



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. lxvi.

An Act to authorize certain Alterations of the North Staffordshire Railway. [22d July 1848.]

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 whereas another Act was passed in the last Session of Parliament, called "*The North Staffordshire Railway Act, 1847:*" And whereas by the first-recited Act a Company was incorporated, called "*The North Staffordshire Railway Company,*" and by the said Act and the said other recited Act Powers were given to such Company to construct the Railways therein described, and called respectively "*The Pottery Line,*" "*The Churnet Valley Line,*" and "*The Harecastle and Sandbach Line,*" together with various short Branches in the said last-recited Act particularly mentioned: And whereas it would be of Advantage to the Public if a Line of Railway were made from a Point on the said *Churnet Valley Line* in the Parish of *Marston-on-Dove* in the County

[Local.] 8 U of

9 & 10 Vict. c. 85.
10 & 11 Vict. c. 108.

of *Derby* to the *Birmingham and Derby* Line of the *Midland* Railway, about One Mile East of the *Willington* Station thereon, instead of so much of the said *Churnet Valley* Line as is at present authorized to be made between the first-mentioned Point and the said *Birmingham and Derby* Line; but the same cannot be done 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, That all the Provisions in the said recited Acts contained, so far as the same are applicable and now unrepealed and in force and are not inconsistent with or altered by the Provisions of this Act, or of the Lands Clauses Consolidation Act or of the Railways Clauses Consolidation Act as extended to this Act, shall extend to this Act, and to the several Objects and Purposes thereof, as fully and effectually as if the same Provisions were re-enacted in this Act with reference to such Objects and Purposes.

Powers of former Act extended to this Act.

8 & 9 Vict. cc. 18. and 20. incorporated with this Act.

II. And be it enacted, That the Provisions of "The Lands Clauses Consolidation Act, 1845," and of "The Railways Clauses Consolidation Act, 1845," in so far as the same may be applicable, and are not inconsistent with the Provisions herein-after contained, shall be incorporated with and form Part of this Act.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression, "The *North Staffordshire* Railway (*Willington* Deviation) Act, 1848."

Power to alter Railway.

IV. And be it enacted, That it shall be lawful for the *North Staffordshire* Railway Company, out of the Capital which they are by the said recited Acts authorized to raise, to make a Line of Railway commencing by a Junction with the said *Churnet Valley* Line in or near an Inclosure numbered 99 in the Parish of *Marston-on-Dove* and County of *Derby* on the Plans of the said *Churnet Valley* Line deposited with the Clerk of the Peace for the County of *Derby*, and terminating by a Junction with the *Birmingham and Derby* Line of the *Midland* Railway at or near a Point thereon One Mile East of the *Willington* Station of the said last-mentioned Railway.

Railway to be made according to deposited Plans.

V. And whereas a Plan and Section of the said intended Line of Railway, showing the Line and Levels thereof, and also a Book of Reference to such Plan, containing the Names of the Owners and Lessees or reputed Owners and Lessees, and of the Occupiers, of the Lands which may be required to be taken for the Purposes thereof, have been deposited with the Clerk of the Peace for the County of *Derby*: Be it enacted, That, subject to the Provisions and Powers of Deviation

Deviation in this and the said Railways Clauses Consolidation Act contained, the said intended Line shall be made in the Line or Course and upon the Lands delineated on the said 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 said Company to enter upon, take, and use such of the said Lands as shall be necessary for the Purposes thereof.

VI. And be it enacted, That, subject to the Provisions contained in the said Railways Clauses Consolidation Act in reference to the crossing of Roads on the Level, it shall be lawful for the said Company to carry the said Line of Railway across and on the Level of the Roads numbered respectively on the Plan deposited as aforesaid as follows; (that is to say,)

Power to cross Roads on Level.

8, 29 in the Parish of *Egginton*.

1, 13, 24 in the Parish of *Willington*.

VII. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railway crosses the before-mentioned Roads on the Level, and the said 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 Commissioners of Railways; and if the said 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 incurred.

Company to erect a Station or Lodge at the Points of crossing, and to abide by the Regulations of Commissioners of Railways.

VIII. And be it enacted, that it shall be lawful for the said Company to purchase and take any Quantity of Land not exceeding Ten Acres for extraordinary Purposes connected with the Line of Railway by this Act authorized to be made.

Lands for extraordinary Purposes.

IX. And be it enacted, That 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.

Compulsory Purchase of Lands limited.

X. And be it enacted, That the said Line of Railway by this Act authorized shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers granted to

Period for Completion of the Works.

to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Railway as shall then be completed.

Railway to
be subject to
Provisions of
recited Acts.

XI. And be it enacted, That the Line of Railway by this Act authorized shall form Part of the Undertaking of the *North Staffordshire* Railway Company, and as such shall be subject to the Provisions of the said recited Acts relating thereto, so far as the same may be applicable.

Power to
abandon
Parts of ori-
ginal Line.

XII. And be it enacted, That the said Company shall abandon the Formation of so much of the said *Churnet Valley* Line authorized to be made or completed by the secondly-recited Act as lies between a Point in or near the herein-before mentioned Inclosure numbered 99 in the Parish of *Marston-on-Dove* in the County of *Derby*, on the Plans of the said *Churnet Valley* Line, and the *Birmingham and Derby* Line of the *Midland* Railway.

Tolls.

XIII. And be it enacted, That it shall be lawful for the said Company to demand and receive in respect of the Use of the Line of Railway by this Act authorized, and of the Engines and Carriages employed thereon, any Tolls and Charges not exceeding the maximum Rate of Tolls and Charges which they are authorized to demand and receive in respect of the Use of the said *Churnet Valley* Line, and of the Engines and Carriages employed thereon, under and by virtue of the said *North Staffordshire* Railway Act, 1847.

Passengers
Luggage.

XIV. And be it enacted, That every Passenger travelling upon the Line of Railway by this Act authorized to be made may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Deposits for
future Bills
not to be
paid out of
the Com-
pany's
Capital.

XV. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, 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 an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Saving the
Rights of the
Crown.

XVI. And be it enacted, That nothing contained in this Act or in the Acts herein recited or referred to shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights

in

in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners or any Two of them are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

XVII. 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 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 other Acts were passed in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled respectively *An Act for 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 this and 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 Railway and Company so far as the same shall be applicable thereto.

Railway Company to be subject to the 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.

XVIII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or 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 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 this Act.

Railways to be subject to Provisions of future General Acts.

XIX. 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, *pari passu* with the Costs, Charges, and Expenses of every other Act of Parliament passed in the present Session to which they may be liable, out of the first Monies which shall come to their Hands and in preference to every other Payment whatever.

Expenses of Act.

Public Act.

XX. 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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