway of the Company: 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,)

8 & 9 Vict. cc. 16. 18. & 20. and 23 & 24 Vict. c. 106. incorporated.

1. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and the 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 the Nonpayment of Calls, the Remedies of Creditors of the Company against the Shareholders, the borrowing of Money by the Company on Mortgage or Bond, the Conversion of the borrowed Money into Capital, the Consolidation of the Shares into Stock, and the Provision to be made for affording Access to the Special Act, are hereby incorporated with this Act.

Interpretation of Terms.

2. In construing the incorporated Acts for the Purposes of this Act, and in construing this Act, the Words and Expressions herein mentioned or referred to shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Special Act" shall mean this Act:

The Expression "the Company" or "the Promoters of the Undertaking," shall mean the *North Staffordshire* Railway Company:

The Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression, shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Same Meanings to Words in incorporated Acts as in this Act.

3. Other Expressions and Words to which in the incorporated Acts Meanings are assigned shall respectively have the same Meanings in this Act.

4. The

Power to make Works.

4. The Company may make and maintain the following Railways, with all proper Stations, Approaches, Works, and Conveniences connected therewith respectively; (that is to say,)

A Railway in the Parish of *Burton-upon-Trent* (herein-after called "Railway No. 1."), commencing by a Junction with the *Burton* Branch of the *North Staffordshire* Railway where that Branch crosses the *Trent and Mersey* Canal, and terminating by a Junction with the Branch Railway numbered Two in the Ninth Section of "The *Midland* Railway and *Burton-upon-Trent* Bridge Act, 1859," at or near where that Branch crosses *Hawkins Lane:*

A Railway (herein-after called "Railway No. 2.") from the *North Staffordshire* Railway in the Parish of *Burslem* in the County of *Stafford* to the *Churnet Valley* Line of the Company in the Parish of *Cheddleton* in the same County.

Railways, &c. to form Part of Undertaking.

5. The Railways and Works by this Act authorized shall form Part of the Undertaking of the Company.

Railways to be made according to deposited Plans, and Lands with certain Exceptions may be purchased.

6. And whereas Plans and Sections of the proposed Railways showing the Line and Levels thereof respectively, and the Lands required therefor, and also for Station Purposes at *Burton-upon-Trent* and *Uttoxeter*, and for the other Purposes of the Undertaking, and also Books of Reference to such Plans, have been deposited with the Clerk of the Peace for the County of *Stafford:* Therefore, subject to the Provisions and Powers of Deviation in this Act and the Acts incorporated therewith contained, the said Railways shall be made in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections; and, subject and except as herein-after mentioned, it shall be lawful for the Company to enter upon, take, and use all or any of the said Lands which they may require for the said Railways, Station, and other Purposes of the Undertaking, except the Lands numbered from 91 to 100 both inclusive in the Parish of *Burton-upon-Trent* on the said Plans, and except also that no Land belonging to Messieurs *Samuel Allsop* and Company shall be taken for the Purposes of this Act without their previous Consent in Writing, and except also that it shall not be lawful for the Company to take, use, or interfere with any Land of the *Midland* Railway Company, or which that Company have already given Notice to purchase and take compulsorily under any Powers heretofore vested in them, except only so much as may be necessary for the Purpose of constructing the Line of the Railway No. 1, and the Bridge for carrying the same over the Main Line of the *Midland* Railway, and of forming the Junction hereby authorized with the *Midland* Branch Railway numbered 2 as above mentioned; and with respect to any such Land which may be necessary for the Construction of the said Railway and Bridge and Junction the

Company

Company shall not purchase the same, but may purchase and the *Midland* Railway Company may and shall sell and grant an Easement or Right of using the same for the Purposes for which but for this Enactment the Company might purchase the same.

Power to alter Engineering Works.

7. Notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," contained, the Company in the Construction of the Railways may deviate from the Line of any Arches or Viaducts described in the deposited Plans or Sections, so that the Deviations be made within the Limits of Deviation shown on those Plans, and subject to the Limitations contained in the Eleventh, Twelfth, and Fifteenth Sections of that Act, and so that the Nature of the Work as described be not altered, and the Company may also substitute any other Engineering Work not shown on the Plans or Sections, instead of a Viaduct, Arch or Arches, as shown thereon, provided that every such Substitution be authorized by a Certificate of the Board of Trade; and the Board of Trade is hereby empowered to grant such Certificate, provided it shall appear to them upon due Inquiry that the Company has acted in the Matter with good Faith, and that the Owners, Lessees, and Occupiers of the Land in which the Substitution is intended to be made consent thereto, and also that the Safety and Convenience of the Public will not be diminished thereby; but nothing herein contained shall take away or affect any of the Powers given to the Company or to the Board of Trade by the Eleventh, Twelfth, Fourteenth, or Fifteenth Sections of "The Railways Clauses Consolidation Act, 1845."

Power to cross certain Roads on the Level.

8. Subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," contained in reference to the crossing of Roads on the Level, the Company in constructing the Railways by this Act authorized may carry the same with not more than One Line of Railway so long as the Railway is a single Line, and not more than Two Lines of Railway when the Railway is a double Line, across the Roads numbered respectively on the deposited Plans as follows, on the Level thereof; (that is to say,)

RAILWAY No. 2.

Description of Road.	No. on Plan.	Name of Parish.
Public Highway - - -	38 and 38a	Leek.

As to shunting of Trains.

9. It shall not be lawful for the Company in shunting Trains to pass any Train over such level Crossings, or to allow any Train, Carriage, Engine, or Truck to stand across the same.

Company to erect a Lodge at

10. For the greater Convenience and Security of the Public the Company shall erect and permanently maintain a Lodge fitted for the Residence

Residence of a Gatekeeper at the Point where the Railway shall cross on the Level any of the before-mentioned Roads, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times maintain such Lodge, or to appoint a proper Person to watch and superintend the Crossing at such Point, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Point of Crossing.

11. The Board of Trade may, if it shall appear to them necessary for the public Safety, at any Time after the passing of this Act require the Company, within such Time as the Board of Trade shall direct, and at the Expense of the Company, to carry any of the before-mentioned Roads either under or over the Railway by means of a Bridge or Arch instead of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the Board of Trade the best adapted for removing or diminishing the Danger arising from such level Crossing; and where any such Road shall be so carried either under or over the Railway it shall not be necessary for the Company to erect or maintain any Lodge at the Point where such Road may be crossed, or to appoint any Person to watch or superintend the Crossing thereat, nor shall the Company be liable to any of the aforesaid Penalties for Failure so to do.

Board of Trade may require Bridge instead of level Crossing.

12. In carrying the following Roads over, under, or across the Railway the Company may alter the Level of such Roads, but so as not to exceed the respective Rates of Inclination herein-after specified; (that is to say,)

Power to alter certain Levels of Roads.

RAILWAY No. 2.

Description of Road.	No. on Plan.	Name of Parish.	Rate of Inclination allowed.
Public Highway	61	Leek - -	1 in 12
Public Highway	108	Leek - -	1 in 9

13. Notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," contained to the contrary, the Company may make the Arches of the Bridges for carrying the Railway over the public Roads numbered as follows on the deposited Plans of the Dimensions hereinafter set forth, but not of less Dimensions; (that is to say,)

Power to make certain Arches of Bridges of specified Dimensions.

The North Staffordshire Railway (Additional Powers) Act, 1863.

RAILWAY No. 1.

Description of Road.	No. on Plan.	Name of Parish.	Span.	Height.
			Feet.	Feet.
Turnpike Road	15	Burton-upon-Trent	35	15

RAILWAY No. 2.

Public Highway	10	Burslem - -	20	14

Execution of Works for Railway over Midland Railway.

14. The Railway No. 1 hereby authorized where the same will pass over the *Midland* Railway shall be carried over the same at the Point shown on the deposited Plans according to Plans to be approved by and executed under the Superintendence and to the Satisfaction in all respects of the Engineer of the *Midland* Railway Company, and at the Expense of the Company, and such Railway and Works shall be so carried and executed respectively by such Means and in such Manner only as not to interfere with the free, uninterrupted, and safe User of the *Midland* Railway or the Traffic thereon, and so as to give Three Openings each of the clear Width, measured on the Square at the Level of the Rails of the *Midland* Railway at the Spot where it is to be passed over by the Railway of the Company, of Twenty-six Feet, with a clear Headway from the Level of the Rails for the whole Distance of Sixteen Feet: Provided that in case of Dispute between the Company and the Engineer of the *Midland* Railway Company as to such Plan, such Dispute shall be settled by the Board of Trade, or by a Referee to be appointed by that Board on the Application of either Party.

Maintenance of those Works.

15. The Company shall at all Times maintain the Arches or other Works by which the Railway shall be carried over the *Midland* Railway in substantial Repair and good Order and Condition to the Satisfaction in all respects of the Engineer of the *Midland* Railway Company, and if and whenever the Company fail so to do the *Midland* Railway Company may make and do in and upon as well the Lands of the Company as their own Lands all such Works and Things as the *Midland* Railway Company think requisite in that Behalf, and the Sum from Time to Time certified by their Engineer to be the Amount of their Expenditure in that Behalf shall be repaid to them by the Company, and in default of full Payment the Amount due may be recovered, with full Costs, by the *Midland* Railway Company from the Company in any Court of competent Jurisdiction.

Mode of effecting Communications with Midland Railway.

16. The Junction between Railway No. 1. hereby authorized and the *Midland* Branch Railway shall be made at the Point where, according to the Plans deposited as in this Act mentioned, such Railway appears to communicate therewith, or at any other Point on the said Branch Railway

Railway within Twenty-five Yards of such first-mentioned Point to the Southward thereof, and at no other Point without the Consent in Writing of the *Midland* Railway Company under their Common Seal first had and obtained; and all Communications between the Railway hereby authorized and the *Midland* Railway shall be effected in a substantial Manner by means of Connexion Rails and Points of the Construction and laid in the Manner which the Engineer for the Time being of the *Midland* Railway Company may from Time to Time approve and require, and shall be executed to his Satisfaction in all respects; and in case of any Difference arising as to the Mode of effecting such Communications, the same shall be determined at the Cost of the Company by a Referee to be appointed by the Board of Trade on the Application of either Company.

Expenses of Communication to be borne by the Company.

17. The Expenses of the Communications hereby authorized with the *Midland* Branch Railway, and of the necessary Openings in the Rails thereof, and of all other Works which may from Time to Time be requisite for effecting such Communications, and for altering, amending, repairing, and maintaining such Openings, Rails, and Points, and of regulating and adjusting the same, shall be borne and paid by the Company; and all such Communications, Openings, and Works shall be made and done, and shall also from Time to Time be altered, amended, repaired, and maintained, by the Company under the Direction and Superintendence and to the Satisfaction of the Engineer for the Time being of the *Midland* Railway Company, and in such Manner and Form and by such Ways and Means only as shall not in anywise prejudice or injure the *Midland* Railway, or impede or interfere with the free, uninterrupted, and safe Passage along the same.

Signals to be erected to prevent Danger at Point of Junction.

18. The *Midland* Railway Company may from Time to Time erect such Signals and other Works and Conveniences, and appoint and remove such Watchmen, Switchmen, and other Persons, as that Company may deem necessary for the Prevention of Danger or Obstruction to or Interference with Traffic at and near the Junction between the Railway hereby authorized and the *Midland* Railway, and the working and Management of such Signals, Works, and Conveniences shall be under the exclusive Management and Regulation of that Company; and the Expenses of erecting and maintaining such Signals, Works, and Conveniences, and the reasonable Wages of such Watchmen, Switchmen, and other Persons, shall at the End of every Half Year be repaid by the Company to the *Midland* Railway Company, and in default of such Repayment the Amount of such Costs, Expenses, and Wages may be recovered from the Company by the *Midland* Railway Company in any Court of competent Jurisdiction.

Company not take Lands

19. Nothing in this Act contained shall authorize the Company to take any Lands in the Parish of *Burton-upon-Trent* belonging to or which the

required by London and North-western Railway for certain Purposes.

the *London and North-western* Railway Company have compulsory Powers to take under the Provisions of the *London and North-western* Railway Company's Acts, and which may be necessary for the Purposes of the Railway Works and Station there or any Enlargement thereof; and if any Difference shall arise between the Company and the *London and North-western* Railway Company whether any such Lands are necessary for the Purposes of the said Railway Works and Station or any Enlargement thereof, the same shall be determined by an Engineer to be appointed on the Application of either Company by the Board of Trade, who shall have Power to set out and define the Lands necessary to be taken and used for the said Railway Works and Stations and any Enlargement thereof; and the Company may take and use any Lands in the Parish of *Burton-upon-Trent* delineated on the said Plans, and described in the said Book of Reference, which they may require for the Purposes of the Railway and Station and other Purposes of their Undertaking by this Act authorized which may not be so set out and defined; and if it shall be found by the said Engineer that the Railway No. 1. by this Act authorized cannot be made without using some of the Lands so set out and defined, the *London and North-western* Railway Company shall grant to the Company a perpetual Right of User, upon such Terms and Conditions as the said Engineer may prescribe, of an Easement over the Lands which may be so required for the said Railway No. 1.

For Protection of Messieurs Dickson.

20. It shall not be lawful for the Company to construct the Railway No. 2. within the Distance of Seventy Yards of the Building now used as a Magazine or Storehouse for Gunpowder numbered 59, in the Parish of *Norton-in-the-Moors* in the County of *Stafford*, on the Plans referred to in the Sixth Section of this Act, in the Occupation of Messieurs *Dickson*, until the Company shall have erected on Land to be purchased by the Company another Building of at least the same Dimensions and of equal Convenience (in respect of Access and otherwise) for Use as a Magazine or Storehouse for Gunpowder for the Supply of the Neighbourhood which is now supplied by the existing Magazine, and shall have conveyed or tendered a Conveyance of the Fee of the same to them, and shall have paid or tendered to them such a Sum of Money as may be agreed upon or settled by Arbitration under the Provisions of "The Lands Clauses Consolidation Act, 1845," as shall be sufficient to compensate them for all Loss and Inconvenience occasioned by or consequent upon the Proceedings consequent upon the carrying into effect of this Clause, and it shall not be lawful for Messieurs *Dickson* after such Erection, Conveyance, and Tender or Payment to use the said Building numbered 59 as a Magazine or Storehouse for Gunpowder.

Powers for compulsory Purchases limited.

21. The Powers of the Company for the compulsory Purchase of the Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

22. The

Lands for extraordinary Purposes.

22. The Company may from Time to Time purchase by Agreement such Lands as they may require for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845," in connexion with the Railways by this Act authorized, not exceeding in the whole Five Acres.

Period for Completion of Works.

23. The Railways by this Act authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing the said Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

If Railways not completed, &c. within a limited Period Company to be liable to a Penalty.

24. If the Railways by this Act authorized to be constructed shall not be completed and opened for public Traffic within the Period of Five Years from the passing of this Act, then and from thenceforth the Company shall be liable to a Penalty of Fifty Pounds *per* Day, to be recoverable as a Debt due to the Crown, for every Day thereafter until the Railways shall be completed and opened for public Traffic; 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 were prevented from completing or opening the Railways or any of them by unforeseen Accident or Circumstances beyond their Control, but the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company.

Railway Tolls.

25. The Company may demand and take in respect of the Railways by this Act authorized the Rates of Toll and Charge authorized to be taken on the *North Staffordshire* Railway; and in estimating the Amount of Toll or Charge in respect of any Traffic conveyed partly on any Railway by this Act authorized, and partly on any other Railway of the Company, the Railway by this Act authorized and such other Railway shall be deemed One Railway.

Power to Company to raise Capital by Shares or Stock.

26. The Company, with the Consent of Three Fifths of the Votes of the Shareholders present, in person or by proxy, at any General Meeting or General Meetings convened with special Notice of the Purpose, may raise by the Creation of new Shares or Stock in their Undertaking, in addition to any other Sums which they may be authorized to raise by other Acts of Parliament, any further Sums of Money not exceeding in the whole One hundred thousand Pounds.

Power to attach Preference to Shares or Stock created under this Act.

27. The Company, with the Consent of Three Fifths of the Votes of the Shareholders present, in person or by proxy, at any General Meeting or General Meetings convened with special Notice of the Purpose, may attach to all or any new Shares or Stock created by them under the Powers of this Act, either in perpetuity or for a limited Period, and to be redeemable or irredeemable, preferential Dividends not exceeding the Rate

Rate of Five Pounds *per Centum per Annum* upon the Amount for the Time being paid thereon in priority to the ordinary Stock or Shares of the Company.

Saving Rights of existing Preference Shareholders.

28. No Preference or Priority in Payment of Interest or Dividends on any Shares or Stock to be created under the Powers of this Act shall prejudice or affect any Preference or Priority in Payment of Interest or Dividend on any other Shares or Stock which shall have been granted by the Company in pursuance of or which may have been confirmed by any previous Act of Parliament, or which may otherwise be lawfully subsisting.

Preferential Dividends to be chargeable only to the Year's Profits.

29. The new Shares or Stock to be created under the Powers of this Act shall be entitled to the preferential Dividends (if any) which may have been attached to them by the Company out of the Profits of each Year in priority to the ordinary Shares or Stock of the Company; but if in any Year ending the Thirty-first Day of *December* there shall not be Profits available for the Payment of the full Amount of such preferential Dividends for that Year, the Deficiency shall not be made good out of the Profits of any subsequent Year, or out of any other Funds of the Company.

Terms of Preference to be stated on Certificate.

30. The Terms and Conditions to which any Preference Shares created under this Act are subjected by the Provisions of this Act shall be clearly stated upon the Certificate of every such Preference Share.

Amount and issuing of Shares.

31. All Shares created by the Company under the Authority of this Act shall be of such nominal Amount, and shall be issued, apportioned, and allotted to such Persons and in such Manner, as may be determined by the Resolution of any General Meeting of the Company convened for the Purpose of authorizing the Creation and issuing of such Shares, with due Notice of such Object.

Issuing of Stock.

32. All Stock created by the Company under the Authority of this Act shall be issued, apportioned, and allotted in such Manner, and to such Persons paying the full nominal Value thereof, as may be determined by the Resolution of any General Meeting of the Company convened for the Purpose of authorizing the Creation and issuing of such Stock, with due Notice of such Object.

Certain Provisions of 8 & 9 Vict. c. 16. to apply to Stock created under this Act.

33. The Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Consolidation of the Shares into Stock, so far as they are not inconsistent with the Provisions of this Act, shall apply to any Stock to be created under this Act as if such Stock had been created for the Consolidation of Shares into Stock.

Shares or Stock to form Part of Company's general Capital.

34. All Shares or Stock to be created by the Company under the Authority of this Act shall, subject to the Provisions of this Act, form Part of the general Capital of the Company.

35. And

Shares of 19*l.* 16*s.* 4*d.* each may be consolidated into Stock at 20*l.* each.

35. And whereas Part of the Capital of the Company consists of Three million two hundred thousand Pounds, divided into One hundred and sixty-one thousand five hundred and seven Shares of Nineteen Pounds Sixteen Shillings and Fourpence each, which have been fully paid up, and the Company being desirous to consolidate such Shares into Stock have passed Resolutions for that Purpose, but great Inconvenience will result from such Consolidation unless the Amount of Stock to be given in respect of each such Share shall be fixed at Twenty Pounds, but the Company have no Power under their existing Acts to give to the Holder of any Share an Amount of Stock different from the Amount of such Share: Therefore, in carrying the Resolutions of the Company into effect for the Consolidation of the said Shares into Stock every Holder of such Shares shall be entitled to Twenty Pounds of Stock for every Share of Nineteen Pounds Sixteen Shillings and Fourpence held by him, and the aggregate Amount of such Stock shall be Three million two hundred and thirty thousand one hundred and forty Pounds, and not Three million two hundred thousand Pounds: Provided always, that the Difference between the said Sums of Three million two hundred and thirty thousand one hundred and forty Pounds and Three million two hundred thousand Pounds, amounting to Thirty thousand one hundred and forty Pounds, shall not be reckoned as Part of the Company's Capital in estimating the Amount in respect of which the Company may borrow Money on Mortgage under any Power now granted or which may hereafter be granted to the Company.

Power to borrow on Mortgage.

36. The Company, in addition to any Sums which they are authorized to borrow under other Acts of Parliament, may from Time to Time borrow on Mortgage such Sums as they think fit, not exceeding in the whole Thirty-three thousand three hundred Pounds, but no Part of that Money shall be borrowed until the whole of the said additional Capital of One hundred thousand Pounds shall have been subscribed for or taken, and One Half of that Amount shall have been actually paid up, nor until the Company shall have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that all the said additional Capital of One hundred thousand Pounds has been subscribed for or taken *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same, of which Proofs having been given the Certificate of such Justice under that Section shall be sufficient Evidence.

Priority of existing Mortgages.

37. All Mortgages of the Company granted before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall, as regards the Undertaking comprised in and assigned by such Mortgages, have Priority over all Mortgages granted by virtue of this Act.

Application of Money raised under Act.

38. All Money aised under the Powers of this Act by the Creation of new Shares or Stock or on Mortgage shall be applied in the first instance to the Purposes by this Act authorized, and subject thereto shall be applicable

applicable to the Purposes authorized by the other Acts relating to the Company.

Interest not to be paid on Calls paid up.

39. It shall not be lawful for the Company, out of any Money by this Act or any other Acts relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay to any Shareholder any Interest or Dividend on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided that nothing herein contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposit for future Bills not to be paid out of Capital.

40. It shall not be lawful for the Company, out of any Money by this Act or any other Acts relating to the Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament in force for the Time being, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any Railway, or execute any other Work or Undertaking.

Saving Rights of other Companies.

41. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities of the *Midland* Railway Company, or of the *London and North-western* Railway Company, otherwise than is by this Act expressly provided.

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

42. Nothing in this Act contained shall be deemed or construed to exempt the Railways by this Act authorized to be made from the Provisions of any General Act relating to Railways now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges and of the Rates for small Parcels authorized by this Act.

Expenses of Act.

43. The Costs and Charges of applying for and obtaining this Act and incidental thereto shall be paid by the Company.

Short Title.

44. In citing this Act for any Purpose it shall be sufficient to describe it as "The *North Staffordshire* Railway (Additional Powers) Act, 1863."

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1863.