



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. lxxxiii.

An Act for making a Branch Railway from the *Churnet Valley* Line of the *North Staffordshire* Railway in the Parish of *Rocester* in the County of *Stafford* to *Ashbourne* in the County of *Derby*.
[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 said recited Acts a Company was incorporated by the Name of "The *North Staffordshire* Railway Company," and empowered to construct the Railways in the secondly-recited Act described as "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 attended with public Advantage if a Branch Railway were made from the said *Churnet Valley* Line in the Parish of *Rocester* in the County of *Stafford* to the Town of *Ashbourne* in the County of *Derby*, and the *North Staffordshire* Railway Company are willing to make such Branch Railway if authorized

[Local.] 10 X

9 & 10 Vict.
c. 85.

10 & 11 Vict.
c. 108.

rized by Parliament so to do: And whereas the estimated Expense of constructing the said several Railways and Branch Railways by the said Acts authorized to be made amounted in the whole to the Sum of Three millions one hundred thousand Pounds, and the Capital which the Company are authorized to raise amounts to the Sum of Four millions three hundred and seventy thousand Pounds, of which the said Company were required to appropriate among the Shareholders in the Navigation from the *Trent* to the *Mersey* the Sum of One million one hundred and seventy thousand Pounds, and the said Company have issued Shares to the full Extent of the said Capital of Four millions three hundred and seventy thousand Pounds: And whereas it is expedient that the Company should be authorized to appropriate the Sum of One hundred thousand Pounds, being the Amount of Capital which they are so authorized to raise beyond what will be required for carrying into effect the several Purposes of the said Acts, or so much thereof as may be necessary, towards the Execution of the Branch Railway and Works by this Act authorized to be made: 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, 1845," or of the "Railways Clauses Consolidation Act, 1845," 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.

Provisions of recited Acts extended to this Act.

Certain Provisions of 8 & 9 Vict. cc. 18. and 20. extended to 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 (*Ashbourne* Branch) Act, 1848."

Power to make Branch 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, not exceeding the said Sum of One hundred thousand Pounds, to make the Branch Railway herein-after mentioned, with all proper Works and Conveniences connected therewith; (that is to say,)

A Branch Railway commencing by a Junction with the said *Churnet Valley* Line as at present authorized to be made in the Parish of *Rocester* and County of *Stafford*, and terminating at or near the Town of *Ashbourne* in the Parish of *Ashbourne* and County of *Derby*.

V. And

V. And whereas Plans and Sections of the said proposed Branch Railway showing the Lines and Levels thereof, and also Books of Reference to such Plans containing the Names of the Owners and Lessees, or reputed Owners, Lessees, and of the Occupiers of the Lands which may be required to be taken for the Purposes thereof, have been deposited with the respective Clerks of the Peace for the Counties of *Chester*, *Derby*, and *Stafford*: Be it enacted, That, subject to the Provisions and Powers of Deviation contained in this and the said Railways Clauses Consolidation Act, the said Branch Railway 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 respective Purposes thereof.

Railway to be made according to deposited Plans, &c.

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 Branch Railway across and on the Level of the Highways and Turnpike Roads numbered on the Plans deposited as aforesaid as follows; (that is to say,)

Power to cross Highways on a Level.

2 in the Parish of *Alton*, 22 and 37 in the Parish of *Rocester*, 26 in the Parish of *Norbury*, and 14 and 42 in the Parish of *Ashbourne*.

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 regulating 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 Twenty Acres for extraordinary Purposes connected with the Branch Railway and Works by this Act authorized to be made.

Land 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.

Period for compulsory Purchase of Lands limited.

X. And be it enacted, That the Branch Railway and Works shall be completed within Seven Years from the passing of this Act, and on the

Period for the Completion of Works.

the Expiration of such Period the Powers by this and the said recited Acts granted to the Company for executing the said Branch Railway and Works or otherwise in relation thereto shall cease to be exercised, except as to so much of the said Branch Railway and Works as shall then be completed.

Undertaking to form Part of North Staffordshire Railway.

XI. And be it enacted, That the Branch 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.

Company not to take Land of George Wigley without Consent.

XII. Provided always, and be it enacted, That the said Company shall not take any Part of the Land numbered 29, in the Parish of *Ashbourne*, on the Plans deposited as aforesaid, without the Consent in Writing of *George Wigley*, his Heirs or Assigns, or other the Owner for the Time being of such Land, anything in this Act, or the Acts incorporated therewith, contained to the contrary notwithstanding.

Proviso relating to Ashbourne Church.

XIII. And be it enacted, That the said Company shall not take any such Portions of the Lands numbered respectively on the Plan deposited as aforesaid, 77, 78, 79, and 80, in the Parish of *Ashbourne*, as lies within Eighty Yards of the Churchyard from any Point thereof, without the Consent in Writing of the Bishop of the Diocese, the Vicar of the said Parish, and the Ecclesiastical Commissioners for *England* respectively, for that Purpose first had and obtained: Provided always, that if the said Company shall not erect any Station or Station Works on the said Lands, or, having erected any such Station or Station Works, shall remove the same to the Eastward of the Road numbered 76 A on the said Plan in the said Parish, then it shall be lawful for the Company to make the Line of Railway within any Point not nearer than Sixty Yards to the said Churchyard.

Saving of Rights of Ecclesiastical Commissioners for England.

XIV. And whereas certain Lands or Premises to which the Ecclesiastical Commissioners for *England* are or claim to be entitled, or in which the said Commissioners are or claim to be interested, situate and being in the Parishes of *Ashbourne* and *Snelston*, or some Part of the said Lands or Premises, are proposed to be taken or affected under the Powers of this Act: Be it enacted, That no Bargain, Arrangement, Contract, Agreement, or Conveyance either now made or to be made between the said Company, or between any Person or Persons on their Behalf, and any other Person or Persons in any way relating to the Estate or Interest of the said Commissioners in the said Lands or Premises, shall be binding at Law or in Equity upon the said Commissioners without their Assent being first thereto had, to be signified under their Common Seal; Provided always, that nothing herein contained shall hinder or prevent, or be construed to hinder or prevent, the said Company from proceeding to take such Lands and Premises as aforesaid under the compulsory Powers of this Act, or the Acts therein recited, upon giving Notice of their Intention so to do to the said Commissioners, and to all other necessary Parties, in manner by the said Acts provided.

XV. And

XV. And be it enacted, That the said Company shall secure to *Thomas Houldsworth* Esquire, or other the Owner or Owners for the Time being of the Land numbered 62, in the Parish of *Rocester*, on the said Plan, a Roadway of at least Fifteen Feet in Width from the said Land, into the Roadway numbered 54 on the said Plan, in the said Parish; and shall also construct their said Railway in such a Manner as not to interfere with or divert the present Course of the River *Dove*, so as injuriously to affect the Supply of Water from the said River to certain Mills known as *Rocester* Mills, and now belonging to or claimed by the said *Thomas Houldsworth*.

For the Protection of Mr. Houldsworth.

XVI. And be it enacted, That it shall be lawful for the said Company to demand and receive in respect of the Use of the Branch Railway by this Act authorized to be made, 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."

Tolls.

XVII. And be it enacted, That every Passenger travelling upon the said Branch Railway 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.

Passengers Luggage.

XVIII. And whereas by the said *North Staffordshire* Railway (*Pottery* Line) Act, 1846, it was amongst other things enacted, that (subject to the Provisions therein contained) the Company of Proprietors of the Navigation from the *Trent* to the *Mersey* should, from and after the Fifteenth Day of *January* next after the passing of the same Act, be and the same was thereby dissolved, except only for the Purpose of carrying into effect any Provisions of the same Act which should remain to be performed by them, and of winding up their Affairs according to the same Provisions, and except and so that nothing therein contained should prevent the said Company of Proprietors of the said Navigation, after the said Fifteenth Day of *January*, from suing for or recovering all Rents, Tolls, Dues, and other Sums of Money which should on the said Fifteenth Day of *January* be due and payable to the said Company of Proprietors of the said Navigation, provided that the Action or Suit, Actions or Suits, for the Recovery of any such Sum or Sums of Money were commenced within the Time limited by the Statute of Limitations applicable to the Subject of such Action or Suit, Actions or Suits: And whereas by the said *North Staffordshire* Railway (*Pottery* Line) Act, 1846, it was further enacted, that from and after the Fifteenth Day of *January* next after the passing of the same Act all the Clauses, Powers, Provisions, Matters, and Things in the therein recited Act relating to the Navigation from the *Trent* to the *Mersey* contained in reference to the Capital Stock of the said Company, the Number and Amount of the Shares therein, and the Purchase, Sale, Transfer, and Acquisition of such Shares, and the Right of voting in respect thereof, and the Registration of the

The Trent and Mersey Navigation Company to retain Power to wind up their Affairs.

[Local.]

10 Y

Names

Names of the Holders or Proprietors thereof, and in reference to the Meetings and Proceedings of such Proprietors, and to the Appointment, Qualifications, Powers, and Duties of the said Directors or Managers of the Affairs of the said Navigation Company, and of the Officers and Servants thereof, and of the Division of the Profits arising from the said Navigation and Works, and to any future borrowing of Money by the said Navigation Company, on Mortgage, Bond, or otherwise, should be and the same were thereby repealed: And whereas by the *North Staffordshire* Railway Act, 1847, it was enacted, that from and immediately after the passing thereof the said *North Staffordshire* Railway (*Pottery* Line) Act, 1846, except so much thereof as established and incorporated the said *North Staffordshire* Railway Company, or vested in the said Company the Navigation from the *Trent* to the *Mersey*, or any Houses, Warehouses, Buildings, Wharfs, Reservoirs, Lands, Tenements, Hereditaments, Rates, Tolls, Duties, Chattels, Property, or Effects, Rights, Powers, Privileges, or Authorities of the Company of Proprietors of the said Navigation, or as related to the Dissolution or Continuation for certain Purposes of the said Company of Proprietors, or to the Indemnity of the Directors thereof, should be and the same were thereby repealed: And whereas the said *Trent* and *Mersey* Navigation Company have, by general and select Committees of the said Company, proceeded to wind up the Affairs of the said Company, and various Acts and Proceedings have been done and taken for effecting that Purpose, and further Acts and Proceedings are necessary for completing, winding up, and settling the said Affairs: And whereas Doubts have been entertained whether the said first-recited Clause in the said *North Staffordshire* Railway (*Pottery* Line) Act, 1846, was not superseded or repealed by the said secondly-recited Clause in the same Act: Be it therefore enacted, That nothing in the said recited Acts, or either of them, or in this Act, contained shall extend, or be construed, deemed, or taken to extend, to repeal, alter, or abridge, or in any Manner affect the Powers by the said *North Staffordshire* Railway (*Pottery* Line) Act, 1846, given or reserved to or vested in the said Navigation Company, or to or in the General Assembly, General Committee, or Select Committee appointed, or to be appointed by virtue of the Powers contained or referred to in the said *North Staffordshire* Railway (*Pottery* Line) Act, 1846, so far as such Powers are applicable to the winding-up of the Affairs of the said Company of Proprietors of the said Navigation, but that all and singular the Powers in the said *North Staffordshire* Railway (*Pottery* Line) Act, 1846, mentioned or referred to, and given or reserved to or vested in the said Navigation Company, and the said General Assembly, General Committee, or Select Committee by the same Act, shall, so far as such Powers are applicable to the Purpose aforesaid, be and remain in full Force and Effect; and that all Acts or Proceedings hitherto done or taken, or which shall hereafter be done or taken, in furtherance of or for effecting the Object and Purpose aforesaid shall be as valid and effectual to all Intents and Purposes as if the first-recited Clause had been in full Force and Effect, uncontrolled by the secondly-recited Clause, from the passing of the said *North Staffordshire* Railway (*Pottery* Line) Act, 1846; and that notwithstanding the Death, Resignation, or Disqualification of any of the Members of the said General Committee, so long as they shall not

be reduced to a less number than Five, the surviving or continuing Members thereof shall retain and have the same Powers and Authority for winding up the Affairs of the said Company of Proprietors of the said Navigation as if all the Twenty-one Members of the said General Committee had survived or continued Members thereof.

XIX. 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.

Deposits for future Bills not to be paid out of the Company's Capital.

XX. 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 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.

Saving Rights of the Crown.

XXI. 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 by any Act of the present or succeeding Session 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 present 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 to be made, 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 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.

XXII. 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

Railways not exempt from Provisions of future general Acts.

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.

Expenses of Act.

XXIII. 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.

Public Act.

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

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1848.