



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

# VICTORIÆ REGINÆ.

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## Cap. ccxxxii.

An Act for making a Railway from the *Potteries* Line of the *North Staffordshire* Railway to near *Tunstall* in the Parish of *Wolstanton* in the County of *Stafford*; and for other Purposes.

[25th July 1864.]

WHEREAS the following Acts relate to the *North Staffordshire* Company and their Undertaking, (that is to say,) Ninth and Tenth of *Victoria*, Chapter Eighty-five; Tenth and Eleventh of *Victoria*, Chapter One hundred and eight; Eleventh and Twelfth of *Victoria*, Chapters Sixty-six and Eighty-three; Thirteenth and Fourteenth of *Victoria*, Chapter Fifty-five; Seventeenth and Eighteenth of *Victoria*, Chapter One hundred and ninety-four; Twenty-second and Twenty-third of *Victoria*, Chapter One hundred and twenty-six; Twenty-third of *Victoria*, Chapter Forty-two; Twenty-sixth and Twenty-seventh of *Victoria*, Chapter One hundred and fifty-eight; and First of *William* the Fourth, Chapter Fifty-five: And whereas a Railway from the *Potteries* Line of the *North Staffordshire* Railway to near *Tunstall* in the Parish of *Wolstanton* in the County of *Stafford* would be of public Advantage, and the *North Staffordshire* Railway Company (herein-after called "the Company") are willing, if authorized by Parliament, to make such Railway: And

Recital of Acts relating to North Staffordshire Railway.

[Local.]

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whereas

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whereas the Object 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 of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

8 & 9 Vict.  
cc. 16. 18.  
& 20.,  
23 & 24 Vict.  
c. 106., and  
26 & 27 Vict.  
cc. 92. & 118.  
incorporated.

1. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," Part I. of "The Railways Clauses Act, 1863," relating to Construction of a Railway, the Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several Matters following, (that is to say,) the Distribution of the Capital of the Company into Shares, the Transfer or Transmission of Shares, the Payment of Subscriptions and the Means of enforcing the Payment of Calls, the Forfeiture of Shares for the Nonpayment of Calls, the Remedies of the Creditors of the Company against the Shareholders, the borrowing of Money by the Company on Mortgage or Bond, the Conversion of the borrowed Money into Capital, the Consolidation of the Shares into Stock, and the Provision for affording Access to the Special Act, and Parts I., II., and III. of "The Companies Clauses Act, 1863," relating respectively to Cancellation and Surrender of Shares, to additional Capital, and to Debenture Stock, are hereby incorporated with this Act.

Interpreta-  
tion of  
Terms.

2. In construing the incorporated Acts for the Purposes of this Act, and in construing this Act, the Words and Expressions herein mentioned or referred to shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Special Act" shall mean this Act:

The Expression "the Company" or "the Promoters of the Undertaking" shall mean the *North Staffordshire Railway Company*:

The Expression "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression, shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute:

Same Mean-  
ings to  
incorporated  
Acts as in  
this Act.

Other Expressions and Words to which in the incorporated Acts Meanings are assigned shall respectively have the same Meanings in this Act.

Power to  
make Rail-  
way.

3. The Company may make and maintain (with all proper Stations, Approaches, Works, and Conveniences connected therewith) a Railway commencing by a Junction with the *Potteries Line* of the *North Staffordshire*

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*Staffordshire* Railway in the Parish of *Wolstanton* in the County of *Stafford*, and terminating in the same Parish at the Turnpike Road from *Newcastle-under-Lyme* to *Lawton*, between *Newfield Hall* and *Newfield Pottery*, and near to the Point where the said Road is crossed by a Tramway constructed by *Henry Clive Esquire*,

4. The Railway and Works by this Act authorized shall form Part of the Undertaking of the Company.

Railway, &c. to form Part of Undertaking.

5. And whereas a Plan and Section of the proposed Railway showing the Line and Levels thereof and the Lands required for the Purposes of the Undertaking, and also a Book of Reference to such Plan, have been deposited with the Clerk of the Peace of the County of *Stafford*: Therefore, subject to the Provisions and Powers of Deviation in this Act and the Acts incorporated herewith contained, the Railway shall be made in the Line and upon the Lands delineated on the said Plan and described in the said Book of Reference, and according to the Levels defined on the said Section, and the Company may enter upon, take, and use all or any of the said Lands which they may require for the Purposes of the Undertaking.

Railway to be made according to deposited Plans.

6. Notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," contained to the contrary, the Company may make the Arch of the Bridge for carrying the Railway over the public Road, numbered as follows on the deposited Plan, of the Dimensions herein-after set forth, but not of less Dimensions; (that is to say,)

Power to make certain Arch of Bridge of specified Dimensions.

Description of Road.	No. on Plan.	Name of Parish.	Span.	Height.
Turnpike - -	47	Wolstanton -	30	—

7. The Company may from Time to Time purchase by Agreement such Lands as they may require for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845," in connexion with the Railway by this Act authorized, not exceeding in the whole One Acre.

Land for extraordinary Purposes.

8. The Railway shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for making the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for Completion of Works.

9. If

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Penalty for not completing Railway within a limited Period.

9. If the Railway by this Act authorized to be constructed shall not be completed and opened for public Traffic within the Period of Four Years from the passing of this Act, then and from thenceforth the Company shall be liable to a Penalty of Fifty Pounds *per Day*, to be recoverable as a Debt due to the Crown for every Day thereafter until the Railway shall be completed and opened for public Traffic, 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 were prevented from completing or opening the Railway by unforeseen Accident or Circumstances beyond their Control, but the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company.

Railway Tolls.

10. The Company may demand and take in respect of the Railway by this Act authorized such Tolls and Charges as they think fit, not exceeding the Rates of Toll and Charge authorized to be taken on the *North Staffordshire Railway*; and in estimating the Amount of Toll or Charge in respect of any Traffic conveyed partly on the Railway by this Act authorized and partly on any other Railway of the Company, the Railway by this Act authorized and such other Railway shall be deemed One Railway as if authorized by "*The North Staffordshire Railway Act, 1847.*"

Power to Company to raise Capital by Shares or Stock.

11. The Company, with the Consent of Three Fifths of the Votes of the Shareholders present, in person or by proxy, at any General Meeting or General Meetings convened with Special Notice of the Purpose, may raise by the Creation of new Ordinary or Preference Shares or Stock in their Undertaking, in addition to any other Sums which they may be authorized to raise by other Acts of Parliament, any further Sums of Money not exceeding in the whole Sixty-six thousand Pounds.

Shares or Stock to form Part of general Capital.

12. All Shares or Stock to be created by the Company under the Authority of this Act shall, subject to the Provisions of this Act, form Part of the general Capital of the Company.

Shares not to issue until One Fifth Part paid up.

13. It shall not be lawful for the Company to issue any Share or Stock to be created under the Powers of this Act, nor shall any such Share or Stock vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share or Stock shall have been paid up in respect thereof.

14. The

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14. The Company, in addition to any Sums which they are authorized to borrow under other Acts of Parliament, may from Time to Time borrow on Mortgage such Sums as they think fit, not exceeding in the whole Twenty-two thousand Pounds, but no Part of that Money shall be borrowed until the whole of the said additional Capital of Sixty-six thousand Pounds shall have been subscribed for *bonâ fide* and issued, and One Half of that Amount shall have been actually paid up, nor until the Company shall have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that all the said additional Capital of Sixty-six thousand Pounds has been subscribed for *bonâ fide* and issued, and that not less than One Fifth of the Amount of each Share or of Stock issued was paid on Issue of the same, and that all such Shares and Stock are held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same (of which Proofs having been given the Certificate of such Justice under that Section shall be sufficient Evidence).

Power to borrow on Mortgage.

15. All Mortgages of the Company granted before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall, as regards the Undertaking comprised in and assigned by such Mortgages, have Priority over all Mortgages granted by virtue of this Act.

Priority of existing Mortgages.

16. The Company may create and issue Debenture Stock.

Debenture Stock.

17. All Money raised under the Powers of this Act by the Creation of new Shares or Stock, or on Mortgage, shall be applied in the first instance to the Purposes by this Act authorized, and subject thereto shall be applicable to the Purposes authorized by the other Acts relating to the Company.

Application of Money raised under Act.

18. It shall not be lawful for the Company, out of any Money by this Act or any other Acts relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay to any Shareholder any Interest or Dividend on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided, that nothing herein contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Interest not to be paid on Calls paid up.

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

**19.** It shall not be lawful for the Company, out of any Money by this Act or any other Acts relating to the 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 in force for the Time being 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 Railway, or execute any other Work or Undertaking.

Railway not  
exempt from  
Provisions  
as to General  
Railway  
Acts.

**20.** This Act or anything therein contained shall not exempt the Railway by this Act authorized from the Provisions of any General Act relating to Railways, or to the better or 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or of the Rates for small Parcels, by this Act authorized.

Expenses  
of Act.

**21.** All the 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.

Short Title.

**22.** This Act may be cited for any Purpose as "*The North Staffordshire Railway, Tunstall Line, Act, 1864.*"

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