



CHAPTER clxxxviii.

An Act for authorising the Cheadle Railway Mineral and Land Company Limited to construct a Railway in the Parishes of Draycott-in-the-Moors and Cheadle in the County of Stafford; and for other purposes. A.D. 1888.

[7th August 1888.]

WHEREAS the Cheadle Railway Mineral and Land Company Limited (in this Act called "the Company") were incorporated on the eighteenth of August one thousand eight hundred and eighty-seven under the Companies Acts 1862 to 1886 with a capital of two hundred and fifty thousand pounds:

And whereas by their memorandum of association the Company are empowered (amongst other things) to purchase or take on lease or otherwise acquire any lands mines minerals buildings easements or hereditaments in the county of Stafford or elsewhere or any interests therein which the Company may think necessary or convenient and to construct equip maintain work and use a railway intended to extend from the town of Cheadle in the county of Stafford to or near the Cresswell station of the North Staffordshire Railway:

And whereas the construction of the railway by this Act authorised would be of public and local advantage and it is expedient that the Company be authorised to construct the said railway and that powers should be granted for running over and using the portion of railway of the North Staffordshire Railway Company as in this Act in that behalf contained:

And whereas it is expedient that the Company on the one hand and the North Staffordshire Railway Company on the other hand should be authorised to enter into agreements as by this Act provided:

And whereas plans and sections showing the lines and levels of the railway authorised by this Act were duly deposited with the

A.D. 1888. clerk of the peace for the county of Stafford and are herein-after respectively referred to as the deposited plans and sections :

And whereas the Company are the owners of the lands required for the purposes of this Act :

And whereas the purposes of this Act 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 :—

Short title.

1. This Act may be cited as the Cheadle Railway Mineral and Land Company Limited Act 1888.

Incorporation of general Acts.

2. The Lands Clauses Consolidation Act 1845 (except the provisions thereof with respect to the entry upon purchase and taking of lands otherwise than by agreement) the Lands Clauses Consolidation Acts Amendment Act 1860 the Railways Clauses Consolidation Act 1845 and Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction the expression "the Company" means the Cheadle Railway Mineral and Land Company Limited the expressions "the railway" and "the undertaking" mean respectively the railway and the undertaking by this Act authorised and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Power to make railway.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railway hereinafter described with all proper stations sidings approaches works and conveniences connected therewith. The railway hereinbefore referred to and authorised by this Act is situate in the parishes of Draycott-in-the Moors and Cheadle in the county of Stafford and is :—

A railway (3 miles 7 furlongs and 4 chains in length) commencing in the parish of Draycott-in-the-Moors by a junction with the railway of the North Staffordshire Railway Company between Stoke and Uttoxeter at a point 9 chains 34 links measured along that railway in an easterly direction from the south-east corner of the booking-office at the Cresswell Station thereon and terminating in the parish of Cheadle in a field numbered 942 on the $\frac{1}{2500}$ ordnance map of that parish.

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5. The Company may apply any of their corporate funds for the purposes of this Act to which capital is properly applicable.

Application of funds of Company for purposes of Act.

6. The Company may divert the public highway numbered on the deposited plans 23 in the parish of Cheadle in the manner shown upon the deposited plans and sections and when and as the new portion of such road is made to the satisfaction of the justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road and when and so soon as the said road is so stopped up all rights of way over the same shall cease.

Power to divert road as shown on deposited plans.

7. Whereas pursuant to the Standing Orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of two thousand five hundred and sixty-one pounds seven shillings and one penny Reduced three pounds per centum annuities being equal to five per centum upon the amount of the estimate in respect of the railway has been deposited with the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund: Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length

Deposit money not to be repaid except so far as railway is opened.

A.D. 1888. of the railway so opened bears to the entire length of the railway the High Court of Justice in England shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts, therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application
of deposit.

8. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or 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 Court thinks fit to order on the application of the solicitor to 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 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 liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as hereinbefore mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for
completion
of works.

9. If the railway 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 except as to so much thereof as is then completed. A.D. 1888.

10. The Company may demand and take in respect of the use of the railway and for the use of engines for propelling carriages on the railway any tolls not exceeding those actually in force for the time being and authorised to be taken and made by the North Staffordshire Railway Company for the use of their railway and the use of engines thereon respectively. Tolls.

11. 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 wagons and trucks and all expenses incidental to such conveyance shall not exceed the maximum charges authorised to be taken and made by the North Staffordshire Railway Company and actually in force for the time being on the North Staffordshire Railway and the railway of the Company shall for the purposes of tolls and charges be considered as part of the railway of the North Staffordshire Railway Company. Maximum rates.

12. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway. Restrictions as to tolls and charges not applicable to special trains.

13. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof either by reason of any special service performed by the Company in relation thereto or in respect to the conveyance of animals or goods (other than small parcels) by passenger trains. Company may take increased charges by agreement.

14. Every passenger travelling upon the railway may take with him his ordinary luggage not exceeding one hundred and twenty 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.

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Terminal
station.

15. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

Classification
table to be
open for
inspection
and copies to
be sold.

16. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railway of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling :

Terminal
charges (if
any) to be
specified on
application.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified :

Penalty.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by the Regulation of Railways Act 1873 section 14.

Power to
use a certain
portion of
railway.

17. The Company and all companies and persons lawfully working or using the railway of the Company or any part thereof may run over and use with their engines carriages and wagons officers and servants whether in charge of engines or trains or for any other purpose whatsoever and for the purposes of their traffic of every description so much of the railway of the North Staffordshire Railway Company between Stoke and Uttoxeter as will be situate between the junction therewith of the railway by this Act authorised and the Cresswell station thereon and all stations roads platforms points signals water water-engines engine-sheds standing room for engines booking offices and other offices warehouses sidings junctions machinery works or conveniences connected with the said portion of railway of the North Staffordshire Railway Company.

[51 & 52 Vict.] *Cheadle Railway Mineral and Land Company Limited Act, 1888.* [Ch. clxxxviii.]

18. The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid by the Company or persons running over and using such portion of railway as aforesaid for or in respect of such use shall be such as are from time to time agreed upon or as failing agreement may be from time to time determined by arbitration in manner provided by the Regulation of Railways Act 1873.

A.D. 1888.
Terms of
user.

19. The North Staffordshire Railway Company shall from time to time afford all proper and sufficient facilities for the reception accommodation forwarding interchange and delivery of all traffic of whatsoever description passing or intended to pass to or from the railway of the Company from or to the railway of the North Staffordshire Railway Company and the North Staffordshire Railway Company shall from time to time duly receive and transmit and deliver accordingly all such traffic and in all respects on an equality with their own proper traffic.

North Staf-
fordshire
Railway
Company to
afford facili-
ties.

20. The traffic facilities so to be afforded shall include such through booking through invoicing through wagons trucks and other arrangements and facilities as may be agreed upon or as failing agreement shall be determined by arbitration in manner provided by the Regulation of Railways Act 1873.

Nature and
extent of
traffic faci-
lities.

21. The terms and conditions pecuniary and otherwise on which the said traffic facilities shall be afforded and the through rates for traffic shall be such as may from time to time be agreed upon or failing such agreement as shall be settled by arbitration in manner provided by the Regulation of Railways Act 1873.

Terms &c.
on which
facilities
shall be
given.

22. The Company on the one hand and the North Staffordshire Railway Company on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Regulation of Railways Act 1873 from time to time enter into and carry into effect agreements with respect to the following purposes or any of them (that is to say):—

Power to
enter into
working &c.
agreements
with North
Staffordshire
Railway
Company

The working using management and maintenance by the North Staffordshire Railway Company of the railway and works of the Company or any part thereof;

The regulation management collection transmission and delivery of the traffic thereon or coming from or intended for the railways of the said companies or either of them;

The maintenance user and appropriation of joint stations by the two companies in connection with any agreement for the working and use of the railway and works of the Company or any part thereof by the North Staffordshire Railway Company;

A.D. 1888.

The payments to be made by each of the said parties to or for the other of them ;

The fixing collection payment appropriation apportionment and distribution of the tolls and other income and profits arising from the traffic railways stations and works comprised in any such agreement ;

The supply of rolling stock during the continuance and for the purposes of any agreement for the working and use of the railway by the North Staffordshire Railway Company and the employment of officers and servants for the purposes of such agreements.

Provision as
to general
railway Acts.

23. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or 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 this Act.

Costs of Act.

24. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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