ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

****

Cap. lv.

An Act to extend the Time for the Purchase of Lands required for certain Branches of the *North Staffordshire* Railway to *Newcastle-under-Lyme*, *Silverdale*, and the *Apedale* Ironworks.

[15th *July* 1850.]

WHEREAS an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, called "The *North Staffordshire* 9 & 10 Vict.
Railway (*Pottery* Line) Act, 1846:" And whereas an Act was passed c. 85.
in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, called "The *North Stafford-* 10 & 11 Vict.
shire Railway Act, 1847:" And whereas Two Acts were passed in c. 108.
the Session of Parliament held in the Eleventh and Twelfth Years of the Reign of Her present Majesty, called respectively "The 11 & 12 Vict.
North Staffordshire Railway (*Ashbourne* Branch) Act, 1848," and cc. 83. 66.
"The *North Staffordshire* Railway (*Willington* Deviation) Act, 1848:" And whereas under the Provisions of the Two first-recited Acts the *North Staffordshire* Railway Company were incorporated and authorized to make the *Pottery* Line of the *North Staffordshire* Railway, consisting of a Main Line of Railway from the *Macclesfield* Branch of the *Manchester and Birmingham* (now *London and North-western*) Railway near *Macclesfield* to the *Trent Valley* Railway

in the Parish of *Colwich* in the County of *Stafford*, and of certain Branch Railways, whereof One Branch Railway (herein-after referred to as the *Newcastle and Silverdale* Branch) was to diverge out of the said Main Line at or near *Stoke-upon-Trent* in the County of *Stafford*, and to terminate at or near *Silverdale* in the Parish of *Keele* in the same County, and another of such Branch Railways (herein-after referred to as the *Apedale* Branch) was to commence by a Junction with the said *Newcastle and Silverdale* Branch at or near to a certain Field in the Parish of *Newcastle-under-Lyme* aforesaid, and to terminate at or near the *Apedale* Ironworks in the Parish of *Wolstanton* in the same County; and it was provided, that unless the Branch Railway from *Stoke-upon-Trent* to *Newcastle-under-Lyme* (being Part of the said *Newcastle and Silverdale* Branch) should be completed and opened for public Traffic as far as the Town of *Newcastle-under-Lyme* within Twelve Months after the said Main Line from *Macclesfield* to *Colwich* should have been completed and opened for public Traffic, it should not be lawful, after the Expiration of the said Twelve Months, for the *North Staffordshire* Railway Company to pay any Dividends to the Holders of any of the ordinary Shares of or in the Undertaking in respect of the same Shares, until the said Branch Railway should have been completed and opened for public Traffic to *Newcastle-under-Lyme*: And whereas the *North Staffordshire* Railway Company have completed the said Main Line from *Macclesfield* to *Colwich*, and had commenced and were proceeding with the said *Newcastle and Silverdale* Branch when further Progress therein was obstructed by unforeseen Circumstances, and they have been unable within the Time required by the said Acts to complete the Part of the said Branch Railway so required to be completed, and are unable to proceed further therewith, or to finish either of the said Branches, unless the Time limited by the said Two first-recited Acts for the Purchase of Lands required for the Purposes of such Branches should be extended; and it is expedient that the said recited Provisions restricting the said Company from paying Dividends on their ordinary Shares until the said *Newcastle and Silverdale* Branch should be completed and opened for public Traffic as far as the Town of *Newcastle-under-Lyme*, should be repealed or modified: And whereas it is expedient that Provision should be made touching a certain Wharf and other Works adjoining the *Trent and Mersey* Navigation: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, That in this Act Words importing the Singular Number only shall include the Plural Number, and Words importing

Interpretation of Terms.

importing the Plural Number only shall include the Singular Number; and Words importing the Masculine Gender shall include Females; and the Word "Lands" shall include Tenements and Hereditaments of every Description.

Extending Time for Purchase of Lands.

II. And be it enacted, That all the Provisions of the said recited "*North Staffordshire* Railway Act, 1847," and of the Acts incorporated therewith, which relate to the compulsory Purchase or taking of or Entry upon Lands required by the *North Staffordshire* Railway Company to be taken or used for the Purposes of the said *Newcastle and Silverdale* and *Apedale* Branches respectively, except so far as regards the Property numbered 232 in the Parish of *Stoke* on the Plans of the said *Newcastle and Silverdale* Branch referred to in the secondly recited Act, shall revive and be in full Force and Effect, anything in the said Acts contained to the contrary notwithstanding: Provided always, that such Powers shall not be exercised after the Expiration of Three Years from the passing of this Act.

Existing Contracts not to be prejudiced.

III. And be it enacted, That nothing in this Act shall prejudice or affect any Contract or Agreement for the Purchase or taking of Lands entered into before the passing of this Act, but where before the passing of this Act any such Contract shall have been entered into, or Notice given by the Company, for purchasing, taking, or using any Lands for the Purposes of the said Branch Railway, every such Contract and Notice respectively shall be construed and take effect, and the same Proceedings shall be had thereunder, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof, both at Law and in Equity, as if the Period by the said former recited Acts prescribed for the Exercise of the Powers for the compulsory Purchase of Lands had in such Acts been extended to the Period hereby prescribed for the same Purpose.

Parties aggrieved by Extension of Time may have Compensation.

IV. And be it enacted, That the Justices of the Peace, Arbitrators, Umpires, or Juries respectively, as the Case may be, who, under the Provisions of the said recited Acts or any of them, shall award or assess the Compensation to be made by the said Company to the Owners or Occupiers of or other Persons interested in any Lands taken or used for the Purposes of the said Branches or either of them, or injuriously affected by the Construction thereof, shall in estimating the Amount of such Compensation have regard to and make Compensation for the additional Damage (if any) sustained by such Owners, Occupiers, or other Persons by reason of such Extension of Time having been granted as aforesaid.

So much of 10 & 11 Vict. c. 108. as prohibits

V. And be it enacted, That so much of the said "*North Staffordshire* Railway Act, 1847," as prohibits the *North Staffordshire* Railway

Company from paying Dividends till Completion of Part of Newcastle Branch repealed.

way Company from paying any Dividends to the Holders of any of the ordinary Shares of or in the Undertaking in respect of the same Shares until the said *Newcastle and Silverdale* Branch between *Stoke-upon-Trent* and *Newcastle-under-Lyme* should have been completed and opened for public Traffic, shall be and the same is hereby repealed: Provided always, that such Repeal shall not revive any Provision of any Act by the said "*North Staffordshire* Railway Act, 1847," repealed.

Company not to pay Dividends unless Branch Railway opened for Traffic on or before 31st Dec. 1851.

VI. Provided always, and be it enacted, That, unless the said Branch Railway from *Stoke-upon-Trent* to *Newcastle-under-Lyme* shall be open for public Traffic as far as the Town of *Newcastle-under-Lyme* on or before the Thirty-first Day of *December* One thousand eight hundred and fifty-one, it shall not be lawful for the said Company, at any Time after that Day, to pay any Dividends to the Holders of any of the ordinary Shares of or in the said Undertaking in respect of the same Shares until the said Branch Railway shall have been opened for public Traffic to *Newcastle-under-Lyme*.

Reciting Agreement between the Company and the Manchester, Sheffield, and Lincolnshire Railway Company.

VII. And whereas in and for the Construction of the said *North Staffordshire* Railway the *North Staffordshire* Railway Company have taken and used an enclosed Wharf belonging to or claimed to belong to the said *Manchester, Sheffield, and Lincolnshire* Railway Company in the Parish of *Church Lawton* in the County of *Chester*, adjoining the *Trent and Mersey* Navigation, with a Basin within such Wharf and a private Road thereto, and which respectively, in the Plan and Book of Reference of the *Pottery* Line of the said Railway, deposited with the Clerk of the Peace of the County of *Chester* in the Month of *November* One thousand eight hundred and forty-five, are numbered 52. and 56. in the said Parish: Be it enacted,

North Staffordshire Railway Company to convey new Wharf, &c. to the Manchester, Sheffield, and Lincolnshire Railway Company.

That in lieu of the said Wharf, Basin, and Road the *North Staffordshire* Railway Company shall forthwith procure for and convey to the said *Manchester, Sheffield, and Lincolnshire* Railway Company, for an Estate of Inheritance in Fee Simple in possession, a new Wharf of equal Magnitude and Convenience with the said old Wharf and Premises, and with a new Basin therein of equal Dimensions with the said old Basin, and with convenient Approaches thereto; and such new Wharf and Premises shall form Part of the Property numbered 60. and 61. in the said Plan and Book of Reference; and that the said *Manchester, Sheffield, and Lincolnshire* Railway Company shall, upon the Conveyance to them by the said *North Staffordshire* Railway Company of such new Wharf, Basin, and Premises, pay to the said *North Staffordshire* Railway Company Compensation for the same, to be determined in manner herein-after expressed.

Compensation for old Wharf, &c.

VIII. And be it enacted, That the said *North Staffordshire* Railway Company shall forthwith pay to the said *Manchester, Sheffield,*

and Lincolnshire Railway Company full Compensation for the said old Wharf, Basin, private Road, and Premises at *Church Lawton* aforesaid, to be determined in manner herein-after expressed. at Church Lawton.

IX. And be it enacted, That if any Dispute or Difference shall arise between the said *North Staffordshire* Railway Company and the said *Manchester, Sheffield, and Lincolnshire* Railway Company, either as to the Compensation to be paid by the said *North Staffordshire* Railway Company to the said *Manchester, Sheffield, and Lincolnshire* Railway Company for the said old Wharf, Basin, private Road, and Premises at *Church Lawton* aforesaid, or as to the Compensation to be paid by the said *Manchester, Sheffield, and Lincolnshire* Railway Company to the said *North Staffordshire* Railway Company for the said new Wharf, Basin, Approaches, and Premises to be provided by the said *North Staffordshire* Railway Company as aforesaid, or as to the Situation, Quality, or Extent of the said new Wharf, Basin, Approaches, and Premises, or on any other account whatsoever in or concerning the Premises, every such Dispute or Difference shall be settled by Arbitration, under and in conformity with the Provisions of "The Railways Clauses Consolidation Act, 1845." Disputes as to Compensation to be settled by Arbitration.

X. And be it enacted, That it shall not be lawful for the said Company, out of any Money by any Act relating to the said Company authorized to be raised for the Purposes of such Act, or of any Act relating to the said Company, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining any Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking. Deposit for future Bills not to be paid out of Company's Capital.

XI. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and Two Acts were passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled respectively *An Act for* Railways to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. 105.

regulating the Gauge of Railways, and *An Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the Railways by the said recited Acts authorized, or the said Company, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the said Railways and Company so far as the same shall be applicable thereto.

Railways to be subject to Provisions of future general Acts.

XII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, or to 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by such Acts.

Expenses of Act.

XIII. And be it enacted, That the Costs, Charges, and Expenses of and attending the passing of this Act, or incidental thereto, shall be paid by the said Company out of the first Monies which shall come to their Hands, and in preference to every other Payment whatsoever.

Short Title.

XIV. And be it enacted, That in citing or referring to this Act in other Acts of Parliament, and legal Instruments and Documents, it shall be sufficient to describe it as "The *North Staffordshire* Railway (*Newcastle* Branch Extension of Time) Act, 1850."

Public Act.

XV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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