ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

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Cap. iii.

An Act to repeal, alter, amend, and extend some of the Powers and Provisions of "The *Silverdale and Newcastle* Railway Act, 1859;" to authorize the stopping up, altering, and constructing of certain Roads; and for other Purposes. [31st *March* 1860.]

WHEREAS by "The *Silverdale and Newcastle* Railway Act, 1859," the then existing Railway and Works called the *Silverdale and Newcastle* Railway, extending from *Silverdale* to the Town of *Newcastle-under-Lyme*, all in the County of *Stafford*, were authorized to be maintained as a public Railway by *Ralph Sneyd* Esquire, of *Keele Hall* in the County of *Stafford*, his Lessee, Heirs or Assigns, and other the Owners for the Time being of the said Railway, who in that Act and also in this Act are described as "the Undertakers:" And whereas the said Railway crosses on the Level Two public Highways in the Township of *Knutton* and Parish of *Wolstanton* in the County of *Stafford*, numbered respectively 4 and 5 in the said Parish on the Plan of the said Railway deposited with the Clerk of the Peace for the County of *Stafford*, as in the said Act mentioned, which Plan is

22 & 23 Vict. c. cxiv.

in this Act referred to as the Plan of 1859: And whereas by Section Ten of the said Act the Board of Trade are authorized, if it shall at any Time thereafter appear to them to be necessary for the Public Safety, to require the Undertakers, within such Time as the Board should direct, and at the Expense of the Undertakers, to carry any or either of the said Roads either under or over the Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, and to execute such Works as under the Circumstances of the Case shall appear to the Board the best adapted for removing or diminishing the Danger arising from any such level Crossing; and it is thereby provided that if the Undertakers should, within Twelve Months after the passing of the said Act, make to the Satisfaction of the Board of Trade a deviated Line of Road crossing the said Railway by a Bridge, whereby the Use of the before-mentioned Roads as public Carriage Roads should become unnecessary, and should be discontinued as public Carriageways, then the Board of Trade might accept such diverted Road, in lieu of requiring the said existing Roads to be carried either under or over the said Railway: And whereas the said existing Highway numbered 4 on the Plans of 1859 is Part of the public Highway from *Silverdale* to *Newcastle-under-Lyme*, which is very circuitous and inconvenient, and it would be attended with local and public Advantage if a new and more direct Line of Highway were made, commencing from the Point at which the said Highway Number 4 joins another public Highway near the old Race Course in the said Township of *Knutton* and Parish of *Wolstanton*, and terminating by a Junction with the Turnpike Road from *Nantwich* to *Newcastle-under-Lyme* at or near a Place called the *Pool Dam* in the Town of *Newcastle-under-Lyme*, and at the Time of the passing of the said Act the said intended Highway was in the course of Construction by the Undertakers, and it was intended that the said diverted Line of Road mentioned in Section Ten of the said Act should run into such intended Highway: And whereas the said intended Highway crosses the Line of the *Silverdale and Newcastle* Railway, and it is necessary that the same should be carried under that Railway: And whereas other Difficulties have arisen in the Construction of the said intended Highway, which have rendered the Undertakers unable to make the diverted Road mentioned in Section Ten of the said Act: And whereas the Undertakers are willing, at their own Expense, to complete the said intended Highway from *Silverdale* to *Newcastle*, if authorized by Parliament so to do, and also to make a new Line of Road or Highway in lieu of Part of the said existing Highway Number 4, and to carry the same over the *Silverdale and Newcastle* Railway by a Bridge: And whereas if the said proposed Roads or Highways are made and maintained as public Highways the said existing Highway Number 4, from the Junction thereof with the said existing Highway Number 5 near the *Plough* Inn to the Commencement of the said first-mentioned intended Highway near the old Race Course, and the said existing Highway Number

Number 5, from the said Point near the *Plough* Inn to the Point where the same is crossed by the said first-mentioned intended Highway from *Silverdale* to *Newcastle*, and from such Point of crossing to the Junction of the said existing Highway Number 5 with the said Highway near the old Race Course, will be rendered unnecessary as public Highways, and the same may be stopped up or abandoned as such Highways, and the level Crossings thereon be abolished, and the Undertakers be discharged from all Liability to maintain such Crossings, otherwise than as Crossings of Occupation Roads for the Convenience of adjoining Lands: And whereas a Plan describing the said proposed new Roads or Highways and also the said Portions of Highway to be abandoned, and Sections describing the Levels of the said new Roads or Highways, and a Book of Reference to such Plan, have been deposited with the Clerk of the Peace for the County of *Stafford*, which Plan and Sections are in this Act referred to as the Plan and Sections of 1860, and on which said Plan the said Two existing Highways numbered respectively 4 and 5 on the said Plan of 1859 are also distinguished by the same Numbers: And whereas it is expedient that some of the Powers and Provisions of the said Act should be repealed, altered, amended, and extended, and other Powers granted in lieu thereof and in addition thereto: And whereas the several Objects and Purposes 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.

I. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The *Silverdale and Newcastle* Railway Act, 1860."

Interpretation of Terms.

II. In this Act, and in the Acts or Portions of Acts incorporated herewith, the Expression "the Undertakers" shall mean *Ralph Sneyd* of *Keele Hall* in the County of *Stafford*, his Lessee, Heirs or Assigns, and other the Owners for the Time being of the *Silverdale and Newcastle* Railway; the Expression "the Special Act" shall mean this Act; the Expression "the Undertaking" shall mean the Works by this Act authorized; the Expression "the Railway" shall mean the *Silverdale and Newcastle* Railway; and the Expression "the Company" shall mean the Undertakers; unless in any of the Cases aforesaid there be something in the Subject or Context repugnant to or inconsistent with such Construction.

Certain Provisions of 8 & 9 Vict. c. 16. incorporated.

III. The several Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following Matters and Things, (that is to say,)

With

With respect to the Construction of the Act and of other Acts to be incorporated therewith;
With respect to the Settlement of Disputes by Arbitration;
With respect to the giving of Notices;
With respect to the Recovery of Damages not specially provided for, and Penalties; and
With respect to the Provision to be made for affording Access to the Special Act by all Parties interested,
shall be incorporated with this Act.

8 & 9 Vict. c. 18. incorporated.

IV. "The Lands Clauses Consolidation Act, 1845," shall be incorporated with this Act.

Certain Provisions of 8 & 9 Vict. c. 20. incorporated.

V. The several Clauses and Provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the following Matters, (that is to say,)
With respect to the Construction of the Act and of other Acts to be incorporated therewith;
With respect to the Construction of the Railway and the Works connected therewith;
With respect to the temporary Occupation of Lands near the Railway during the Construction thereof;
With respect to the crossing of Roads or other Interference therewith; and
With respect to the Settlement of Disputes by Arbitration,
shall be incorporated with this Act, and shall apply to the Roads, Highways, and Works by this Act authorized.

Power to make Roads according to deposited Plan of 1860.

VI. It shall be lawful for the Undertakers to make and construct the new Roads and Works herein-after described in the Lines and upon the Lands delineated on the deposited Plan of 1860, and described in the Book of Reference thereto, and according to the Levels shown on the Sections to such Plan, and to enter upon, take, and use such of the Lands and Highways, Railways, and other Works delineated on the said Plan and described in the said Book of Reference as shall be necessary for the Purposes of the said Roads and Works.

Lines of new Road.

VII. The Lines of Road to be made and constructed under the Authority of this Act are the following; (that is to say,)

1. A new Line of Road or public Highway commencing in the Township of *Knutton* and Parish of *Wolstanton* from and out of the said Highway numbered 4 in the said Parish of *Wolstanton* at the Point at which the same forms a Junction with the public Highway immediately adjoining the old Race Course, and about Ten Yards distant therefrom, and passing thence over and through

Lands

Lands belonging to *Ralph Sneyd* Esquire, the Trustees of the *Newcastle-under-Lyme* Grammar School, and others, and also passing in its Course the *Silverdale and Newcastle* Railway by a Bridge, and terminating in the Township of *Penkhull* in the Parish of *Stoke-upon-Trent* in the County of *Stafford* by a Junction with the *Newcastle-under-Lyme and Nantwich* Turnpike Road at or near the Town of *Newcastle-under-Lyme* at a Point called the *Pool Dam*, and at the South-east Corner thereof, the whole of which new Road will be situate in the said Township of *Knutton* and Parish of *Wolstanton* and in the said Township of *Penkhull* and Parish of *Stoke-upon-Trent*:

2. A new Line of Road or public Highway commencing in the said Township of *Knutton* and Parish of *Wolstanton* from and out of the said public Highway numbered 4 in the said Parish of *Wolstanton* at the Point at which the same abuts upon the South-east Corner of a Close of Land belonging to *John Bill* Esquire, and in the Occupation of Mr. *William Lawton*, and about Eighty Yards distant from the Public House called the *Plough* Inn, and passing thence over and through Lands belonging to the said *John Bill* and *Ralph Sneyd*, and also crossing in its Course under the *Silverdale and Newcastle* Railway, and terminating in the same Township and Parish by a Junction with the said Highway immediately adjoining the old Race Course, and about Ten Yards distant therefrom, which Point of Junction is also the Point of Junction with the proposed new Road first herein-before described, and the whole of which new Road secondly herein-before described will be situate in the said Township of *Knutton* and Parish of *Wolstanton*.

Power to interfere with Railway in constructing Bridges under or over.

VIII. In constructing the before-mentioned Roads or Highways it shall be lawful for the Undertakers to interfere with the Lands and Works of the *Silverdale and Newcastle* Railway, so far as may be necessary for the Purpose of constructing and carrying the first-mentioned Road under the said Railway and the second-mentioned Road by a Bridge over the said Railway, the said Undertakers causing as little Interruption to the Traffic on and over the said Railway as the Circumstances of the Case will admit of.

Powers for compulsory Purchases limited.

IX. The Powers of the Undertakers for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of One Year from the passing of this Act.

Period for Completion of Roads.

X. The Roads or Highways and Works by this Act authorized shall be completed within One Year from the passing of this Act, and on the Expiration of such Period the Powers by this Act and the Acts incorporated herewith granted to the Undertakers for constructing the said Roads and Works, or otherwise in relation thereto, shall cease to be

exercised, except as to so much of the said Roads and Works as shall then be completed.

When new Roads made and opened to the Public the same shall be public Highways, and be repaired accordingly.

XI. When the said new Roads or either of them shall be completed, and be ready to be opened for public Traffic, the Undertakers shall give Notice thereof in some Newspaper circulating in *Newcastle-under-Lyme*, and to the Surveyors for the Time being of the Highways of each Township or District in which any Part of either of the said Roads may be situate, stating upon what Day the said Roads, or either of them, will be opened to the Public, and from and after the Day stated in such Notice and the Opening of the Road therein mentioned, such Road so opened and given up to the Public shall thereupon become a public Highway of the Township or District through which the same or any Part thereof shall pass, and the Portion thereof in each such Township or District shall thenceforth be repaired by the Surveyors of the Highways of such Township or District, out of the Highway Rates thereof, in the same Manner as any other Highways of the same Township or District are repairable thereout.

Extending Time for Compliance with Sect. 10. of recited Act.

XII. The Period by the Proviso to Section Ten of the recited Act limited for the Construction of the diverted Line of Road therein mentioned shall be deemed to apply to the new Roads by this Act authorized, and shall be extended for the Period of Twelve Months after the passing of this Act, and it shall not be lawful for the Board of Trade to require a Bridge to be erected at either of the said existing level Crossings, unless the Undertakers shall fail to make and open the said new Roads within the said Period of Twelve Months after the passing of this Act.

When new Roads opened, the Highways and level Crossings thereon to be abandoned.

XIII. When the said new Roads or Highways have both been completed and opened to the Public, then, from and after the Opening of both the said Roads, the following Portions of the said existing Highways numbered respectively 4 and 5 in the said Parish of *Wolstanton*, (that is to say,)

The Part of the said Highway numbered 4 commencing at or near the Point at which the said Two Highways numbered respectively 4 and 5 meet or unite, at or near the Public House called the *Plough* Inn, in the Occupation of *John Brayford*, in the said Township of *Knutton* and Parish of *Wolstanton*, and terminating about Ten Yards distant from the old Race Course at the Point at which the said Highway Number 4 forms a Junction with the Public Highway immediately adjoining such Race Course in the same Township and Parish and the Part of the said Public Highway numbered 5 commencing at or near the Point at which the said Two Highways numbered 4 and 5 meet or unite at or near the said Public House called the *Plough* Inn, and terminating about

about Ten Yards distant from the old Race Course at the Point at which the said Highway Number 5 forms a Junction with the said public Highway immediately adjoining the said Race Course in the said Township of *Knutton* and Parish of *Wolstanton*, shall be stopped up and abandoned as public Highways, and the Township of *Knutton* in which the same are situate shall thenceforth be discharged from all Liability to repair the same as public Highways, and the level Crossings of the same Roads as public Highways over the Railway shall also be abandoned, and the Undertakers shall thenceforth cease to be liable to maintain the same, or any Lodge thereat, or any Person to watch or superintend the same, but such Roads and level Crossings shall thenceforth be considered merely as Occupation Roads, for the Convenience of the adjoining Lands, and be used accordingly.

Power to deviate.

XIV. It shall be lawful for the Undertakers, in making the said new Roads or either of them, to deviate from the Lines thereof as laid down on the Plan of 1860 to any Extent not exceeding the Limits of Deviation therefrom respectively delineated on the said Plan.

Expense of Works to be paid by Undertakers.

XV. Whereas the estimated Expense of making and constructing the new Roads and Works by this Act authorized is One thousand five hundred Pounds: Be it enacted, That the whole of such Expense shall be defrayed by the Undertakers.

Expenses of Act.

XVI. All the Costs, Charges, and Expenses of and incident to the applying for, obtaining, and passing this Act shall also be paid by the Undertakers.

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