

**CHAPTER cxci.**

An Act to authorise the North Staffordshire Railway Company to make a Railway to connect their Churnet Valley Line with the Stoke Branch therefrom, to purchase additional Lands, and make certain Sidings; also for extending the time for the sale of certain superfluous Lands, and to alter certain of the provisions of the existing Acts with respect to Rates and Charges; and for other purposes.

A.D. 1880.

[26th August 1880.]

WHEREAS it is expedient that the North Staffordshire Railway Company (in this Act called "the Company") should be authorised to make a railway in the parish of Uttoxeter, in the county of Stafford, to connect their Churnet Valley Line with the branch railway therefrom to Stoke-upon-Trent, and to purchase certain lands for the enlargement of their Longton goods station in the townships of Great Fenton and Lane End, in the parish of Stoke-upon-Trent in the same county:

And whereas it is expedient that the time within which the Company are required to dispose of certain superfluous lands should be extended:

And whereas it is expedient that the Company should be authorised to make sidings and appropriate them to special descriptions of traffic:

And whereas the railway of the Company includes many short branches, and has considerable traffic in coal and iron ore and other articles usually classed therewith, which is only carried for short distances and at considerable cost and waste of locomotive power, and such traffic has not been and could not be remuneratively carried at the maximum rates authorised by the North Staffordshire Railway Act, 1847:

[*Local.*—191.]

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10 & 11 Vict.
c. cviii.

A.D. 1880.

And whereas such traffic has for upwards of twenty years been carried at rates and charges agreed to between the Company and a committee of the traders of the district in excess of the maximum rates authorised as aforesaid :

And whereas about two years since disputes arose as to the powers of the Company to charge rates higher than the maximum rates authorised as aforesaid, and litigation thereupon ensued, and the Company intimated to the traders of the district through the said committee that they should be compelled to cease to provide locomotive power and to perform the services hitherto rendered if restricted to such maximum rates :

And whereas the traders would in that event have been compelled to find locomotive power and themselves undertake the said services, paying to the Company the tolls for the use of the railway authorised by the said Act of 1847 :

And whereas, after much discussion and consideration between the Company and the said traders committee, the rates and charges to be made in future have been revised as herein-after provided, and it is expedient that such revised rates and charges should receive the sanction of Parliament, and that the provisions of the Company's Acts should be amended with respect to tolls and charges, and other matters of a like description or affecting the Company's rights and powers in relation to the traffic upon their railways, and that the provisions of this Act with respect to the matters aforesaid should extend and be applicable to the whole of the Company's undertaking :

22 & 23 Vict.
c. cxiv.

And whereas by the Silverdale and Newcastle Railway Act, 1859 (in this Act called "the Act of 1859"), 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 (herein called "the undertakers"), were authorised to maintain the said railway, and (section twenty-one) the undertakers and the Newcastle-under-Lyne Canal Company (in this Act called "the Canal Company") were empowered to enter into agreements for the use by the undertakers of the railway therein and in this Act described as the Canal Extension Railway, which connected the canal of the Canal Company with the said Silverdale and Newcastle Railway, and for the passage of carriages, trucks, and waggons by horse haulage only over or along the Canal Extension Railway, and for the other purposes therein mentioned, and the undertakers were authorised after any such agreement to carry minerals, goods, animals, and other traffic on the Canal Extension Railway,

and to charge in respect thereof any tolls, rates, and duties not exceeding the tolls, rates, and duties by that Act authorised in respect of similar passengers, minerals, goods, animals, and other traffic on the said Silverdale and Newcastle Railway : A.D. 1880.

And whereas the Company are now the undertakers within the meaning of the Act of 1859, and it is expedient that the restriction in the said section as to horse haulage should be removed, that the Company should be authorised (with the consent of the Canal Company) to use engines and carriages of every description on the Canal Extension Railway, and to charge in respect thereof the tolls and charges authorised by the Act of 1859 :

And whereas a plan and section in duplicate, describing the line, situation, and levels of the intended railway, and books of reference to such plan 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 this Act, have been deposited with the clerk of the peace for the county of Stafford (which respectively are in this Act referred to as the deposited plan, section, and book of reference) :

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,)

1. This Act may be cited as the North Staffordshire Railway Act, 1880. Short title.

2. The following Acts and part of an Act (as far as they are applicable for the purposes of and are not expressly varied by this Act) are hereby incorporated with and shall be part of this Act ; (that is to say,)

The Lands Clauses Consolidation Acts, 1845, 1850, and 1869 (in this Act referred to as "the Lands Clauses Acts") :

The Railways Clauses Consolidation Act, 1845, and Part I. of the Railways Clauses Act, 1863, relating to construction of a railway.

3. In this Act and (for the purposes of this Act) in enactments incorporated with this Act the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt, and not a debt or demand created by statute, and the term "superior courts"

Incorporation of general Acts.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 20.
26 & 27 Vict. c. 92.

Interpretation of terms.

A.D. 1880. — shall include any court of competent jurisdiction; the expression “the Act of 1847” shall mean the North Staffordshire Railway Act, 1847.

Power to
execute
works.

4. Subject to the provisions of this Act, the Company may from time to time make, execute, and maintain, in the lines and according to the levels shown on the deposited plan and section, the railway described in this Act, with all proper stations, sidings, approaches, works, and conveniences in connexion therewith.

Power to
take lands
referenced.

5. Subject to the provisions and for the purposes of this Act, the Company may from time to time enter on, take, and use the lands delineated on and described in the deposited plan and book of reference, so far as the same plan and book of reference relate to the railway by this Act authorised and to lands in the townships of Great Fenton and Lane End, in the parish of Stoke-upon-Trent, in the county of Stafford, required for the enlargement of the Longton goods station: Provided always, that in taking and using any such lands for such enlargement the Company shall have regard to a certain agreement entered into between two directors of the Company on behalf of the Company and the Most Noble George Granville William Duke and Earl of Sutherland, K.G., and dated the thirtieth day of April one thousand eight hundred and eighty.

Description
of new rail-
way.

6. The railway authorised by this Act is the following; (that is to say,)

A railway in the township and parish of Uttoxeter, 3 furlongs and 4·3 chains in length, commencing by a junction with the Company's Churnet Valley Line near the Dove Bank Station, and terminating by a junction with the branch railway from the Churnet Valley Line to Stoke-upon-Trent near the Bridge Street Station on the said branch railway.

Period for
compulsory
purchase of
lands.

7. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to
take ease-
ments, &c.
by agree-
ment.

8. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

9. If the Company fail within the period limited by this Act to complete the railway by this Act authorised, they shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the works of the railway; and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act, 1854; and every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in that section, to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster General, on behalf of the Chancery Division of the High Court of Justice, in the bank specified in such warrant or order, and shall not be paid thereout except as herein-after provided; 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 was prevented from completing or opening the railway by unforeseen accident or circumstances beyond their control; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

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Penalty imposed unless the railway is opened within the time by this Act limited.

17 & 18 Vict.
c. 31.

10. Every sum of money so recovered by way of penalty for the non-completion of the railway by this Act authorised shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of such railway, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or

Application of penalty.

A.D. 1880. — such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division of the High Court of Justice thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Chancery Division of the said Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or to liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Period for
completion
of works.

11. If the railway by this Act authorised and described on the deposited plan is not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Tolls on
railway.

12. The railway authorised by this Act shall, subject to the provisions of this Act, be, in respect of tolls, rates, and other charges, and in all other respects, part of the undertaking of the Company.

Maximum
rates.

13. The eighty-fourth section of the Act of 1847 (except as regards debts and liabilities incurred with respect to traffic prior to the passing of this Act) is hereby repealed, and in lieu thereof be it enacted that the maximum charges to be made by the Company for the conveyance of passenger, animal, and goods traffic upon the railway from the station, siding, or junction at which any passenger, animal, or article is received, booked, or consigned to the station, siding, or junction to which such passenger, animal, or article is delivered, booked, or consigned, including the tolls for the use of the railway, and of locomotive power, and of carriages, waggons, and trucks, and all expenses incidental to such conveyance (except as herein-after provided), shall not exceed the following sums; (that is to say,)

For every passenger carried in a first-class carriage, twopence per mile:

For every passenger carried in a second-class carriage, one penny halfpenny per mile:

For every passenger carried in a third-class carriage, one penny per mile:

For every horse, mule, ass, or other beast of draught or burden, A.D. 1880.
fourpence per mile :

For every ox, cow, bull, or neat cattle, twopence per mile, except for six or more of such animals sent by the same person and conveyed in the same waggon or truck, then for six only, sixpence per mile, for seven, eight, or nine only, sevenpence per mile, and for ten or any greater number, eightpence per mile ; but the Company shall not be required to convey and shall not convey in any such waggon or truck a greater number of such animals than the waggon or truck is reasonably capable of containing :

For every calf, pig, sheep, lamb, or other small animal, three farthings per mile, except for twenty-five or more sheep sent by the same person and conveyed in the same waggon or truck, then for twenty-five sheep only, sixpence per mile, for twenty-six or any greater number but not exceeding thirty-five sheep only, sevenpence per mile, and for thirty-six or any greater number, eightpence per mile ; but the Company shall not be required to convey and shall not convey in any such waggon or truck a greater number of such animals than the waggon or truck is reasonably capable of containing :

For every carriage conveyed on a truck provided by the Company—

If weighing not more than one ton, sixpence per mile ;

If weighing more than one ton, then for the first ton sixpence per mile, and for every additional quarter or fractional part of a quarter of a ton above the first ton, three halfpence per mile :

Class I. For all bricks, coals, coke, culm, cinders, clay, compost, dung, and all sorts of manure, except packed or artificial, ironstone, iron ore, pig iron, lime, limestone, sand, stone for pitching, building, or paving, flooring tiles conveyed in bulk, and all undressed materials for the repair of public roads and highways :

In respect of all local traffic in this class, which is hereby defined to be such traffic as shall be booked or conveyed between any two points, stations, or sidings on the railway of the Company, or on any other railway leased or worked by the Company, and which shall not be brought on to such railways from or taken off to any railway of any other company :

For any distance not exceeding three miles, the sum of tenpence per ton ; and if conveyed in waggons provided by the Company, an additional sum of sixpence per ton :

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For any distance exceeding three miles and not exceeding six miles, the sum of one shilling per ton; and if conveyed in waggons provided by the Company, an additional sum of sixpence per ton :

For any distance exceeding six miles and not exceeding twenty-four miles, then in addition to the sum of one shilling per ton for six miles, one penny farthing per ton per mile for the distance conveyed beyond six miles ; and if conveyed in waggons provided by the Company, an additional sum of one halfpenny per ton per mile, but such additional sum not to be less than sixpence per ton :

For any distance exceeding twenty-four miles, then for the entire distance conveyed the sum of one penny farthing per ton per mile, but such sum not to be less than the sum above authorised for twenty-four miles; and if conveyed in waggons provided by the Company, an additional sum of one halfpenny per ton per mile for twenty-four miles and one eighth of a penny per ton per mile for the distance conveyed beyond twenty-four miles :

For any distance in lots or quantities of not less than fifty tons each from one consignor to one consignee in owners waggons, and from owners sidings on or adjoining the railway to owners sidings on or adjoining the railway, the sum of one penny farthing per ton per mile, but such sum not to be less than ninepence per ton ; and if conveyed in waggons provided by the Company, an additional sum of one halfpenny per ton per mile for the entire distance conveyed, but such additional sum not to be less than sixpence per ton :

In respect of all traffic in this class other than local traffic for any distance the sum of one penny farthing per ton per mile; and if conveyed in waggons provided by the Company, an additional sum of one fifth of a penny per ton per mile for the entire distance conveyed, not exceeding forty miles, and one eighth of a penny per ton per mile for any distance conveyed beyond forty miles, but such additional sum not to be less than sixpence per ton.

Class II. All charcoal, tiles other than flooring tiles conveyed in bulk, packed or artificial manures, slates, bar iron, rod iron, hoop iron, and all other similar descriptions of iron, and iron

castings not manufactured into utensils or other articles of merchandise : A.D. 1880.

In respect of all local traffic (as above defined) in this class,
twopence per ton per mile ;

In respect of all traffic in this class other than local traffic,
one penny halfpenny per ton per mile.

Class III. For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, and deals, metals (except iron), nails, anvils, vices, and chains, twopence halfpenny per ton per mile.

Class IV. For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, fourpence per ton per mile :

Provided always, that the Company may in addition to the foregoing charges for the aforesaid conveyance make such charges as are respectively authorised by the eighty-fifth and eighty-seventh sections of the Act of 1847, the twenty-fourth, twenty-fifth, and twenty-sixth sections of the North Staffordshire Railway Act of 1879, and by this Act, and also reasonable charges for the use of sleeping carriages, saloon carriages, refreshment carriages, or receiving offices for parcels or goods, or for collecting, loading, unloading, or delivering traffic, or for the use of covers or tarpaulins, storehouses or sheds, or for the use of stations or sidings for loading or unloading, or for any other accommodation or service not incidental to the aforesaid conveyance, where such accommodation or service shall have been provided by the Company ; but nothing herein shall affect the provision as to coal, cannel, culm, slack, coke, or cinder traffic in section twenty-six of the Act of 1879. 42 & 43 Vict.
c. ccv.

14. The provisions and regulations of the eighty-third section of the Act of 1847, of the twenty-third section of the Act of 1879, and of this Act, shall be applicable to the fixing of such charges, except that such provisions and regulations, so far as they authorise the Company to demand for articles conveyed on the railway for a less distance than six miles charges as for six miles, shall not apply to local traffic in Class 1 ; and provided also, that if the gross rate per ton shall involve a fraction of a penny, such fraction if less than one halfpenny shall not be charged, and if one halfpenny or more shall be charged as a penny. Fixing of
charges.

15. The provisions contained in the two last preceding sections of this Act shall extend and apply to the Longton, Adderley Green, and Bucknall, the Cheadle, and all other railways which are or may Extension of
two last sec-
tions to cer-
tain railways

A.D. 1880. be respectively leased or worked by the Company, and for the purposes, objects, and intentions of such sections the said railways shall during the continuance of the lease or working thereof respectively be deemed parts of the railway and undertaking of the Company, and subject to the same user on payment of the same tolls, rates, and charges in every respect (except as herein-after provided) as the other parts of the undertaking.

As to Silverdale and Newcastle and Canal Extension Railways.

16. Nothing herein contained shall alter or prejudicially affect the subsisting agreements between the Reverend Walter Sneyd and his lessees, or between such parties respectively and the Company, or shall empower the Company to take any higher toll or rate for any service in respect of traffic arising and terminating on the Silverdale and Newcastle Railway and the Canal Extension Railway, or either of them, other than the tolls and rates authorised by the Silverdale and Newcastle Railway Act, 1859; but the Company may, in respect of any traffic commencing or terminating on the Silverdale and Newcastle Railway and the Canal Extension, or either of them, and passing to or from the railways of the Company, charge in respect of the whole service such mileage tolls, and rates, or short-distance charge, as the case may be, as would be chargeable if such traffic had passed for an equal distance solely over the railways of the Company.

Power to make sidings for special descriptions of traffic.

17. The Company may make and maintain, on land belonging to them or which they may acquire by agreement for the purpose, special sidings for the better accommodation of traffic passing to or from or over their railway, and may appropriate such sidings for the exclusive use of such descriptions or classes of traffic as the Company may prescribe, and such special sidings shall be open for the use of all persons alike for such descriptions of traffic, upon payment of such rates and charges, and upon such terms and conditions, as the Company may from time to time find expedient.

Amendment of section 21 of 22 & 23 Vict. c. cxiv. as to horse haulage.

18. Notwithstanding anything contained to the contrary in section twenty-one of the Act of 1859, engines and carriages of every description applicable for railway traffic may be used upon the Canal Extension Railway, and that section shall be read and construed accordingly, and as if the words "by horse haulage only" had not been inserted therein; and like tolls may be charged with respect to the Canal Extension Railway as are authorised with respect to the Silverdale and Newcastle Railway by the Act of 1859.

Extension of time for sale of superfluous lands.

19. The Company may, notwithstanding anything in the Lands Clauses Consolidation Act, 1845, or in any Act relating to the

Company with which that Act is incorporated, retain and hold any lands belonging to them in the parishes of Wolstanton, Tunstall, Audley, Burslem, Stoke-upon-Trent, Stone, Colwich and Stowe, Chebsey, Swinnerton, Bucknall, Norton-in-the-Moors, Biddulph, Leek, Cheddleton, Barthomley, Rocester, Caverswall, Dilhorn, Leigh, Uttoxeter, Handbury, Burton-on-Trent, Egginton, Ipstones, Newcastle - under - Lyme, Keele, Madeley, and Mucklestone or Muxton, in the county of Stafford; Macclesfield, Prestbury, Astbury, Congleton, Church-Lawton, Weston, Sandbach, and Kingsley, in the county of Chester; Snelston, Ashbourne, Scropton, Marston-on-Dove, and Mickleover, in the county of Derby; and Norton-in-Hales, in the county of Salop, which have not yet been applied or are not required for the purposes of the Company, for the periods following; (that is to say,) as regards such of the lands as are situate near to or adjoining any station of the Company, or may in the opinion of the Company be required by them for the purposes of stations, sidings, or other conveniences, for the period of ten years from the passing of this Act, and as regards the other of the said lands for the period of two years from the passing of this Act; but the Company shall at the expiration of such respective periods sell and dispose of as superfluous lands all such parts of those lands as shall not then have been applied to or are not then required for the purposes of their undertaking.

A.D. 1880.

20. The Company may apply towards the purposes of this Act any of the moneys which they are already authorised to raise, and which may not be required by them for the purposes for which the same were authorised to be raised.

Application of funds.

21. Nothing in this Act contained shall exempt the Company or their undertaking from the provisions of any general Act relating to railways, for the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by any Act relating to the Company.

Provisions as to general Railway Acts.

22. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid by the Company.

Expenses of Act.

