

Act was passed in the last Session of Parliament, called "*The Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole Railway Act, 1846*:" And whereas an Act was passed in the Twelfth Year of the Reign of His Majesty King *George* the First, intituled *An Act for making the River Dun in the West Riding of the County of York navigable from Holmstile in Doncaster up to the utmost Extent of Tinsley Westward, a Township within Two Miles of Sheffield*, the Powers whereof have been amended and enlarged by certain Acts of Parliament passed respectively in the Thirteenth Year of the Reign of King *George* the First, in the Sixth and Thirteenth Years of the Reign of His Majesty King *George* the Second, and in the Sessions of Parliament held in the First and Second Years and in the Seventh Year of the Reign of His Majesty King *George* the Fourth: And whereas an Act was passed in the Thirty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act for making and maintaining a navigable Canal from the River Dun Navigation Cut in the Township of Swinton to or near the Town of Barnsley in the Parish of Silkstone in the West Riding of the County of York, and certain collateral Cuts branching out of the said Canal*, the Provisions of which Act were amended by an Act of Parliament passed in the Session of Parliament held in the Thirty-ninth and Fortieth Years of the Reign of His said Majesty King *George* the Third: And whereas it would tend much to the Advantage of the Public, and to the economical and efficient working of the Southern Portion of the said *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway, and of the said *Dun* Navigation and *Dearne and Dove* Canal, if the same were vested in the Company by this Act incorporated: And whereas the *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway Company, with respect to the said Portion of its Undertaking, and the Company of Proprietors of the *River Dun* Navigation and the *Dearne and Dove* Canal Company, are willing that their respective Undertakings should, upon the Conditions and subject to the Restrictions herein contained, be transferred to the Company hereby incorporated, and form Part of the Undertaking by this Act authorized; but the Purposes aforesaid cannot be effected without the Aid and 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 the several Acts of Parliament following, (that is to say,) the Companies Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Act, 1845, and the Railways Clauses Consolidation Act, 1845, shall be incorporated with and form Part of this Act.

8 & 9 Vict.
cc. 16, 18,
& 20. incor-
porated with
this Act.

Short Title. II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal and other Instruments, it shall be sufficient to describe it as "*The South Yorkshire, Doncaster, and Goole Railway Act, 1847.*"

Subscribers incorporated. III. And be it enacted, That *Edmund Denison, Robert Dymond, William Gordon Thompson, William Newman, Samuel Roberts junior*, and all other Persons and Corporations who have already subscribed or shall

shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purposes of the said Undertaking, according to the Provisions of the said recited Acts and of this Act, and for other the Purposes herein and in the said recited Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *South Yorkshire, Doncaster, and Goole* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the said recited Acts contained.

IV. And whereas the estimated Expence of making the Railway is Seven hundred and fifty thousand Pounds; be it enacted, That the Capital of the Company shall be Seven hundred and fifty thousand Pounds. Capital.

V. And be it enacted, That the Number of Shares into which the Capital shall be divided shall be Thirty-seven thousand five hundred, and the Amount of each Share shall be Twenty Pounds. Number and Amount of Shares.

VI. And be it enacted, That Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Two Months at the least shall be the Interval between each Call. Calls.

VII. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Two hundred and fifty thousand Pounds; but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Seven hundred and fifty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up. Power to borrow Money on Mortgage.

VIII. And be it enacted, That it shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages or Bonds by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver in the event of the Principal Monies due on such Mortgages or Bonds not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Ten thousand Pounds in the whole. Arrears may be enforced by Appointment of a Receiver.

IX. 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 by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder 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 always, that nothing herein-before contained shall be deemed to prevent the said 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.

X. And

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

X. 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.

First and other Meetings.

XI. And be it enacted, That the first Ordinary Meeting of the Company shall be held within Nine Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly in the Months of *February* and *August*, and the first of such Ordinary Meetings shall be held in *February*, and all Meetings, whether ordinary or extraordinary, shall be held in *London* or in *Yorkshire*.

Quorum of General Meetings.

XII. And be it enacted, That the Quorum for every General Meeting of the Company shall be Ten Shareholders holding in the aggregate not less than Fifty thousand Pounds in the Capital of the Company.

Number and Qualification of Directors.

XIII. And be it enacted, That the Number of Directors shall be Fourteen, and the Qualification of a Director shall be the Possession in his own Right of Fifty Shares in the Undertaking.

Power to vary the Number of Directors.

XIV. And be it enacted, That it shall be lawful for the Company to increase or reduce the Number of Directors, provided that the increased Number do not exceed Twenty-four, and that the reduced Number be not less than Six.

First Directors.

XV. And be it enacted, That *William Gordon Thompson*, the Honourable *Frederick Henry Fitzhardinge Berkeley*, *Robert Dymond*, *Edmund Denison*, *Frederick William Thomas Vernon^{Wentworth}*, *Samuel Roberts junior*, *William Carr*, *William Newman*, *William Vizard*, *John Mintorn*, *Samuel Bailey*, and *William Morley*, shall be the first Directors of the Company.

Such Directors to continue in Office until first Ordinary Meeting.

XVI. And be it enacted, That the Directors appointed by this Act shall continue in Office until the first Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body; and at the first Ordinary Meeting to be held in every Year thereafter the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office agreeably to the Provisions in the said "Companies Clauses Consolidation Act, 1845," and in this Act contained; and the several Persons elected at such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided

vided by the said "Companies Clauses Consolidation Act, 1845," and in this Act, or either of them.

XVII. And be it enacted, That the Quorum of a Meeting of Quorum. Directors shall be Four.

XVIII. And be it enacted, That the Number of Directors of which Committee of Directors. Committees appointed by the Directors shall consist shall be not less than Three, and the Quorum of such Committees shall be such as the Directors shall at the Time of appointing the said Committee prescribe.

XIX. And be it enacted, That all Advertisements relating to the Affairs of the Company shall be inserted in at least One Newspaper published in the West Riding of the County of York. Newspapers for Insertion of Advertisements.

XX. And whereas Plans and Sections of the Railways, showing the Line and Levels thereof, and also Books of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands through which the same are intended to pass, have been deposited with the Clerk of the Peace for the West Riding of the County of York; be it enacted, That, subject to the Provisions in this and the said recited Acts contained, it shall be lawful for the Company to make and maintain the Railways and Works hereby authorized in the Line 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 to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose. Railways to be made according to deposited Plans.

XXI. And be it enacted, That the said Main Line of Railway shall commence by a Junction with the *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway in the Township of *Barnsley* in the Parish of *Silkstone*, and shall pass thence in or through the several Places of *Barnsley, Silkstone, Darfield, Wombwell, Wath-upon-Dearne, Adwick-upon-Dearne, Mexburgh, Conisburgh, Sprotsburgh, Warmsworth, Balby-with-Hexthorpe, Doncaster, Arksey, and Bentley-with-Arksey*, and shall terminate by a Junction or Junctions with the *Great Northern* Railway at or near a Field numbered 35 adjoining on a certain Road on the Plans of the said last-mentioned Railway referred to in the "*Great Northern* Railway Act, 1846," in the Township of *Bentley-with-Arksey* in the Parish of *Arksey*: Line of Railway.

A Branch of such Railway shall diverge therefrom in the Township of *Balby-with-Hexthorpe* in the Parish of *Doncaster*, pass thence in or through the several Places of *Balby-with-Hexthorpe, Doncaster, and Warmsworth*, and terminate by a Junction or Junctions with the said *Great Northern* Railway in the said Township and Parish of *Doncaster*:

An Extension of the Main Line of Railway shall commence in the Township of *Wombwell* and Parish of *Darfield*, and shall pass thence in or through the several Parishes of *Wombwell, Darfield, Worsburgh, and Silkstone*, and terminate by a Junction

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with the *Dodworth* Branch of the *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway in the Parish of *Silkstone* :

A Branch Railway shall diverge from the said last-mentioned Extension Railway, and shall be situate wholly in the Township of *Worsburgh* in the Parish of *Darfield*, and unite the said Extension Railway with the *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway :

Line of
Branch
Railway.

And the following Branch Railways shall diverge from the said Main Line of Railway ; (that is to say,)

A Branch Railway commencing in the Township and Parish of *Adwick-upon-Deerne*, passing thence in or through the several Places of *Adwick-upon-Deerne, Swinton, and Wath-upon-Deerne*, and terminating by a Junction with the *Midland* Railway in the said Township of *Swinton* in the said Parish of *Wath-upon-Deerne* :

Another Branch Railway commencing in the last-mentioned Township and Parish of *Wath-upon-Deerne*, and terminating by a Junction with the said *Midland* Railway in the Parish of *Adwick-upon-Deerne* :

Another Branch Railway commencing in the said Township of *Swinton*, passing thence through the several Places of *Swinton, Wath-upon-Deerne, and Mexbrough*, and terminating by a Junction with the said *Midland* Railway in the said Township of *Swinton* :

Another Branch Railway commencing in the Township of *Wombwell* in the Parish of *Darfield*, passing thence in or through the several Places of *Wombwell, Darfield, Wath-upon-Deerne, Nether Hoyland, and Brampton Bierlow*, and terminating at the *Elsecar* Branch of the *Deerne and Dove* Canal in the Townships of *Nether Hoyland* and *Brampton Bierlow*, or one of them, in the said Parish of *Wath-upon-Deerne* :

All which said intended Railways will be situate in the West Riding of the County of *York*.

Lands for ex-
traordinary
Purposes.

XXII. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Fifty Acres.

Power to
cross certain
Roads on
the Level.

XXIII. And be it enacted, That it may be lawful for the Company to construct the said Railways across and upon the Level of the Turnpike Roads and public Roads numbered on the deposited Plans as follows ; (that is to say,) Numbers 1, 56 *a*, 103 *a*, 137, and 45 in the Parish of *Silkstone* ; Numbers 120, 185, 48 *c*, 238, 53 *d*, and 71 *d* in the Parish of *Darfield* ; Numbers 44, 51, 88, 104, 105 *e*, 120 *e*, 159, and 111 in the Parish of *Wath-upon-Deerne* ; Number 2 in the Parish of *Adwick-upon-Deerne* ; Numbers 2 and 142 in the Parish of *Balby-with-Hexthorpe* and *Doncaster*, or One of them ; Numbers 74 *y*, 197 *y*, and 143 in the Parish of *Doncaster* ; Numbers 9, 16, and 22 in the Parish of *Arksey* ; and Number 73 in the Parish of *Mexbrough* : Provided that for the greater Convenience and Security of the Public the Company shall erect and permanently maintain

Company to
erect Sta-

maintain either a Station or Lodge at the Points where the said Railways shall cross on the Level the before-mentioned Roads; and the Company shall be subject to and 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 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.

tions or Lodges where Roads cross on the Level, and abide by Rules, &c. of Commissioners of Railways.

XXIV. 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, or after the Completion and opening of the said Railways, which shall first happen.

Period within which Lands are to be purchased.

XXV. And be it enacted, That the Railways shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the recited Acts granted to the Company for executing the Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railways as shall then be completed.

Period for Completion of Works.

XXVI. And be it enacted, That the Junctions with the *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway, the *Great Northern* Railway, and the *Midland* Railways, hereby authorized to be made, and all such Openings in the Ledges or Flanches of the said Railways as may be necessary or convenient for effecting such Communications, shall be made under the Direction and Superintendence of the respective Engineers for the Time being of such Railways respectively.

As to Communication with other Railways.

XXVII. And be it enacted, That nothing in this Act contained shall extend to authorize or enable the Company hereby incorporated to take or enter upon any of the Lands or Grounds now belonging to the *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway Company, the *Great Northern* Railway Company, or the *Midland* Railway Company, or to alter, vary, or interfere with their said Railways or any of the Works thereof respectively, further or otherwise than is hereby expressly authorized, without the Consent in Writing of the said respective Companies in every Instance for that Purpose first had and obtained.

Not to take Lands of certain Railway Companies without Consent.

XXVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away, further or otherwise than is herein expressly authorized, any of the Rights, Privileges, Powers, or Authorities vested in the said *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole, the Great Northern,*

Saving Rights of such Railway Companies.

Northern, and the *Midland* Railway Companies, or any or either of them.

Bridges over River *Dun* to be constructed as approved by Admiralty.

XXIX. And be it enacted, That the said Railway shall be carried across the River *Dun* by Bridges, to be built in such Manner and according to such Plans as shall be approved of by the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and if by any other Bridge or Bridges, it shall be lawful for the Lord High Admiral or the said Commissioners to remove and abate the same, and to restore the Site or Sites thereof to its or their former Condition; and the Costs of such Removal and Restoration or Removals and Restorations shall be a Debt due by the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

During Construction of Bridges, Lights to be kept burning, at Expende of Company.

XXX. And be it enacted, That during the Construction of the said Bridges and Works connected therewith the said Company shall cause to be hung out or exhibited, every Night from Sunset to Sunrise, a Light, to be kept burning by and at the Expende of the Company, for the Navigation and safe Guidance of Vessels, and for ever after the Completion of the said Bridges the said Company shall cause to be hung out or exhibited upon or near to the Centre of each of the said Bridges, every Night from Sunset to Sunrise, a good and sufficient Light, to be kept burning by and at the Expende of the Company, for the Navigation and safe Guidance of Vessels, and which Light shall be from Time to Time altered by the said Company in such Manner and be of such Description and be so used as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall, by Writing under the Hand of the Secretary of the Admiralty, approve of; and in case the said Company shall neglect to exhibit and keep either of such Lights burning as aforesaid they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

If Bridges over tidal Waters are abandoned, Admiralty may remove them.

XXXI. And be it enacted, That if any Bridge to be constructed by the Company across any tidal Water or navigable River, or if any Portion of the Railway which affects any such Water or River or Access thereto, shall be abandoned by the Company, it shall be lawful for the Lord Admiral or the Commissioners for executing the Office of Lord High Admiral to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly.

Saving the Rights of the Commissioners of Hatfield Chase.

XXXII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to lessen, defeat, prejudice, alter, or affect the Jurisdiction, or any of the Rights, Privileges, Powers, or Authorities of or in anywise belonging to the Commissioners of Sewers for the Time being of and for the Level of *Hatfield Chase* and Parts adjacent in the Counties of *York*, *Lincoln*,
and

and *Nottingham*, with respect to the Walls, Banks, Culverts, Rivers, Streams, Sewers, Drains, Ditches, Watercourses, Hedges, Dams, Floodgates, Cut, Calcies, Sluices, Cloughs, or other Works, Aids, and Defences whatsoever which now are or at any Time or Times and from Time to Time for ever hereafter shall or may be within, under, and subject to the Control, Survey, Order, Direction, or Management of the said Commissioners of Sewers, but that the same, and all Estate, Right, Title, or Interest which the said Commissioners of Sewers now have, or shall, can, or may have therein respectively, shall remain, continue, and be in the Commissioners of Sewers, as fully, beneficially, and effectually, to all Intents and Purposes, as if this Act had not been passed, and also that all and singular the new Walls, Banks, Culverts, Sewers, Drains, Watercourses, Floodgates, Sluices, Cloughs, and other Works, Aids, and Defences as aforesaid, hereafter to be made by virtue of the Powers given by this Act, shall when made (so far as relates to or concerns the Drainage and Preservation of the Level and Parts aforesaid, or any Part or Portion thereof,) be under and subject to the like Control, Survey, Order, Direction, or Management of the said Commissioners of Sewers, and all Lands now liable to any Drainage Rates imposed by the said Commissioners shall continue subject and liable to the same respectively, any thing in this Act contained to the contrary thereof in anywise notwithstanding.

XXXIII. And be it enacted, That the said Company shall at all Times when the Occasion may arise take all necessary Measures for removing, and shall remove and cause to pass down with the Stream, so as not to obstruct the Flow of Water, any Ice that may be found at or against any of the Works of the said Company in any of the Rivers, Sewers, Drains, or Watercouses within the Limits last aforesaid; and if the said Company shall not so effectually remove the Ice, or if from any Cause whatever any Ice shall so accumulate against any of the said Works of the said Company, the Surveyor or any of the Agents or Workmen of the said Commissioners may proceed to remove such Ice, and may recover against the said Company the Amount of any Charges incurred in so doing by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*.

As, to removing Obstructions in Drains of Hatfield Chase.

XXXIV. And be it enacted, That the said Company shall from Time to Time and at all Times hereafter well and sufficiently repair and maintain all Works constructed by them within or without the Limits of the said Level of *Hatfield Chase* and Parts adjacent in any way affecting the Drainage or the Efficiency of the Drainage Works of the said Level and Parts; and that if at any Time after the said Railway shall have been completed any Obstruction or Injury shall be occasioned to the Drainage, or to any of the Works, Aids, and Defences of the said Level and Parts, from the Formation of any Works of the said Railway, or from the working of the said Railway, or from the State in which any Part of the Works of the said Railway shall then be, the said Company shall make good such Injury immediately after the Discovery thereof, and shall also make full Compensation to any public Body or Party aggrieved for such Injury.

Company to keep Works of Drainage in repair.

[*Local.*]

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XXXV. Pro-

If Differences
arise, the
same to be
settled by
Arbitration.

XXXV. Provided always, and be it enacted, That if any Dispute or Difference of Opinion shall arise between the said Company on the one hand and the said Commissioners of Sewers for the Level of *Hatfield Chase* and Parts adjacent on the other hand, touching the Mode proposed by the said Company of carrying the said Railway across the said Level and Parts or any Portion thereof, or touching any of the Works which shall be proposed to be executed or shall be in a Course of Execution or shall have been executed by the said Company, or touching any further Works which in the Opinion of the said Commissioners or their Engineer or Surveyor shall be necessary as aforesaid, for preventing Injury to the Drainage, or touching any other of the Matters provided for by this Act, the Matter in dispute shall be referred to Two Persons, one to be appointed by the said Company, and the other by the said Commissioners, and to an Umpire to be chosen by the Referees in case of their Disagreement, and the Award of the said Referees or of such Umpire shall be final; and all the Expences incurred in and incident to such Reference, and to the making and carrying into effect of any Award made in pursuance of it, excepting only the Expences on behalf of the said Commissioners in case the Award shall be against them, and in case the Referees or Umpire shall direct them to pay such last-mentioned Expences, shall be borne and paid by the said Company, and if not paid within Fourteen Days from the Time of making the said Award may be recovered against the said Company in an Action of Debt in any of Her Majesty's Courts of Record at *Westminster*, and such Reference shall be proceeded with with as little Delay as possible; and if for Twenty Days next after the Time appointed by such Referees or Umpire for performing of any Act or completing of any Work by the said Company such Act shall not be performed or Work completed, then the said Company shall forfeit and pay for every Day beyond the prescribed Period the Sum of Twenty Pounds to the said Commissioners, to be recovered by them, in the Name of their Clerk, in an Action of Debt in any of Her Majesty's Courts of Record at *Westminster*.

Power of
Drainage
preserved.

XXXVI. And whereas the Lands within the Limits of the said Level of *Hatfield Chase* and Parts adjacent, or some Portions thereof, are at present insufficiently drained, and Apprehensions are entertained that future Improvements in the Drainage and also in the Irrigation and warping thereof may be impeded by the Works of the said Railway; for Prevention thereof be it enacted, That it shall be lawful for the said Commissioners from Time to Time and at all Times hereafter to carry any of the Rivers, Sewers, Drains, Streams, Ditches, or Watercourses within the said Limits of *Hatfield Chase* and Parts adjacent which they may order to be diverted, and to carry any new Watercourses, Dykes, Bridges, Culverts, Openings, and other Works which they may construct through, across, or under the said Railway, and enlarge or otherwise alter any that may be then existing, as they may think proper, first giving to the said Company Twenty-one Days Notice thereof, subject nevertheless to such Power of Reference as is herein-before provided for between the said Company and the said Commissioners, which Reference if resorted to shall be at the Expence of such of the said Parties as the Referees or Umpire shall determine; and

and any increased Expence which may be caused by the Existence of the said Railway shall be defrayed by the said Company: Provided always, that in the Execution of such Works nothing shall be done to stop the Use of the said Railway or the Passage of the Traffic thereon.

XXXVII. And be it enacted, That in case the Company hereby incorporated shall at any Time within Three Years next after the passing of this Act be thereto required by Notice under the Hand of *William Elmhirst* Esquire, his Heirs or Assigns, then and in such Case the said Company shall thereupon, and at the Expence of the said *William Elmhirst*, his Heirs or Assigns, make and complete, and for so long thereafter as he shall require the same maintain and keep in repair (subject to such Alterations as may from Time to Time become necessary to avoid Inconvenience to the said Railway or the Traffic thereupon), in and upon the Lands lying between the Railway and the Coal Fields of the said *William Elmhirst* now or hereafter to be opened at *Ouslethwaite* and at *Genhouse* in the Parish of *Darfield*, all such Tramways, Communications, Sidings, Lye-bys, Staiths, Erections, and other Works as shall be necessary and practicable, and as the said Company shall be enabled to make under the Powers by this Act conferred on them, without Inconvenience to the said Railway or the Traffic thereon, for the safe and convenient Conveyance and Transfer of Coals, Minerals, and other Articles from or to the said Railway to or from the said Coal Fields, and also for the convenient loading and unloading and temporary Deposit and Security of such Coals, Goods, Minerals, and Articles, for the Purpose of or in order to such Conveyance or Transfer thereof as aforesaid.

Sidings, &c.
to be made
from the
Railway to
the Coal and
Iron Fields
of W. Elm-
hirst, Esq.

XXXVIII. And be it enacted, That in case the Company hereby incorporated shall at any Time within Three Years next after the passing of this Act be thereto required by Notice under the Hand of the Heirs or Devisees of *William Bennett Martin*, and under the Hand of *George Jarratt Jarratt* or of *John Jeffcock*, his Heirs or Assigns respectively, then and in such Case the said Company shall thereupon, at their own Expence, as to One single Line of Rails within the Limits of Deviation, and at the Expence of the Heirs and Devisees of the said *William Bennett Martin*, or of the said *George Jarratt Jarratt* and *John Jeffcock*, his Heirs or Assigns, as the Case may be, as to any further Works, make and complete and for ever thereafter maintain and keep in repair, in and upon the Lands lying between the Railway and the Collieries of the said Heirs or Devisees of *William Bennett Martin* and *George Jarratt Jarratt* and *John Jeffcock* respectively, adjoining or near to the said Railway, all such Rails, Tramways, Communications, Sidings, Lye-bys, Staiths, Erections, and other Works as shall be necessary and practicable for the safe and convenient Conveyance and Transfer of Coals, Minerals, and other Articles from or to the said Railway to or from the said Collieries, and also for the convenient loading and unloading and temporary Deposit and Security of such Coals, Goods, Minerals, and Articles, for the Purpose of or in order to such Conveyance or Transfer thereof as aforesaid.

Sidings, &c.
to be made
from the
Railway to
the Collieries
of W. B.
Martin's
Heirs, G. J.
Jarratt, and
J. Jeffcock.

XXXIX. And

As to Construction of Tramways from Lime Works at Warmsworth.

XXXIX. And whereas the said Line of Railway will pass through or near to Quarries of Limestone and other Stone and Minerals of which *Sackville Walter Lane Fox* Esquire is or claims to be Tenant for Life under the Will of the Most Noble *George William Frederick* Duke of *Leeds* deceased, and others of which *William Battie Wrightson* Esquire is or claims to be seised in Fee Simple, and others of which *William Aldam* the elder Esquire is or claims to be Tenant for Life, with Remainder to his Son *William Aldam* the younger Esquire in Fee Simple, and the Tramroads connected with such Quarries; be it enacted, That the said Company shall at their own Expence, in case the said several Persons herein-before named or referred to, or any of them, or other the Person or Persons for the Time being entitled to the said Mines or Quarries, or any of them, shall hereafter construct any Tramroad up to the Boundary of the said Railway, which shall for the effectually working of the said Quarries, and the Carriage of the said Limestone and other Stone and Minerals, require a Communication across the said Railway, carry and maintain such Tramway across the said Railway, provided such Tramway shall approach the said Railway on such a Level that the same may be carried either under or over the said Railway, and that no such Tramway shall be made to cross the said Railway on the Level thereof; and in case the said several Persons or any of them shall hereafter construct any Tramroad which shall require to join the said Railway, the said Company shall, at such Expence as aforesaid, make Openings in the Rails or Flanches of the said Railway as may be necessary for effecting such Junction; and the said Company shall not take any Rate, Toll, or other Money for the passing of any Passengers, Goods, or Things across the said Railway by any such Tramroad so made or constructed as aforesaid: Provided always, that all such Tramroads shall be so constructed, and shall pass to, from, over, or under the said Line of Railway in such Places, so that no Injury or Obstruction be thereby occasioned on the said Line of Railway or the Works connected therewith, or to the Passage of Passengers, Goods, Minerals, and other Traffic along the same, and that the Place and Manner of passing over or under the said Railway or joining the said Railway hereby authorized to be made shall, if the Person or Persons constructing such Tramroad and the said Company shall not agree, be referred to Arbitration in the Manner prescribed by the "Railways Clauses Consolidation Act, 1845."

Company not to interfere with the Water of the Barnsley Canal.

XL. And whereas the Company of Proprietors of the *Barnsley* Canal Navigation have, with the Permission of the said River *Dun* Navigation Company, for some Time past enjoyed the Use of Water from the said River *Dearne*, and from certain Rivers, Streams, and Waters which flow into the said River *Dearne*, and by means of that River into the said River *Dun*, for the Supply of the *Barnsley* Canal; be it enacted, That it shall not be lawful for the Company hereby incorporated in any Manner to interfere with, diminish, or prejudice such Use and Enjoyment by the said Company of Proprietors of the *Barnsley* Canal Navigation of the Water from the aforesaid Rivers, Streams, or Waters, or from any of them, so long as the said *Barnsley* Canal Company shall demand and take, for and in respect of Vessels and Traffic passing over the said *Barnsley* Canal to and from the Canal

above *Barugh* Locks into the *Dearne and Dove* Canal, no higher or greater Tolls or Charges than shall for the Time being be demanded for and in respect of Vessels and Traffic passing over the *Barnsley* Canal to and from the Canal above *Barugh* Locks into and from the *Aire and Calder* Navigation, and shall not take any greater Tolls or Charges than are at present taken below *Barugh* Locks.

XLI. And whereas it is intended that the Railway hereby authorized to be made shall unite with the Main Line of the *Midland* Railway at several Points near *Swinton*, and it may be for the Convenience of the Public, in order to avoid Detention and Change of Carriages at the Junctions of the said Two Railways, that the Engines and Trains of the *Midland* Railway Company should pass along such Portion of the Railway hereby authorized as lies between *Swinton* and *Doncaster*, under proper Regulations; be it enacted, That it shall be lawful for the Commissioners of Railways (if they shall consider it to be for the Convenience of the Public, and shall so certify it,) to authorize the *Midland* Railway Company to use, with their Engines and Carriages, the same being properly constructed, such Portion of the Railway hereby authorized to be made as lies or may lie between any of the said intended Junctions thereof with the *Midland* Railway near *Swinton* and the Town of *Doncaster*, and all Stations upon or in connexion with the said Portion of the said Railway between *Swinton* and *Doncaster*, and all Watering Places, Water Approaches, Sidings, Works, and Conveniences at and appertaining to such Stations which may be necessary or useful for the working of the Traffic to and fro between *Sheffield* and *Doncaster* and *Rotherham* and *Doncaster*, and all intermediate Places over the said Portion of Railway between the *Midland* Railway and *Doncaster*, upon such Terms and Conditions, and under such Regulations, and on Payment only of such reasonable Tolls, Charges, Rent, or other Consideration as may be agreed upon between the said Companies, or, failing such Agreement, as shall be settled by the Commissioners of Railways, or in case they shall decline to accept such Reference, then as shall be settled by Arbitration in the Manner prescribed by the "Companies Clauses Consolidation Act, 1845," with respect to Disputes to be settled by Arbitration, and all Clauses and Provisions in the said Act contained in relation to Disputes to be settled by Arbitration shall apply to the Arbitration herein-before authorized and directed.

Power to the *Midland* Railway Company to run over Part of the Railway between *Swinton* and *Doncaster*, if Railway Commissioners approve.

XLII. And be it enacted, That (if the Commissioners of Railways shall certify the Use by the *Midland* Railway Company of the said Portion of Railway between *Swinton* and *Doncaster* to be for the Convenience of the Public as aforesaid) all reasonable Accommodation and Facility shall be afforded by the Company hereby incorporated for the booking and Departure and Arrival of Passengers who may be desirous of being conveyed, and for the Receipt and Transmission of all Goods conveyed or directed to be conveyed to and fro between *Sheffield* and *Doncaster* and *Rotherham* and *Doncaster*, and all intermediate Places, over the said Portion of Railway between the *Midland* Railway and *Doncaster*, by any of the *Midland* Company's Trains; and if any Difference shall arise between the said Companies as to the Sufficiency of the Station Accommodation so to be afforded

Accommodation to be provided for booking Passengers and Goods.

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by the Company hereby incorporated for the Purposes aforesaid, the Question, as often as it may arise, shall be referred to and determined by the Commissioners of Railways, who shall determine what further Station Accommodation, if any, shall be provided by the *South Yorkshire, Doncaster, and Goole* Railway Company, and on what Terms.

As to Junction with the Midland Railway at Swinton.

XLIII. Provided always, and be it enacted, That the said Company hereby incorporated shall, simultaneously with the Construction of that Portion of their Railway between *Swinton* and *Doncaster*, execute and effect a good and practicable Junction or Junctions at or near *Swinton* between their Railway and the *Midland* Railway, and shall execute such Junction or Junctions to the reasonable Satisfaction of the Engineer for the Time being of the *Midland* Railway Company, and shall not be entitled to take any Toll upon or in respect of the said Portion of Railway between *Swinton* and *Doncaster* until the said Junction or Junctions with the *Midland* Railway shall have been completed and opened for public Traffic.

Navigations to be measured, and Milestones set up.

XLIV. And be it enacted, That the Company hereby incorporated shall cause the Length of the said River *Dun* Navigation and the said *Dearne and Dove* Canal to be measured, and Mile Stones, Posts, or other conspicuous Objects to be set up and maintained along the whole Line thereof respectively at the Distance of a Mile from each other, with Numbers or Marks inscribed thereon denoting such Distances.

Tolls.

XLV. And be it enacted, That it shall be lawful for the Company to demand any Tolls for the Use of the Railways not exceeding the following ; (that is to say,)

Tonnage on Articles of Merchandize.

1.—In respect of the Tonnage of all Articles conveyed upon the Railways or any Part thereof, as follows :

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and Salt, and all undressed Materials for the Repair of public Roads or Highways, or Stones for building, pitching, or paving, and for all Coal, Coke, Culm, Charcoal, and Cinders, Clay, Sand, Ironstone and Iron Ore, *per Ton per Mile* One Halfpenny ; and if conveyed by Carriages belonging to the Company, an additional Sum *per Ton per Mile* of One Farthing :

For all Bricks, Tiles, Slates, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, Sheet Iron, and other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandize, *per Ton per Mile* One Penny ; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* of One Farthing :

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandize, Articles, Matters, or Things, *per Ton per Mile* Two-pence ; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* of One Penny :

For every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing

more than One Ton, carried or conveyed on a Truck or Platform, *per Mile* Five-pence :

And a Sum of One Penny *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh ; and if any such Carriage shall be conveyed on a Truck or Platform belonging to the Company, an additional Sum *per Mile* of Two-pence ; and if the foregoing Matters are propelled by Engines belonging to the Company, an additional Sum *per Ton per Mile* of One Farthing :

2.—In respect of Passengers and Animals conveyed in Carriages upon the Railways, as follows : Tolls for Passengers and Animals.

For every Person conveyed in or upon any such Carriage, *per Mile* Two-pence ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* of One Penny :

For every Horse, *per Mile* Three-pence :

For every Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per Mile* One Penny ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* of One Halfpenny :

For every Calf, Pig, Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, *per Mile* One Farthing ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum of One Farthing.

XLVI. Provided always, and be it enacted, That the maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the Railways, including the Tolls for the Use of the Railways, and of Carriages and locomotive Power, and every other Expence incidental to such Conveyance, shall not exceed the following Sums : Maximum Charges for Passengers.

For every Passenger conveyed in a First-class Carriage, the Sum of Two-pence *per Mile* :

For every Passenger conveyed in a Second-class Carriage, the Sum of Three Halfpence *per Mile* :

For every Passenger conveyed in a Third-class Carriage, the Sum of One Penny *per Mile*.

XLVII. And be it enacted, That the maximum Rates of Charge to be made by the Company, including the Tolls for the Use of the Railways, and Waggon or Trucks and locomotive Power, and every Expence incidental to such Conveyance (except the loading and unloading of Goods, where such Service is performed by the Company), shall not exceed the following Sums : Charge for Horses, Cattle, Goods, &c.

For every Horse, the Sum of Four-pence *per Mile* :

For Cattle, and Animals before classed therewith, the Sum of One Penny *per Head per Mile* :

For every Calf or Pig, the Sum of One Farthing *per Mile* :

For Sheep and small Animals, One Farthing each *per Mile* :

For Manure and Coals, and other Articles herein-before classed therewith, the Sum of One Penny *per Ton per Mile* :

For Pig Iron, and other Articles herein-before classed therewith, the Sum of One Penny Halfpenny *per Ton per Mile* :

For

For Sugar, and other Articles herein-before classed therewith, the Sum of Three-pence *per Ton per Mile* :

For Cotton, and other Goods and Articles herein-before classed herewith, the Sum of Three-pence *per Ton per Mile* :

For every Carriage, the Sum of Seven-pence *per Mile* :

For Fish and Poultry, the Sum of Sixpence *per Ton per Mile*.

Regulations
as to the
Tolls.

XLVIII. And be it enacted, That the following Provisions and Regulations shall be applicable to the fixing of the several Tolls by this Act authorized ; (that is to say,)

For Articles or Persons conveyed on the Railways for a less Distance than Six Miles the Company may demand Tolls and Charges as for Six Miles :

For a Fraction of a Mile the Company may demand Tolls in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile :

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton :

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight :

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton in Weight, and so in proportion for any smaller Quantity.

Tolls for
small Parcels
and Articles
of great
Weight.

XLIX. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following ; (that is to say,)

For the Carriage of small Parcels (that is to say, Parcels not exceeding Five hundred Pounds Weight each,) the Company may demand any Sum which they think fit: Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages :

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Six Tons, the Company may demand such Sum as they from Time to Time may think fit, not exceeding Sixpence *per Ton per Mile* :

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Passengers
Luggage.

L. And be it enacted, That every Passenger travelling upon the Railways may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers, Sixty Pounds

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.

LI. Provided always, and be it enacted, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special Train which may be required to run upon the Railways, but shall apply only to the ordinary Trains for the Conveyance of Passengers and Goods upon the Railways.

Restriction as to Charges not to apply to Special Trains.

LII. Provided always, and be it enacted, That nothing herein contained shall be held to prevent the Company from taking any increased Charges, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto.

Company may take increased Charges by Agreement.

LIII. And be it enacted, That from and after the passing of this Act, and after Proof of the Matters herein-after provided for, so much of the said *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway as is authorized to be made between the Centre of the intended Station thereof at *Barnsley* and the Southern Terminus of the said Railway at or near the *Sheffield and Rotherham* Railway, together with the *Dodworth* Branch thereof, and all Works belonging thereto, and the Ground and Soil thereof, and all and every other the Lands, Tenements, and Hereditaments, Rights, Easements, and Appurtenances whatsoever belonging to such Portion of the said Railway, and all Books, Maps, Plans, and other Documents relating thereto, shall vest absolutely in the Company hereby incorporated, and shall thenceforth become and form Part of the Undertaking of the Company hereby incorporated.

Part of *Sheffield, Rotherham, &c.* Railway vested in Company hereby incorporated.

LIV. And be it enacted, That on the passing of this Act, and Proof of the said Matters, the Powers of the *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway Company with respect to the said Portion of their Railway shall cease and determine; and all the Rights, Privileges, Powers, and Authorities by the herein-before first-recited Act conferred on or given to such Company with respect to the said Portion shall apply to and be vested in the Company hereby incorporated, and may lawfully be used, exercised, and enjoyed by the last-mentioned Company or the Directors thereof, or their Officers, Agents, or Servants, under the same Penalties, Provisions, and Restrictions as are applicable to or imposed upon the said *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway Company, and the Corporate Seal of the Company hereby incorporated shall be used when necessary in reference thereto, in like Manner as though the said Portion of the Railway formed Part of the Undertaking by this Act authorized to be constructed, and the Company hereby incorporated had been originally authorized to construct and maintain the same, instead of the said respective Companies.

Powers of *Sheffield, &c.* Company to cease as to that Part.

Powers of Sale, &c. not to be exercised without Certificate of Commissioners of Railways.

LV. Provided always, and be it enacted, That it shall not be lawful for the said *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway Company, by virtue of the Power hereinbefore contained, to sell, nor for the Company hereby incorporated to purchase, the said Portion of Railway, unless it shall have been proved to the Satisfaction of the Commissioners of Railways, and certified by them under their Seal previously to the Completion of such Sale, that One Half of the Capital which the first-named Company are authorized to raise, exclusive of Loans, by any Act or Acts relating to the same Company, has been actually paid up, and expended for the Purposes authorized by the said Act or Acts, and also that One Half of the whole Amount of the Capital of Seven hundred and fifty thousand Pounds, exclusive of Loans, by this Act authorized to be raised, has been actually paid up, and expended for the Purposes authorized by this Act.

Certain Shares of Sheffield, Rotherham, &c. Company to be converted into Shares of Company hereby incorporated.

LVI. And whereas, in contemplation of the Sale and Transfer hereby authorized, a Portion of the Capital of the *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway Company, amounting to Four hundred and fifty thousand Pounds, was subscribed, and has been appropriated especially to the Construction of the Portion of the said Undertaking by this Act transferred as aforesaid; be it enacted, That every Share in the last-named Company created with respect to the said Sum of Four hundred and fifty thousand Pounds shall, after such Proof as aforesaid, be exchanged for Shares in the Company hereby incorporated at the Rate of One of such last-mentioned Shares for every Twenty Pounds so subscribed.

Sheffield, Rotherham, &c. Company to deliver Accounts, and pay Balance of Deposit.

LVII. And be it enacted, That within Three Months after such Proof as aforesaid the *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway Company shall deliver to the Company hereby incorporated a full and true Account, signed by the Chairman of the first-named Company, of the Application of the Sums received by them as Deposits and Instalments on the said Sum of Four hundred and fifty thousand Pounds, and shall take credit for a due Proportion of the Expences attending the obtaining of the Act, and attending the Management of the general Affairs of the Company, and also for any Sums expended upon and relating to the said Portion of the Undertaking, and shall within One Month after the Delivery of the said Account pay to the Company hereby incorporated the Balance appearing due thereon.

Contracts not to be affected.

LVIII. And be it enacted, That all Contracts, Agreements, Conveyances, and Securities consistent with the Provisions of this Act, which may have been made or entered into with respect to the said Portion of the said *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway, with, to, or in favour of or by or for the last-named Railway Company, previously to the vesting of the said Portion in the Company hereby incorporated, shall from and after the vesting thereof be and remain as good, valid, and effectual in favour of, against, and in reference to the Company by this Act incorporated, and may be proceeded on and enforced in the same Manner, by or against the Company hereby incorporated, to all Intents and Purposes

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as if such Company had been a Party to and had executed the same, or had been named or referred to therein.

LIX. And be it enacted, That no Action, Suit, Prosecution, or other Proceedings whatsoever commenced either by or against the said *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway Company, touching the said Portion of their Undertaking, previously to the vesting thereof in the Company hereby incorporated, shall abate or be discontinued or prejudicially affected by reason of the vesting thereof in the Company hereby incorporated, but, on the contrary, the same shall continue and take effect in favour of and against the last-mentioned Company in the same Manner in all respects as the same would or might have continued and taken effect in favour of or against the first-named Company if this Act had not been passed.

Actions, &c.
not to abate.

LX. And be it enacted, That from and after the passing of this Act, and after Proof as aforesaid to the Commissioners of Railways that One Half of the said Capital of Seven hundred and fifty thousand Pounds has been actually paid up, and expended for the Purposes of this Act, the River *Dun* Navigation, and all Cuts, Reservoirs, Aqueducts, Feeders, Water Tanks, Basins, Pens, Dams, Embankments, Weirs, Locks, Sluices, Culverts, Drains, Soughs, Tunnels, Arches, Sewers, Bridges, Fences, Gates, Ways, Roads, Railroads, Towing Paths, Landing Places, Docks, Quays, Wharfs, Houses, Warehouses, Toll Houses, and other Buildings, Cranes, Weighing Machines, Engines, and other Works, to the same Navigation, Cuts, Branches, and Communications respectively belonging, and the Ground and Soil thereof respectively, and all and every other the Lands, Rents, and Hereditaments, Easements and Appurtenances whatsoever, of or to which the said Navigation Company by virtue of their said recited Acts or by any other Means whatsoever was seised possessed, or entitled, at Law or in Equity, immediately before such Proof as aforesaid, shall belong to and the same are hereby vested in the Company hereby incorporated, subject nevertheless to the existing Debts, Rents, Annuities, Covenants, Liabilities, Engagements, Contracts, Obligations, and Incumbrances respectively affecting the same or to which the said Navigation Company was subject or liable immediately before the passing of this Act and such Proof as aforesaid, and the same shall have Priority over all Mortgages or Bonds by this Act authorized to be granted.

Dun Navigation vested in Railway Company.

LXI. And be it enacted, That from and after the passing of this Act and such Proof as aforesaid the *Dearne and Dove* Navigation, and all Cuts, Reservoirs, Aqueducts, Feeders, Water Tanks, Basins, Pens, Dams, Embankments, Weirs, Locks, Sluices, Culverts, Drains, Soughs, Tunnels, Arches, Sewers, Bridges, Fences, Gates, Ways, Roads, Railroads, Towing Paths, Landing Places, Docks, Quays, Wharfs, Mills, Steam Engines, Houses, Warehouses, Toll Houses, and other Buildings, Cranes, Weighing Machines, Engines, and other Works, to the same Canal Navigation, Cuts, Branches, and Communications respectively belonging, and the Ground and Soil thereof respectively,

The Dearne and Dove Canal and Works vested in the Railway Company.

respectively, and all and every other the Lands, Rents, and Hereditaments, Easements and Appurtenances whatsoever, of or to which the *Dearne and Dove* Canal Company by virtue of their said recited Acts or by any other Means whatsoever were seised, possessed, or entitled, at Law or in Equity, before the passing of this Act and such Proof as aforesaid, shall belong to and the same are hereby vested in the Company hereby incorporated, subject nevertheless to the existing Debts, Rents, Annuities, Liabilities, Engagements, Contracts, Obligations, and Incumbrances respectively affecting the same or to which the said Canal Company was subject or liable before the passing of this Act and such Proof as aforesaid, and the same shall have Priority over all Mortgages or Bonds by this Act authorized to be granted.

Personal Estate, &c. of Navigation and Canal Companies vested in Railway Company.

LXII. And be it enacted, That all the Monies, Debts, Goods, Chattels, Effects, Bonds, Deeds, Conveyances, Books, Writings, Maps, Plans, and Personal Estate of the Navigation and Canal Companies respectively, subject nevertheless, as to the Monies and Debts, to the Provisions herein-after contained with respect to the Application thereof, shall be and the same are hereby vested, on such Proof as aforesaid, in the Company hereby incorporated; and all Books, Deeds, Conveyances, and Papers relating to the Navigation and Canal Companies respectively, or to the Shares thereof, and now in the Custody of the same Companies or their Clerks respectively, shall be transferred to and remain in the Custody of the said Company hereby incorporated, to the same Use, Intent, or Trust as at the Time of such vesting subsisted with respect to the same.

Rates, &c. of the Navigation and Canal Companies transferred to the Railway Company.

LXIII. And be it enacted, That all Rates, Tolls, and Duties which under or by virtue of the said recited Acts respectively were immediately before such Proof as aforesaid due and payable or then accruing due to the Navigation and Canal Companies respectively shall on such Proof as aforesaid, subject nevertheless to the Provisions herein-after contained with respect to the Application thereof, be and be deemed to be due and payable to the Company hereby incorporated, and shall and may be demanded, received, collected, and recovered by the same Company by the same Ways and Means, and with and under the same Restrictions and Regulations, and with the same Penalties in respect thereof, as the same might have been demanded, received, collected, and recovered by the Navigation and Canal Companies in case this Act had not been passed.

Liquidated Sum to be paid to Dun Navigation Company.

LXIV. Provided always, and be it enacted, That out of the Debts, Monies, Personal Estate, Rates, Tolls, and Duties so to be transferred to the Railway Company the same Company shall, before appropriating any Part thereof to their own Use, deduct or pay over to the said Navigation Company, in liquidation of the Arrears of Dividend usually reserved by the said Navigation Company, the Sum of Seven thousand five hundred Pounds.

Compensations to be paid.

LXV. And whereas by a Deed of Agreement bearing Date the Twenty-first Day of *December* One thousand eight hundred and forty-six,

six, between the said Navigation Company, under their Common Seal, and certain Persons, on behalf of the said Railway Company, under their Hands and Seals, it is covenanted and agreed that certain Allowances and Payments shall be made to the Officers therein mentioned of the said Navigation Company; be it enacted, That after the vesting of the said Navigation as aforesaid the Railway Company shall be bound and they are hereby required to pay the Allowances and Sums of Money in the Events and upon the Conditions stated in the said Agreement.

LXVI. And be it enacted, That the Principal Money of all Debts due upon Mortgage or Bond which immediately before such Proof as aforesaid was owing by the said Navigation Company to any Person or Persons whomsoever, and all Debts, Rents, Annuities, Covenants, Liabilities, Engagements, Contracts, and Obligations due or owing or to be observed or performed by the said Navigation Company to the said Canal Company, or to the Bankers, Treasurers, Officers, or Annuitants of the said Canal Company, or to any Creditors of the same Company, or to which at the Time of such Proof as aforesaid the said Canal Company or the said Canal was liable or subject, and all Interest to accrue due upon any of such Debts, shall, on such Proof as aforesaid as to any intermediate Payments, be considered as paid on behalf of, and as to any other Liabilities be paid and borne by, the said Company hereby incorporated, and the same respectively shall have Priority over all Mortgages or Bonds by this Act authorized to be granted.

Mortgage and Bond Debts of the Navigation Company transferred to the Railway Company.

LXVII. And be it enacted, That the Principal Money of all Debts due upon Mortgages and all other Debts which before the passing of this Act were owing by the said Canal Company to any Person or Persons whomsoever, and all Debts, Rents, Annuities, Covenants, Liabilities, Engagements, Contracts, Obligations, and Incumbrances due or owing, or to be paid, observed, or performed by the said Canal Company to the Annuitants of the said Canal Company or to any Creditors of the same Company, or to which the said Canal Company or the said Canal was liable or subject, before the passing of this Act, and all Interest (after the passing of this Act) to accrue due upon any of such Debts, shall be paid and borne by the said Company hereby incorporated, and the same shall have Priority over all Mortgages or Bonds by this Act authorized to be granted.

Mortgage Bond, and other Debts of the Canal Company transferred to the Railway Company.

LXVIII. And be it enacted, That after such Proof as aforesaid all the Powers, Authorities, Rights, Privileges, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Rēmedies, Regulations, Rules, Clauses, Matters, and Things in the said recited Acts contained, shall, with reference to such Works, Matters, and Things as have been or might have been made or done thereunder by the Navigation and Canal Companies respectively, in anywise in relation to the said Navigation and Canal, if this Act had not been passed, and save only so far as the same or any of them are inconsistent with the Provisions and Purposes of this Act, or are by this Act expressly repealed and altered, and subject to the Provisions herein contained,

Powers, &c. of the Navigation and Canal Companies extended to the Railway Company.

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be borne, executed, done, performed, and observed by and be applied and be applicable to the Company hereby incorporated, their Directors, Officers, Agents, and Servants, in every respect and as fully and effectually, to all Intents and Purposes, as if the Name of the Company hereby incorporated had in every Case been written or inserted in the said recited Acts instead of the Name of the Navigation Company or the Canal Company.

Provisions of other Acts in favour of Navigation and Canal Companies to be exercised by Railway Company.

LXIX. And be it enacted, That all Powers, Provisions, Matters, and Things reserved, contained, or granted in or by any Act or Acts of Parliament (other than by the said recited Acts) to or for the Benefit of the Navigation and Canal Companies respectively, and not since repealed, shall, so far as relates to the said Navigation and Canal and Works hereby vested in the Company hereby incorporated, on such Proof as aforesaid, appertain, attach to, and be exercised and enforced by the Company hereby incorporated, in as full and effectual a Manner, to all Intents and Purposes whatsoever, as if the same had in and by such other Act or Acts of Parliament as aforesaid been expressly reserved, contained, or granted to and for the Benefit of the Company hereby incorporated.

Provisions in Navigation and Canal Acts in favour of particular Persons to be performed by Railway Company.

LXX. And be it enacted, That all Works and Things which under the Provisions of the said recited Acts or any other Acts the Navigation and Canal Companies respectively are bound, required, empowered, or made liable to make, construct, complete, or maintain, and all Repairs thereof respectively, and all Regulations and Restrictions which under the Provisions of the said recited Acts or any other Acts are imposed upon and required to be observed by the Navigation and Canal Companies respectively, for the Safety, Protection, Accommodation, Convenience, Enjoyment, and Benefit of Persons and Corporations whose Estates, Properties, or Interests were or might be affected by the making and maintaining of the said Navigation and Canal and Works by the said recited Acts authorized to be made and maintained, and for the Protection of such Estates, Properties, and Interests as aforesaid, and all such Payments, annual and in gross, as under the Provisions of the said Acts or any other Acts are required to be made by the Navigation and Canal Companies respectively, or so much and so many of the aforesaid Works, Acts, Matters, Things, Regulations, Restrictions, and Payments as the same Companies respectively would have been bound or liable to construct, complete, maintain, make, do, execute, observe, perform, or pay, in case this Act had not been passed, shall be, after the vesting as aforesaid of the said Navigation and Canal in the Company hereby incorporated, constructed, maintained, made, done, executed, observed, performed, kept, and paid by the Company hereby incorporated, as fully and to all Intents and Purposes as the same are by the said recited Acts or any other Acts required to be made, done, executed, maintained, observed, performed, kept, and paid by the Navigation and Canal Companies, and as if the several Provisions in the said Acts or any other Acts contained in reference thereto respectively had been specially repeated and re-enacted in and by this Act, and had been made applicable to the Company hereby incorporated.

LXXI. And

LXXI. And be it enacted, That all Conveyances, Contracts, and Agreements, Mortgages, Bonds, Covenants, and Securities, made or entered into before such Proof as aforesaid, to, with, or in favour of or by or on the Behalf of the Navigation and Canal Companies respectively, shall on such vesting as aforesaid be and remain as good, valid, and effectual in favour of or against and with reference to the Company hereby incorporated, and may be proceeded in and enforced in the same Manner, by or against the Company hereby incorporated, to all Intents and Purposes as if the same Company had been a Party to and executed the same, or had been respectively named or referred to therein instead of the Navigation and Canal Companies respectively.

Conveyances, &c. made in favour of the Navigation and Canal Companies to enure for the Benefit of or against the Railway Company.

LXXII. And be it enacted, That all Rights of Action and other Remedies for Injuries, Misfeazances, Nonfeazances, and other Things done or committed or omitted to be done or committed, which shall have accrued before such vesting as aforesaid to the Navigation and Canal Companies respectively, against any Person or Corporation, or to any Person or Corporation against the Navigation and Canal Companies respectively, shall (subject to the Provisions in this Act contained) be and remain as good, valid, and effectual to, for, or against the Company hereby incorporated, and be enforced in the same Manner, to all Intents and Purposes as if the same had accrued to or against the Company hereby incorporated.

Rights of Action valid for or against Railway Company.

LXXIII. And whereas the Shares of the Shareholders in the said River *Dun* Navigation are of Freehold Tenure, and consist of One hundred and fifty Shares, in respect of which a Profit of One hundred and fifty Pounds *per* Share has for some Time past been annually made, and a Dividend of One hundred and twenty Pounds *per* Share annually paid; be it enacted, That every Person or Corporation who shall for the Time being be entitled to One such Share shall on the passing of this Act, and on such Proof as aforesaid, and executing such Conveyance to the Company hereby incorporated as is hereinafter mentioned, be entitled to receive One hundred and fifty of the Shares created by this Act in the Capital or Joint Stock of the Company hereby incorporated, and such Shares shall on the Execution of such Conveyance as aforesaid be allotted to and vested in such Person and Corporation accordingly; and that after such Proof as aforesaid, and until such Conveyance shall be so executed as aforesaid, every such Proprietor shall, in lieu and satisfaction of all Dividends which but for this Act he would have been entitled to receive out of the Tolls and Profits arising from the said River *Dun* Navigation, receive and take from the Company hereby incorporated, in respect of each such Navigation Share, the annual Sum of One hundred and twenty Pounds, by equal quarterly Payments on the First Day of *July*, the First Day of *October*, the First Day of *January*, and the First Day of *April* in each Year, until the opening of the Railway hereby authorized, with a proportionate Amount in respect of any Period elapsed between the last Quarter Day and such opening, and from thenceforth shall be entitled to such Sum as shall be equal to the Dividend upon One hundred and fifty Shares in the Capital Stock

River Dun Proprietors to have One hundred and fifty Railway Shares for One Navigation Share.

Stock of the Company hereby incorporated, *pari passu* with all the other Shareholders of the same Company.

Form and Effect of Conveyance of Shares.

LXXIV. And be it enacted, That the Conveyance of the said Navigation Shares may be in the Form following, or as near thereto as the Circumstances of each Case shall permit, and shall be effectual to vest the Share or Shares intended to be conveyed thereby absolutely and effectually in the Company hereby incorporated, and thereupon such Shares, and the Freehold Rights appertaining to the same, shall be absolutely extinguished :

‘ I [or We, as the Case may be], being the Owner of
 ‘ Shares in the Undertaking of the River Dun Navigation, do
 ‘ hereby, in consideration of [here state the Consideration], grant
 ‘ and convey the same to the South Yorkshire, Doncaster, and Goole
 ‘ Railway Company absolutely. Dated, &c.’

Shares allotted to River Dun Proprietors may be redeemed

LXXV. And be it enacted, That it shall be lawful for the Company hereby incorporated, after such Proof as aforesaid, on the First Day of *January* or the First Day of *July* in any Year before the Expiration of Ten Years from the opening of the Railways hereby authorized, to pay to the Parties authorized to sell the same, or in such Manner as is directed by the Lands Clauses Consolidation Act, 1845, with respect to the Purchase Money or Compensation to be paid for any Lands to be purchased or taken from any Party under any Disability or Incapacity, the Sum of Three thousand Pounds for the Purchase of each such Share in the said River *Dun* Navigation, and that thereupon each such Share in respect of which the Sum of Three thousand Pounds shall be so paid as aforesaid shall be forthwith conveyed to the Company hereby incorporated; and all the Powers of the said Lands Clauses Consolidation Act, 1845, for enabling incapacitated Persons to sell or convey Lands, and also for enabling the Promoters of the Undertaking or Railway Company to vest Lands in themselves by the Execution of a Deed Poll, where a good Title to the Property cannot be made, shall apply to the Conveyance and vesting of such Navigation Shares, so that the same may be effectually vested in the Company hereby incorporated; and moreover that it shall be lawful for the Company hereby incorporated, at any Time within the Period last aforesaid, upon Payment of the Sum of Twenty Pounds in respect of each such Share as may have been allotted as the Consideration for the Conveyance of any Navigation Shares as aforesaid to the Proprietor thereof, to call in and cancel such Share: Provided always, that Twelve Months Notice in Writing shall be given of the Intention to pay off such Shares.

Shares allotted to Navigation Proprietors in lieu of Shares to be deemed paid up in full.

LXXVI. And be it enacted, That the full Sum or Amount of Twenty Pounds shall be deemed to have been paid up on every Share in the Capital or Joint Stock of the Railway Company which shall be allotted to any Person or Corporation in lieu of any Share held by him or them in the Navigation Company, and such Person or Corporation shall not be liable to the Payment of any Money in respect of any such Share; nevertheless such Payment of Twenty Pounds in full of any such Share shall not entitle the Holder or Proprietor

prietor thereof to Interest thereon as Capital paid in advance to the Railway Company; but until the opening of the Railway the Proprietors of the same Shares shall receive out of the Profits arising from the said Navigation, and to the Extent only of such Profits, a Dividend not exceeding Sixteen Shillings *per Annum* in respect of each Share; and after the opening of the Railway, and until all the Shares in the Railway Company shall be fully paid up, such Shares shall entitle the Holder thereof to participate in the Dividends of the Railway Company in proportion to the Capital paid up, and not merely in proportion to the relative Number of Shares.

LXXVII. And whereas the Undertaking of the *Dearne and Dove* Canal is divided into Six hundred Shares, in respect of which a Profit of Seventeen Pounds *per Share* has for some Years past been made, and a Dividend of Sixteen Pounds *per Share* annually paid, and it has been agreed that the Shares in the said Canal shall be purchased of the Proprietors thereof by the Company hereby incorporated at the Sum of Three hundred and fifty Pounds *per Share*; be it enacted, That after such Proof as aforesaid the respective Proprietors of the said Shares shall, upon executing a Deed of Transfer duly stamped, be entitled to receive from and be paid by the said Company hereby incorporated, and the same Company shall pay to such respective Proprietors, the Sum of Three hundred and fifty Pounds for and in respect of each and every such Share, as and for the Purchase Money thereof, on the Second Day of *January* in the Year of our Lord One thousand eight hundred and fifty-seven, and in the meantime Interest thereon at the Rate of Four Pounds *per Centum per Annum* half-yearly on every First Day of *July* and First Day of *January*, the first half-yearly Payment thereof to be made on the First Day of *January* One thousand eight hundred and forty-eight; and for the Purpose of better enabling the said Purchase Monies to be received and paid as aforesaid, and of otherwise carrying into effect the said Agreement of Purchase, the said several Shares shall continue and have a legal Existence, and shall continue and be vested in the present Proprietors thereof respectively, their respective Executors, Administrators, and Assigns, and shall be and be deemed to be Personal Estate, and transferable as such, and not of the Nature of Real Estate, notwithstanding any Dissolution of the *Dearne and Dove* Canal Company or of the said *Dun* Navigation Company, or any Clause, Matter, or Thing in this Act contained; and the respective Proprietors of the said Shares for the Time being shall, as to the said Purchase Money due to them respectively as aforesaid, and Interest thereon at the Rate aforesaid, have and be deemed to have a Lien and Charge as well upon the Tolls and Dues of the said Navigation and Canal as upon the Tolls and Dues of the said Railway, and shall have Priority over all Mortgages or Bonds by this Act authorized to be granted: Provided nevertheless, that it shall be lawful for the said Company hereby incorporated to pay such Purchase Money at any Time before the said Second Day of *January* One thousand eight hundred and fifty-seven, and that upon such Payment thereof, together with all Interest then due, and the Execution of a Deed of Transfer as aforesaid, each and every such Share in respect of which

As to Compensation to be paid for *Dearne and Dove* Canal Shares.

the Purchase Money with Interest shall be so paid shall vest absolutely in the said Railway Company hereby incorporated.

Certificates
of such
Shares.

LXXVIII. And for the better evidencing the Title of the respective Proprietors for the Time being of the said Shares in the said Canal, be it enacted, That the said Company hereby incorporated shall, as soon as conveniently may be after the passing of this Act, and such Proof as aforesaid, issue Certificates under their Common Seal to the Proprietors for the Time being of such Shares, which may be in the Form set forth in the Appendix to this Act marked B. or to the like Effect, and the Provisions in the "Companies Clauses Consolidation Act, 1845," touching the issuing, registering, and renewing of Certificates, and the Validity of Certificates as Evidence, shall apply to the Certificates of the said Shares.

Shares allotted
instead of
Navigation
Shares to
be distinguished.

LXXIX. And be it enacted, That the Shares in the Capital or Joint Stock of the Company hereby incorporated which shall have been allotted in lieu of Shares in the Navigation Company shall, for the Purpose of distinguishing them from the other Shares in the said Capital or Joint Stock, be denominated "Navigation Shares."

Power to
increase
Capital by
Creation of
additional
Shares.

LXXX. And be it enacted, That, in addition to the said Sum of Seven hundred and fifty thousand Pounds which the Company hereby incorporated are herein-before authorized to raise, they may also create such Number of additional Shares as may be necessary for the Purpose of allotting Shares in the Capital or Joint Stock of the said Company to the several Proprietors of Shares in the said *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway Company whose Subscriptions have been appropriated as aforesaid, and also to the several Proprietors of Shares in the Navigation Company, and for the Purpose of raising Money to pay to the Proprietors of Shares in the Navigation and Canal Companies respectively the Sum and Sums aforesaid in respect of each Share in the Navigation and Canal Companies respectively in respect whereof Shares in the Capital or Joint Stock of the Company hereby incorporated may not have been allotted, or in substitution for the Shares so to be called in, paid for, and cancelled as aforesaid, and the additional Shares so created shall be deemed to be and form Part of the Capital of the Company hereby incorporated.

Distribution
of Shares
not allotted
to Navigation
Proprietors.

LXXXI. And with regard to any new Shares which may be created for the Purpose of paying to any of the Proprietors of Shares in the said Navigation Company the said Sum or Sums of Money in respect of each Share, or in redemption of Shares to be allotted, be it enacted, That if at the Time of the Creation of such new Shares the then existing Shares of the Capital or Joint Stock of the Company hereby incorporated be at a Premium, or of greater actual Value than the nominal Value thereof, then the Shares so to be created as last aforesaid shall be offered to the then Shareholders in proportion as nearly as can conveniently be done to the then existing Shares, excluding Navigation Shares, held by them respectively, and such
new

new Shares shall be offered to the then Shareholders in the Proportion aforesaid, and such Offer shall be made by Letter under the Hand of the Secretary of the Company hereby incorporated, given to or sent by Post addressed to each Shareholder according to his Address in the Shareholders Address Book, or left at his usual or last Place of Abode.

LXXXII. And be it enacted, That such new Shares as last aforesaid shall vest in and belong to the Shareholders who shall accept the same, and pay the Value thereof to the Company hereby incorporated at the Time and by the Instalments which shall be fixed by the Company; and if any Shareholder fail for One Month after such Offer of new Shares to accept the same, and pay the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares in such Manner as they shall deem most expedient for the Advantage of the Company.

Shares to vest in Parties accepting; otherwise to be disposed of by the Company.

LXXXIII. And be it enacted, That if at the Time of the Creation of such new Shares as last aforesaid the existing Shares of the Company hereby incorporated be not at a Premium, then such new Shares may be of such Amount and may be issued in such Manner and on such Terms as the Company shall think fit.

If not at Premium, to be issued as Company think fit.

LXXXIV. And be it enacted, That such new Shares as last aforesaid shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if they had been Part of the original Capital.

New Shares to be considered same as original Shares.

LXXXV. And be it enacted, That, besides the Participation of Dividends as herein-before provided, all the Rights and Privileges appertaining to One hundred and fifty of the Shares in the said Railway herein designated "Navigation Shares" shall from the passing of this Act, and such Proof as aforesaid, be equally applicable to a Share in the River *Dun* Navigation, until such Share in the River *Dun* Navigation shall have been conveyed to the Railway Company.

Rights appertaining to Navigation Shares to extend to Dun Shares.

LXXXVI. And be it enacted, That any Proprietor who shall have, or who according to the Provisions of this Act shall be deemed to have paid up upon his Shares in the said Railway Company a greater Sum than any other Shareholder, shall in any Meetings of the Company be entitled to a separate Vote in respect of each Five Pounds so paid up or deemed to be paid up in excess, in addition to the Vote conferred by the "Companies Clauses Consolidation Act, 1845," subject nevertheless to the same Rules as to the Scale of voting by the Holders of a larger or smaller Number of Shares as prescribed by the said Act.

As to voting by Holders of Navigation of Shares.

LXXXVII. And be it enacted, That the Company hereby incorporated shall, within Six Months after the passing of this Act, and such

Stamp Duty to be paid on Purchases.

such Proof as aforesaid, pay to the Commissioners of Stamps for *Great Britain* such a Sum of Money for and in respect of the Purchase or Transfer by this Act effected of the *Sheffield, Barnsley, Huddersfield, and Goole* Railway, and of the *Dun* Navigation, and of the *Dearne and Dove* Canal respectively, as would have been payable by way of Stamp Duty if the same Sale or Transfer had been made by Deed duly stamped for denoting the proper Stamp Duty payable thereon by Law.

Navigation
and Canal
Companies
dissolved.

LXXXVIII. And be it enacted, That (subject to the Provisions herein contained) the said Company of Proprietors of the River *Dun* Navigation and the *Dearne and Dove* Canal Company respectively shall, from and immediately after such Proof as aforesaid, be dissolved, for all Purposes excepting such as may be necessary for winding up the Affairs of the said Companies respectively, and for enforcing the Provisions of this Act.

Dissolution
not to abate
Actions.

LXXXIX. Provided always, and be it enacted, That nothing in this Act contained shall abate or prejudice any Action or Suit at the Time of the passing of this Act and such Proof as aforesaid commenced by or against the Navigation or Canal Company, but that the same may be continued, proceeded with, and prosecuted as if this Act had not been passed; and that nothing in this Act contained shall tend to revive or continue any Right of Action which by virtue of the said recited Acts should be brought within a limited Time, but that the same shall be brought within the same Time against the Railway Company as it must or should have been against the Navigation or Canal Company in case this Act had not passed; and that nothing in this Act contained shall prevent the suing for or recovering, either in the Name of the Railway Company or of the Navigation or Canal Company, any Penalty incurred for any Offence against the Provisions of the said recited Acts previously to the passing of this Act and such Proof as aforesaid, or to prevent, defeat, or abate any Prosecution, but all Penalties incurred before the passing of this Act and such Proof as aforesaid may be sued for, and all Offences which have been committed before the passing of this Act and such Proof as aforesaid may be prosecuted, either in the Name of the Railway Company or of the Navigation or Canal Company, in the same Manner, to all Intents and Purposes, as the same could have been sued for and prosecuted in the Name of the Navigation or Canal Company if this Act had not been passed.

Indemnity to
Committees
of Navigation
and Canal
Company.

XC. And be it enacted, That all Persons who before the passing of this Act and such Proof as aforesaid were the Committee for managing the Affairs of the Navigation and Canal Companies respectively, and their respective Heirs, Executors, Administrators, and Assigns, and their and each of their Lands and Tenements, Goods and Chattels, shall be indemnified and saved harmless by and out of the Funds of the Railway Company from and against all Debts, Liabilities, Contracts, and Agreements contracted or entered into by them as such Committee, and every Part thereof, and from and against all Damages, Losses, Costs, Charges, and Expences occasioned or
which

which may at any Time hereafter be occasioned on account or in respect thereof.

XCI. And be it enacted, That from and after the passing of this Act and such Proof as aforesaid all the Clauses, Powers, Provisions, Matters, and Things in the said recited Navigation and Canal Acts respectively contained, in reference to the Purchase, Sale, Transfer, and Acquisition of Shares, and the Registration of the Names of the Holders or Proprietors thereof, shall be and continue in force and shall be executed by the Railway Company as to such of the Shares therein as shall not be purchased and vested as aforesaid in the Railway Company.

Provisions of Navigation and Canal Acts relating to Transfer and Registry of Shares to continue in force until Conveyance, &c.

XCII. Provided always, and be it enacted, That nothing herein contained shall extend or be deemed or construed to extend to defeat, affect, or prejudice any Rights, Privileges, Liberties, Powers, Easements, Accommodations, or Exemptions to which any Persons are or may be entitled under or by virtue of the said recited Acts relating to the said Portion of Railway and to the said Navigation and Canal respectively, but such Persons shall be entitled to such or the like Powers and Remedies upon and against the Company by this Act incorporated, for securing the Possession, Use, and Enjoyment of such Rights, Privileges, Easements, Accommodations, and Exemptions, save such of them as are inconsistent with the Powers of this Act, as under the Provisions of the recited Acts respectively or any or either of them they would have been entitled to against the said respective Companies or either of them in case this Act had not passed.

General Saving of Rights.

XCIII. And be it enacted, That the said Company shall and they are hereby expressly directed and required, from Time to Time and at all Times from and after the passing of this Act and such Proof as aforesaid, to keep and maintain the said Navigation and Canal respectively, and the Works thereto belonging, and every Part thereof respectively, in good working Order and Condition, and preserve the same Supplies of Water as heretofore to the same, so that the said Navigation and Canal and every Part thereof may at all Times be kept open and navigable for Vessels of the same Burden as at the Time of the passing of this Act ordinarily use the same, for the Use of all Persons desirous to use and navigate the same respectively, and that without any unnecessary Hindrance, Interruption, or Delay; and that in case the said Company shall not so repair, maintain, and support the same, and the several Towing Paths, Lands, Buildings, and Works belonging thereto respectively, in such good working Order and Condition, and preserve the Supplies of Water as aforesaid, then and every such Case it shall and may be lawful for the Lords Commissioners of Her Majesty's Treasury, or the Officers of the Department charged for the Time being with the Supervision of Railways, if they think fit, upon the Complaint and at the Cost of any Person or Persons using or desirous of using the said Navigation or Canal, and after giving Fourteen Days Notice in Writing to the said Company, to cause an Inquiry to be made as to the State

The Railway Company to keep the Navigation and Canal open and in good Repair, and not to sell the same.

[*Local.*]

47 X

and

and Condition of the said Navigation or Canal, and the several Towing Paths, Lands, Buildings, and Works belonging thereto respectively; and if upon such Inquiry and Examination the same shall not be found to be in such good working Order and Condition as aforesaid, it shall be lawful for the said Lords Commissioners or Officers to cause a Notice to be given to the said Company to put the same and every Part thereof in such good working Order and Condition as aforesaid; and in default of their putting the same into such Repair as aforesaid within Twenty-one Days from the Delivery or leaving of such Notice as aforesaid, it shall be lawful for the Lords Commissioners or Officers to cause the same to be put into such Order and Condition as aforesaid, and the Costs, Charges, and Expences of making such Inquiry and Repairs as aforesaid shall be borne and paid by such Party and in such Manner as the Lords Commissioners or Officers shall order and direct, and if not so paid the Party entitled to receive the same shall and may recover the same by Action at Law in any of Her Majesty's Courts of Law at *Westminster* against the Party or Parties ordered to pay the same.

Company not to erect any fixed Bridge below *Doncaster*.

XCIV. And whereas the Bridges across the River *Dun* Navigation below the Town of *Doncaster* are opening Bridges admitting the Passage up to the Town of *Doncaster* of Sea-going Vessels with their Masts and Sails set, and it may be expedient that the same should be continued; be it therefore enacted, That it shall not be lawful at any Time hereafter to erect any fixed Bridge across the River *Dun* Navigation below the Town of *Doncaster*.

Penalty on Company giving undue Preference.

XCV. And be it enacted, That no undue Preference shall be given by the Company to any Persons, Vessels, or Goods whatsoever, as against any other Persons, other similar Vessels, or other similar Goods whatsoever, as respects the Use of the said Navigation or Canal, or the Conveniences thereunto respectively belonging; and in case any undue Preference shall be shown by the Company or their respective Agents or Servants, such Company shall for every such Offence forfeit and pay the Sum of One hundred Pounds, to be recovered and applied in manner directed by the Companies Clauses Consolidation Act, 1845.

Amount of Tolls to be taken, and when.

XCVI. And be it enacted, That from and after the opening of the Railways hereby authorized or any Part thereof the several Tolls, Rates, and Duties due and payable under and by virtue of the said recited Acts relating to the said Navigation and Canal shall be and they are hereby repealed; and that in lieu thereof there shall thenceforth (subject to the Provisions in this Act contained) be paid and payable to the Company hereby incorporated, for the Use of the said Navigation and Canal, the several Tolls and Duties mentioned and set forth in the Schedule to this Act annexed.

For regulating Bye Laws and Tolls upon the Navigation.

XCVII. And be it enacted, That if at any Time Complaint shall be made to the Lords Commissioners of Her Majesty's Treasury, or to the Commissioners of Railways, by any Person whomsoever, that the Bye Laws now or at any Time hereafter made or to be made with respect

respect to the said Navigation or Canal are impolitic and unjust, or operate to the Prejudice or Disadvantage of Persons using or desirous of using or trading upon the said Navigation or Canal, or that the Amount of the Tolls, Rates, or Duties on the said Navigation or Canal operate prejudicially to the Persons using or intending to use the said Navigation or Canal, it shall be lawful for the said Lords Commissioners or other Officers and they are hereby required, from Time to Time when and as such Complaints shall be made, and after giving Fourteen Days Notice in Writing to the said Company of their Intention, to examine and inquire, or, at their Discretion, to appoint some competent Person to examine and inquire into such Complaints and the Grounds thereof, and after such Examination had to make such Regulations from Time to Time as the said Lords Commissioners or other Officers shall think fit with respect to the said Bye Laws, and to the Amount of all or any of the Tolls, Rates, and Duties which shall be received or claimable by the said Company in respect of the said Navigation or Canal, and by such Regulations to impose such Conditions and Restrictions with regard to the said Bye Laws, and the Amount of all or any Part of such Tolls, Rates, and Duties, as the said Lords Commissioners or other Officers shall think fit; and every such Regulation, on being published in the "*London Gazette*," shall be binding upon the Proprietors for the Time being of the said Navigation or Canal; and such Tolls, Rates, and Duties only as may be fixed thereby shall be recoverable by them until such Regulations be revoked or altered by the said Lords Commissioners or other Officers.

XCVIII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Navigation or Canal from the Provisions of any general Act relating to this Act, or of any general Act relating to Canals or Navigations, or relating to Navigations or Canals amalgamated with Railways, or of any Act relating to the said *South Yorkshire, Doncaster, and Goole* Railway, which may pass during the present or any future Session of Parliament.

Navigation to be subject to Provisions of any future general Act.

XCIX. And be it enacted, That if at any Time after the passing of this Act and such Proof as aforesaid it shall appear to the Lords Commissioners of Her Majesty's Treasury or the Commissioners of Railways to be necessary for the Interests of the Public, it shall be lawful for the said Lords Commissioners or Commissioners to require the said Company to proceed to the Prevention or Correction of any Inconveniences or Evils by the said Lords Commissioners or Commissioners specified, and which may appear to the Lords Commissioners or Commissioners to have arisen or to be likely to arise directly or indirectly from the said Railway, Navigation, and Canal, or either of them, having been transferred to the said Company, or to injuriously affect the Use of such Railway, Navigation, and Canal respectively by the Public; and upon the Failure or Inability of the said Company to comply with the Requisition of the said Lords Commissioners or Commissioners in the Particulars aforesaid, within a Period of Six Months from the Date of such Requisition, it shall be lawful for the said Lords Commissioners or Commissioners to serve the

If Interests of the Public shall require it, the Treasury may proceed to correct Inconveniences or Evils arising from the Transfer of the Navigation to the Railway Company.

the said Railway Company with Notice to introduce into Parliament in the then existing Session, if Parliament be then sitting, and if not in the next ensuing Session, a Bill or Bills for amending this Act in such Particulars as aforesaid, and thereupon the said Railway Company shall and they are hereby required to introduce such Bill or Bills accordingly, and duly to prosecute the same; in default whereof it shall be lawful for the said Lords Commissioners or other Officers to introduce or prosecute, as the Case may be, such Bill or Bills, at the Expence of the Railway Company.

So much of
6 G. 2. c. 9.
as exempts
from Rates
repealed.

C. And whereas by the before-recited or mentioned Act passed in the Sixth Year of the Reign of King *George* the Second it was enacted, that the Company of Proprietors of the Navigation of the River *Dun*, their Successors or Assigns, or any of them, should not be taxed or assessed for the same or the Profits thereof at any Place or Places except *Sheffield* or *Doncaster*, and the same Enactment has been from Time to Time continued and re-enacted; be it enacted, That the said Enactment be and the same is hereby repealed.

Railways 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.

CI. 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 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 Acts were passed in the last Session of Parliament, the one intituled *An Act for regulating the Gauge of Railways*, and the other intituled *An Act for constituting Commissioners of Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the said Railways from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the Railways so far as the same shall be applicable thereto.

Railways to
be subject to
Provisions of
any future
general Act.

CII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made from the Provisions of any general Act relating to such Act, 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.

Interpreta-
tion of Act.

CIII. And be it enacted, That the Term "the Company" or "the Railway Company" in this Act shall mean "The *South Yorkshire, Doncaster, and Goole* Railway Company;" and the Expression "the Railways" or "the said Railways" shall mean all
the

the Lines of Railways by this Act authorized to be constructed; "the Navigation Company" shall mean "the Company of Proprietors of the Navigation of the River *Dun*;" "the Canal Company" shall mean "the *Dearne and Dove* Canal Company;" and whatever shall this Act applicable to a Share in the said Navigation or in the said Canal shall be equally applicable to Two or more Shares therein respectively, and to Parts and Portions of such Share or Shares relatively and in proportion to a single Share.

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

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Of the highest Charges to be made by the Company on all Goods passing along Dun Navigation and Dearne and Dove Canal after the opening of the Railways or any Part thereof.

For Coal, Culm, and Charcoal, One Halfpenny per Ton per Mile :
For Road Materials, Manures, Lime and Limestone, One Halfpenny per Ton per Mile :

For Iron, Slates, Stone, Bricks, Tiles, and Clay, One Penny per Ton per Mile :

For Grain, Timber, general Merchandize, and all other Articles, One Penny Halfpenny per Ton per Mile.

SCHEDULE (B.)

Dearne and Dove Canal Shares.

Number or Numbers

This is to certify, That [*state the Name and Addition of the Proprietor or of each of several joint Proprietors, as the Case may be,*] is [*or are*] the Proprietor [*or Proprietors*] of the One Share [*or Shares*] numbered as above in the said Canal, and that he [*she or they*], his [*her or their*] Executors, Administrators, and Assigns, is [*or are*] entitled to receive from the South Yorkshire, Doncaster, and Goole Railway Company the Sum of Three hundred and fifty Pounds for such Share [*or for each and every such Share*], payable on the Second Day of January in the Year of our Lord One thousand eight hundred and fifty-seven, together with Interest thereon at the Rate of Four Pounds per Cent. per Annum in the meantime, payable half-yearly on the First of July and the First of January, subject to the Provisions of the South Yorkshire, Doncaster, and Goole Railway Act, 1847.

Given under the Common Seal of the South Yorkshire, Doncaster, and Goole Railway Company, the _____ Day of _____ in the Year of our Lord 18 _____

(L.S.)

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