



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cxciv.

An Act to enable the *North Staffordshire* Railway Company to make a Railway from *Stoke-upon-Trent* to *Congleton*, with Branches therefrom.

[24th July 1854.]

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* Railway (*Pottery* Line) Act, 1846," and another Act was passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, called "The *North Staffordshire* Railway Act, 1847:" And whereas by the said recited Acts a Company was incorporated by the Name of the *North Staffordshire* Railway Company, and empowered to construct the Railways described as "The *Pottery* Line," "The *Churnet Valley* Line," and "The *Harecastle and Sandbach* Line:" And whereas it is expedient that the *North Staffordshire* Railway Company should be empowered to make and maintain the Railways herein-after mentioned, but for such Purposes the Authority of Parliament is necessary: 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 Parlia-

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ment assembled, and by the Authority of the same, as follows ; (that is to say,)

8 & 9 Vict.
cc. 18. & 20.
incorporated.

I. "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and shall form Part of this Act.

Power to
make Rail-
ways herein
named.

II. It shall be lawful for the *North Staffordshire* Railway Company to make and maintain the Railways herein-after mentioned, with all proper Works and Conveniences connected therewith ; that is to say,

A Railway to commence by a Junction with the Line of the *North Staffordshire* Railway in the Parish of *Stoke-upon-Trent* in the County of *Stafford*, and to terminate in the Town of *Congleton* in the County of *Chester* :

A Railway to diverge from the said intended Railway, near the proposed Junction thereof with the *North Staffordshire* Railway, and to terminate in the Parish of *Stoke-upon-Trent* at or near a Field called *Winton's Field* :

A Railway to commence from and out of the first-mentioned intended Railway in the Parish of *Astbury* in the County of *Chester*, and to terminate by a Junction with the *North Staffordshire* Railway in the same Parish and County :

A Railway to diverge from and out of the first-mentioned intended Railway in the said Parish of *Astbury*, and to terminate by a Junction with the *North Staffordshire* Railway at or near to the *Congleton* Station :

A Railway to commence from and out of the first-mentioned intended Railway in the Parish of *Bucknall* in the County of *Stafford*, and to terminate in the Parish of *Caverswall* in the same County :

A Railway to commence from and out of the first-mentioned intended Railway in the Parish of *Burslem* in the County of *Stafford*, and to terminate in the same Parish in a Close of Land called *Stony Bank*.

Power to
make Rail-
ways accord-
ing to depo-
sited Plans.

III. Whereas Plans and Sections showing the Lines and Levels of the Railways, and also a Book of Reference to the said Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of the Lands which may be taken for the Purposes of the same, have been deposited for public Inspection with the Clerk of the Peace for the County of *Chester*, and with the Clerk of the Peace for the County of *Stafford* : Be it enacted, That, subject to the Provisions and Powers of Deviation of this Act and of the Acts incorporated herewith, the Railways shall be made in the Lines and upon the Lands delineated upon the said Plans

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Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and it shall be lawful for the Company to enter upon, take, and use such of those Lands as may be necessary for the Purposes thereof.

IV. Subject to the Provisions in this Act and "The Railways Clauses Consolidation Act, 1845," contained, in reference to the crossing of Roads on the Level, it shall be lawful for the Company, in the Construction of the Railways by this Act authorized, to carry the same across and on the Level of the several Roads numbered on the Plans deposited as herein-before mentioned as follows; (that is to say,)

Power to cross certain Roads on the Level.

No. on Plan.	Parish.	Description of Road.
176	Stoke-upon-Trent - - -	Highway.
33	Burslem - - -	Highway.
2	Ditto - - -	Highway.
30	Norton-in-the-Moors - -	Turnpike.
103	Biddulph - - -	Highway.
161 } 167 }	Ditto - - -	Highway.
25 } 25 b }	Astbury - - -	Turnpike.
239	Bucknall - - -	Highway.

V. For the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the several Points where the Railway crosses the before-mentioned Roads on the Level, 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 any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point or Station, 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 imposed.

Company to erect a Station or Lodge at Points of Crossing, and abide by Rules, &c., of Board of Trade.

VI. It shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the Public Safety, at any Time, either before or after the Railways by this Act authorized to be made shall have been completed and opened for public Traffic, to require the Company, within such Time as the said Board of Trade shall direct, and

Board of Trade may require a Bridge to be erected in lieu of Level Crossing.

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and at the Expense of the Company, to carry any or either of the before-mentioned 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 other Works as under the Circumstances of the Case shall appear to the said Board of Trade to be best adapted for removing or diminishing the Danger arising from any such Level Crossing.

As to crossing certain Roads in Parish of Biddulph.

VII. The Course of the Roads numbered 161 and 169 and 167 in the Parish of *Biddulph* on the deposited Plans, or of One of them, shall be altered in such a Manner as that the Railway shall not be carried over or across the same except at One Point.

Regulating Inclinations of certain Roads.

VIII. In carrying the Road numbered 134 in *Stoke-upon-Trent* on the Plans deposited as aforesaid, over, under, or across the Railway, it shall be lawful for the Company to alter the Inclination of such Road so that it shall not be steeper than One in Twenty-two; and in carrying the Road numbered 115 in *Biddulph* on the same Plans over, under, or across the Railway, it shall be lawful for the Company to alter the Inclination of such Road so that it shall not be steeper than One in Fifteen.

Regulating Dimensions of certain Bridges.

IX. The Bridges for carrying the Railway over the Roads referred to in the following Schedule shall be of not less Dimensions than those mentioned in such Schedule; (that is to say,)

Description of Road.	No. on Plan.	Parish.	Dimensions.	
			Span.	Height.
Turnpike - -	139	Stoke-upon-Trent -	25 Feet.	15 Feet.
Turnpike - -	13	Wolstanton -	25 Feet.	15 Feet.
Highway - -	39	Wolstanton - -	20 Feet.	15 Feet.
Turnpike - -	218	Biddulph - -	25 Feet.	15 Feet.
Turnpike - -	491	Astbury - -	25 Feet.	15 Feet.

Saving Rights, &c., of the Manchester, Sheffield, and Lincolnshire Railway Company in respect of the Macclesfield Canal.

X. And whereas the said Railway is intended to pass under the *Macclesfield* Canal in the Parish of *Astbury*, belonging to the *Manchester, Sheffield, and Lincolnshire* Railway Company, and it is expedient to make the following Provisions in respect thereof: Be it therefore enacted, That nothing in this Act contained shall take away, diminish, alter, prejudice, or affect any of the Rights, Privileges, Powers, or Authorities vested in the *Manchester, Sheffield, and Lincolnshire* Railway Company as the Proprietors of the *Macclesfield* Canal, or authorize or empower the *North Staffordshire* Railway Company to alter the Line or Level of the said Canal, or of the Towing-path thereof, or of any Part or Parts thereof respectively, except for temporary Purposes, or to obstruct the Navigation of the said

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said Canal, or any Part thereof, or to divert from the said Canal any of the Water therein, or to otherwise injure the said Canal or any of the Works thereof.

XI. It shall not be lawful for the *North Staffordshire* Railway Company in passing under the said Canal to make any Deviation from the Line of the Railway as delineated and described upon the deposited Plans to a greater Extent than Ten Yards on either Side, without the Consent in Writing of the *Manchester, Sheffield, and Lincolnshire* Railway Company, or, except temporarily during the Construction of the Railway, to diminish or alter the Width or Depth of the Waterway of the Canal, or (except for the Purpose of passing under the Canal and constructing the said Railway, and except for the Construction of the Siding hereafter provided for,) to take or use for the Purposes of the Railway any Part of the Canal, or of the Wharfs, Locks, Side Ponds, Towing-path, Bridges, Banks, or other Works belonging to the Canal or any Part thereof, or any Land belonging to the said *Manchester, Sheffield, and Lincolnshire* Railway Company, without the Consent of the *Manchester, Sheffield, and Lincolnshire* Railway Company under their Common Seal first had and obtained.

Company not to deviate in passing under Canal.

XII. For the Purpose of carrying the Railway under the Canal, and the Towing-path and Works belonging thereto, an Arch or Tunnel shall be formed of Brick, Stone, or Iron, and the same shall be made and for ever thereafter maintained and kept in good and substantial and watertight Repair by the *North Staffordshire* Railway Company; and the Depth of the Water in the Canal over and adjoining the Arch or Tunnel shall be not less than Five Feet Nine Inches for a Space of Eighteen Feet at least in Breadth, and the Slopes of the said Part of the Canal shall be not less than One Foot and a Quarter horizontal to One Foot perpendicular, and the Canal over the said Arch or Tunnel, and for a Space of Fifty Feet on each Side thereof (except as to any Part of the Arch or Tunnel which shall be formed of Iron), shall be well and sufficiently puddled with Clay or other proper Material for a Depth of Two Feet Six Inches at the Bottom of the Canal, and the same shall be effectually united to the present Puddle of the Canal; and all the Works for the Formation of the said Arch or Tunnel and connected therewith, and for all Repairs and Renewals thereof, shall be constructed and formed according to Plans and Specifications to be submitted to and approved of by the Engineer for the Time being of the said *Manchester, Sheffield, and Lincolnshire* Railway Company previously to the Commencement of the Works, and shall be commenced, carried on, and completed to the reasonable Satisfaction of such Engineer, and so that no unreasonable Obstruction or Interruption shall be caused to the Boats or Barges passing along the said Canal or to the Horses towing the same; and

For Construction and Repair of Arch under Macclesfield Canal.

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at all Times during the Formation of such Arch or Tunnel, and any future Repairs or Renewals thereof, temporary watertight Works for maintaining a clear Waterway of the Width of Ten Feet at least for the uninterrupted Passage of Boats and Barges along the said Canal, or along a temporary Side Canal, as the Case may be, and Stages for the uninterrupted Passage of the Horses towing the same, shall be provided by the *North Staffordshire Railway Company*; and in case during the Progress of any such Works any Damage shall be occasioned to the said Canal, Towing-path, or Wharfs, the said *North Staffordshire Railway Company* shall, to such reasonable Satisfaction as aforesaid, restore the same to the same State and Condition, as near as may be, as before the happening of any such Damage.

Manchester,
Sheffield, and
Lincolnshire
Railway
Company
may in de-
fault repair
Works.

XIII. If the Works connected with the said Arch or Tunnel or any Part thereof shall be imperfectly constructed, or if at any Time or Times hereafter the said Arch or Tunnel or any Part thereof shall be out of repair, or any Loss of Water or any Obstruction or Interruption to the Navigation of the Canal shall occur, and Notice thereof in Writing shall be given by any Agents of the said *Manchester, Sheffield, and Lincolnshire Railway Company* or their Secretary or other Officer to the *North Staffordshire Railway Company* or their Secretary or other proper Officer, and in case the *North Staffordshire Railway Company* shall not for the Space of Twenty-one Days after such Notice shall have been given, or forthwith thereafter if the Nature of the Case shall require it, well, sufficiently, and effectually amend such Construction, or repair such Arch or Tunnel or Works, or make good and prevent such Loss of Water, or remove such Obstruction or Interruption, as the Case may be, to such reasonable Satisfaction as aforesaid, and complete the same with all reasonable Expedition, it shall be lawful for the *Manchester, Sheffield, and Lincolnshire Railway Company* from Time to Time to make good such Construction, to perform such Repairs, to made good and prevent such Loss of Water, or to remove such Obstruction or Interruption as aforesaid, as the Case may require; and the *North Staffordshire Railway Company* shall and they are hereby required from Time to Time to pay to the *Manchester, Sheffield, and Lincolnshire Railway Company*, or to their Treasurer for the Time being, within Fourteen Days after Demand, all the Costs and Expenses which may be incurred by them from Time to Time in and about the Superintendence or Construction of all the herein-before mentioned Works or Repairs, and if the same be not paid on Demand the same may be recovered by the *Manchester, Sheffield, and Lincolnshire Railway Company* in any Court of competent Jurisdiction.

For Com-
pletion of
Works, and

XIV. The said Arch or Tunnel, and all the Works connected there-
with and with the said Canal, shall be completed within the Period
of

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of Six Months from the Day on which the same shall be commenced ; and in case it shall happen that the said Arch or Tunnel and Works shall not be completed within such Period as aforesaid, the *North Staffordshire* Railway Company shall forfeit and pay to the *Manchester, Sheffield, and Lincolnshire* Railway Company, as and for ascertained Damages after that Period, the Sum of Twenty Pounds for every Day until the said Arch or Tunnel and Works shall be completed ; and if in the Execution of any of the Works by this Act authorized to be made, or if by reason or in consequence of any Act, Neglect, or Omission of the *North Staffordshire* Railway Company, or of their Agents or Servants, or if or by reason or in consequence of the said Works when made the Water of the *Macclesfield* Canal shall leak, escape, or run to waste from the said Canal, the *North Staffordshire* Railway Company shall make Compensation for all Damage, Loss, or Injury occasioned thereby to the *Manchester, Sheffield, and Lincolnshire* Railway Company ; and if by reason of any of the Circumstances or Causes aforesaid it shall happen that the Navigation of the said *Macclesfield* Canal, or the Passage along the Towing-path thereof, shall be so obstructed or interrupted as that Boats or other Vessels navigating the said Canal or the Horses drawing the same shall be substantially impeded in their Passage, or shall not be able to pass along the said Canal and Towing-path or either of them, then and in any and every such Case the *North Staffordshire* Railway Company shall pay to the *Manchester, Sheffield, and Lincolnshire* Railway Company the Sum of Fifty Pounds as and for ascertained Damages for every Day during which any and every such Obstruction or Interruption shall continue.

XV. Nothing herein contained shall extend to prevent the *Manchester, Sheffield, and Lincolnshire* Railway Company, or any Owner of Boats or Barges or other Traders navigating the said Canal, from recovering from the said *North Staffordshire* Railway Company special Damage that may be sustained by them or any of them, or that they may be liable to pay and shall pay to any other Company, Person or Persons whomsoever, for or on account or by reason or in consequence of the Acts, Neglects, or Defaults of the *North Staffordshire* Railway Company, or by the flowing of the Water out of the said Canal, if the same shall be caused or happen by reason of the making or maintaining or repairing of the said Railway or the said Arch or Tunnel and other Works connected therewith, beyond the Amount of such stipulated Damages as aforesaid ; and the said *Manchester, Sheffield, and Lincolnshire* Railway Company, and any such Owner, Trader, or other Person, are and is hereby authorized to sue for such special Damage by Action of Debt or on the Case in any Court of competent Jurisdiction.

for prevent-
ing Loss of
Water or Ob-
struction in
the Naviga-
tion of the
Macclesfield
Canal.

Manchester, Sheffield, and Lincolnshire Railway Company and others not to be precluded from recovering special Damage.

XVI. And

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Certain
Lands not to
be taken
without
Consent.

XVI. And whereas One of the Branch Railways by this Act authorized is laid down on the deposited Plans as intended to be made on Part of the Embankment of the *Macclesfield* Canal: Be it enacted, That it shall not be lawful for the Purpose of constructing the said Branch for the *North Staffordshire* Railway Company to take, enter upon, or use any Part of the Embankments or Land numbered on the deposited Plans 13, 126, and 127, in the Parish of *Astbury*, without the Consent of the *Manchester, Sheffield, and Lincolnshire* Railway Company under their Common Seal first had and obtained.

Siding to be
formed to
communicate
with the
Canal.

XVII. The *North Staffordshire* Railway Company shall, at their own Expense, make and maintain a proper and convenient Siding for the Interchange of Traffic between the Railway and the *Macclesfield* Canal, such Siding to commence by a Junction with the Railway on the North Side of the Canal, and to extend along the Bank of the Canal up to the Road numbered on the deposited Plans 97 in the Parish of *Astbury*; and no Curve on such Siding shall be of less Radius than Ten Chains, and the Rate of Inclination of such Siding shall not exceed One Foot in Fifty Feet; and all Works for the Formation of such Siding shall be approved of by and executed to the reasonable Satisfaction of the Engineer for the Time being of the *Manchester, Sheffield, and Lincolnshire* Railway Company: Provided always, that the *North Staffordshire* Railway Company shall not be required to purchase or pay Compensation for the Land belonging to the *Manchester, Sheffield, and Lincolnshire* Railway Company which may be required for the said Siding.

Land for ex-
traordinary
Purposes.

XVIII. It shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes not exceeding Twenty Acres, in addition to the Land which they are already authorized to take for that Purpose.

Limiting
Time for
Completion
of Works.

XIX. The Powers of the Company for making the Railways by this Act authorized shall not be exercised after the Expiration of Five Years from the passing of this Act.

Restraining
Payment of
Dividends
after 5 Years
unless Rail-
ways opened
for Traffic.

XX. After the Expiration of Five Years from the passing of this Act it shall not be lawful for the Company to pay any Dividend on any Share in the ordinary or unguaranteed Capital of the Company unless and until the Railways hereby authorized shall be completed and open for public Traffic.

Maximum
Rates of
Charges for
Passengers.

XXI. The Company may from Time to Time lawfully demand and receive for the Conveyance by them of Passengers upon the Railways hereby authorized, including every Expense incidental to such Conveyance, except Government Duty, any Sums not exceeding the
maximum

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maximum Rate of Charge prescribed by the herein-before recited Acts.

XXII. The Company may from Time to Time lawfully demand and receive for the Conveyance by the Company of Goods and Cattle upon the Railways hereby authorized, including every Expense incidental to such Conveyance, except a reasonable Sum for loading, covering, and unloading of Goods, and for Delivery and Collection, and any other Service incidental to the Business or Duty of a Carrier, where such Services or any of them are or is performed by the Company, any Sums not exceeding the maximum Charges prescribed by the said recited Acts, and the same Regulations shall apply to all such Tolls, Rates, and Charges as apply to the Tolls, Rates, and Charges specified in the herein-before recited Acts.

For Cattle,
Goods, &c.

XXIII. Provided always, That with respect to small Parcels carried on the Railways by this Act authorized, the Company may lawfully demand the Tolls following; (that is to say,)

Tolls for
small Par-
cels.

For the Carriage of small Parcels on the Railways, or any Part thereof, as follows :

For any Parcel not exceeding Seven Pounds in Weight, Fourpence :

For any Parcel exceeding Seven Pounds in Weight and not exceeding Fourteen Pounds in Weight, Eightpence :

For any Parcel exceeding Fourteen Pounds in Weight and not exceeding Twenty-eight Pounds in Weight, One Shilling and Fourpence :

For any Parcel exceeding Twenty-eight Pounds in Weight and not exceeding Fifty-six Pounds in Weight, Two Shillings :

For Parcels exceeding Fifty-six Pounds in Weight and not exceeding Five hundred Pounds in Weight, the Company may demand any Sum which they think fit :

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages.

XXIV. Every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twelve Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Passengers
Luggage.

XXV. It shall be lawful for the Company, with the Consent of Three Fifths of the Votes of the Shareholders present in Person or
[Local.] 37 D by Power to apply Corporate Fund

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to Purposes
of this Act.

by Proxy at any Meeting of the Company specially convened for the Purpose, to apply to the Construction of the Railways and Works by this Act authorized all or any of the Moneys which they now have in their Hands, or which they have Power to raise by Shares or Mortgage by virtue of any Acts relating to the Company and which may not be required for any other Purpose, not exceeding in the whole Two hundred thousand Pounds.

Interest on
Calls not to
be paid out
of Capital.

XXVI. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay to any Shareholder Interest or Dividend on the Amount of Calls made in respect of the Shares held by him: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as may be in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845."

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

XXVII. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised, pay or deposit any Sum of Money which by any Standing Order of either House of Parliament for the Time being in force 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 other Railway or to execute any other Work or Undertaking.

Railway 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.,
9 & 10 Vict.
c. 57., and
14 & 15 Vict.
c. 64.

XXVIII. 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 another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, intituled *An Act to repeal an Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the Company or any Part of their Undertaking from the Provisions of the said several Acts

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Acts respectively, but that such Provisions shall be in force in respect of the Company and their Undertaking so far as the same shall be applicable thereto.

XXIX. Nothing in this Act contained shall be deemed or construed to exempt the Undertaking of the Company from the Provisions of any General Act relating to this Act, 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 the present or any future Session of Parliament, or from any future Revision and Alteration under the Authority of Parliament of the Tolls for small Parcels, and of the maximum Rates of Fares and Charges authorized to be taken by the Company.

Railway not exempt from Provisions of future General Acts.

XXX. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "*North Staffordshire Railway Branches Act, 1854.*"

Short Title.

XXXI. All the Costs, Charges, and Expenses of and incidental to the passing of this Act shall be paid by the *North Staffordshire Railway Company.*

Expenses of Act.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1854.

