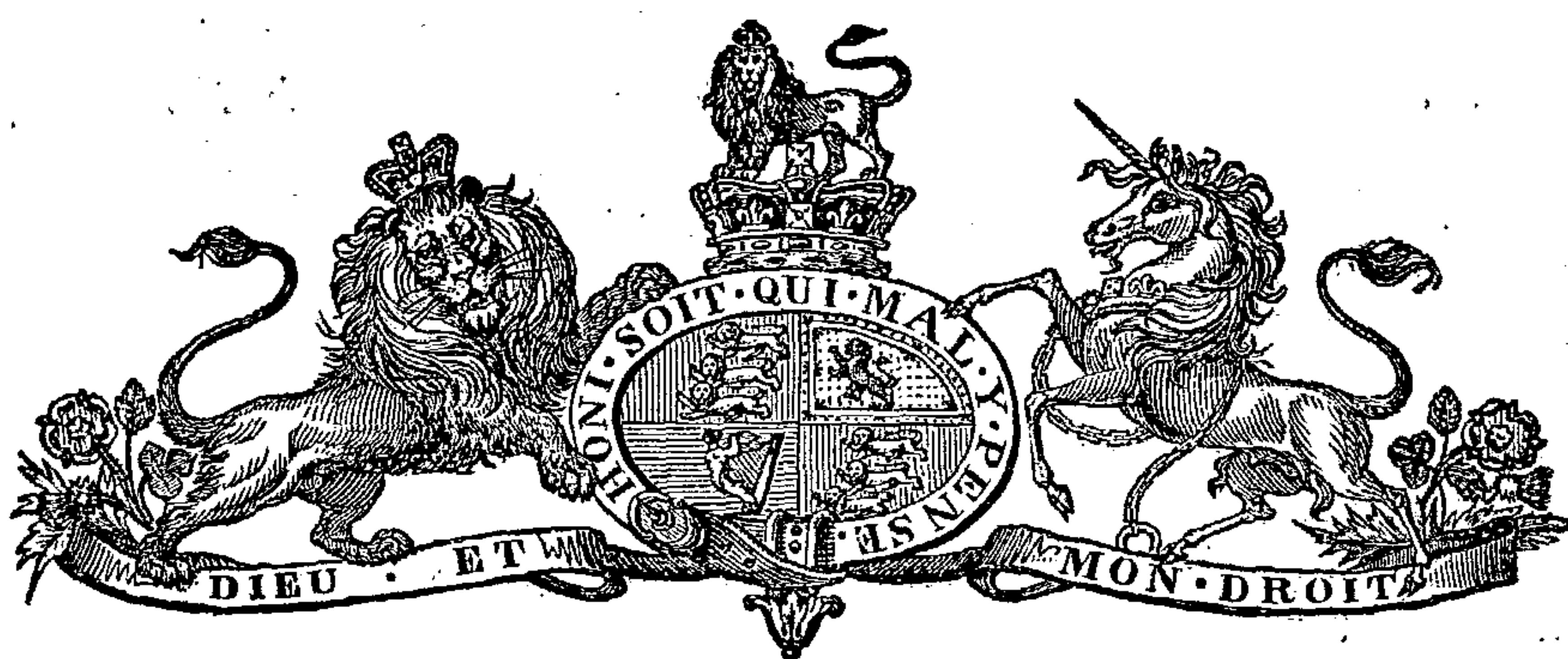




ANNO UNDECIMO & DUODECIMO

# VICTORIÆ REGINÆ.

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## Cap. xciv.

An Act for vesting in the *Manchester, Sheffield, and Lincolnshire* Railway Company the *Sheffield Canal*.  
[22d July 1848.]

**W**HEREAS an Act was passed in the Session of Parliament held in the Fifty-fifth Year of the Reign of King George the Third, intituled *An Act for making and maintaining a navigable Canal from Sheffield to Tinsley in the West Riding of the County of York*: And whereas an Act was passed in the Session of Parliament held in the Seventh Year of the Reign of His Majesty King William the Fourth, intituled *An Act for making a Railway from Sheffield in the West Riding of the County of York to Manchester in the County of Lancaster*, whereby a Company was incorporated, called "*The Sheffield, Ashton-under-Lyne, and Manchester Railway Company*:" And whereas the Provisions of the said last-mentioned Act have been amended and enlarged by several subsequent Acts of Parliament relating to the said Company, passed respectively in the Sessions of Parliament held in the Fifth and Sixth, the Sixth and Seventh, the Seventh and Eighth, and the Ninth and Tenth Years of the Reign of Her present Majesty: And whereas an Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her said present Majesty, intituled *An Act for making a Railway from a Place in the Parish of Bole in the County of Nottingham, near to the Town and Port of Gainsborough, to the Town*  
[Local.] 12 I. and  
55 G. 3. c. 65.  
7 W. 4. & 1 Vict. c. 21.  
8 & 9 Vict. c. 50.

8 & 9 Vict.  
c. 202.

9 & 10 Vict.  
c. 304.

9 & 10 Vict.  
c. 319.

9 & 10 Vict.  
c. 268.

10 & 11 Vict.  
c. 190.

*and Port of Great Grimsby in the Parts of Lindsey in the County of Lincoln, with Branches to the District or Place called New Holland, and to the Town of Market Rasen, to be called "The Great Grimsby and Sheffield Junction Railway,"* whereby a Company was incorporated, called "*The Great Grimsby and Sheffield Junction Railway Company:*" And whereas the Provisions of the said last-recited Act have been amended and enlarged by several subsequent Acts of Parliament relating to the said Company passed in the said Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said present Majesty: And whereas another Act was passed in the said Session of Parliament held in the said Eighth and Ninth Years of the Reign of Her said present Majesty, intituled *An Act for making additional Docks and other Works at the Haven of the Town and Port of Great Grimsby; and for amending the Acts relating to the said Haven,* whereby a Company was incorporated, called "*The Grimsby Dock Company:*" And whereas another Act was passed in the said Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said present Majesty, intituled *An Act for making a Railway from Sheffield to Gainsborough, with Branches,* whereby a Company was incorporated, called "*The Sheffield and Lincolnshire Junction Railway Company:*" And whereas another Act was passed in the said Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said present Majesty, intituled *An Act for making a Railway from the proposed Sheffield and Lincolnshire Railway to Lincoln,* whereby a Company was incorporated, called "*The Sheffield and Lincolnshire Extension Railway Company,*" by virtue of which last-mentioned Act the said last-named Company has become merged in and incorporated with the said *Sheffield and Lincolnshire Junction Railway Company:* And whereas another Act was passed in the said Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said present Majesty, intituled *An Act to amalgamate the Sheffield, Ashton-under-Lyne, and Manchester Railway Company, the Sheffield and Lincolnshire Junction, the Sheffield and Lincolnshire Extension, and the Great Grimsby and Sheffield Railway Companies and the Grimsby Dock Company,* under the Provisions whereof the said *Sheffield, Ashton-under-Lyne, and Manchester, Sheffield and Lincolnshire Junction, Sheffield and Lincolnshire Extension, and Great Grimsby and Sheffield Junction Railway Companies and Grimsby Dock Company* have been dissolved, and the Proprietors of Shares therein respectively have become united into a new Company under the Name of "*The Manchester, Sheffield, and Lincolnshire Railway Company:*" And whereas an Act was passed in the last Session of Parliament, intituled *An Act to incorporate the Manchester and Lincoln Union Railway and Chesterfield and Gainsborough Canal Company with the Manchester, Sheffield, and Lincolnshire Railway Company,* under the Provisions whereof the Undertaking of the said *Manchester and Lincoln Union Railway and Chesterfield and Gainsborough Canal Company* has been incorporated with and now forms Part of the Undertaking of the said *Manchester, Sheffield, and Lincolnshire Railway Company:* And whereas several other Acts were passed in the last Session of Parliament relating to the said *Manchester, Sheffield, and Lincolnshire Railway Company:* And whereas the said Canal from *Sheffield to Tinsley*

*Tinsley* might be more economically and beneficially worked in connexion with the Railways and Works of the said *Manchester, Sheffield, and Lincolnshire* Railway Company, and it is expedient that the same should be vested in the said Railway Company: And whereas One Half of the whole Amount of the Capital, exclusive of Loans, by the Acts relating to the said *Manchester, Sheffield, and Lincolnshire* Railway Company, and the said Company of Proprietors of the *Sheffield* Canal respectively, authorized to be raised, has been actually paid up and expended for the Purposes authorized by such Acts: And whereas it is also expedient that some of the Provisions of the said Act of the Fifty-fifth Year of the Reign of King *George* the Third should be repealed, altered, amended, or enlarged, but the Purposes aforesaid cannot be effected without the Aid 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 from and immediately after the passing of this Act the Company of Proprietors of the *Sheffield* Canal shall be and the same is hereby dissolved, and the aforesaid Canal from *Sheffield* to *Tinsley*, and all Works attached thereto, or made or provided for the Purposes thereof, or by or for the Use of the said Canal Company, together with all Cuts, Canals, Reservoirs, Embankments, Aqueducts, Locks, Drains, Soughs, Culverts, Tunnels, Arches, Piers, Bridges, Feeders, Sluices, Gauges, Gates, Towing Paths, Ways, Roads, Landing Places, Quays, Wharfs, Warehouses, Houses, and other Buildings, Cranes, Weighing Machines, Engines, and Appurtenances to the said Canal belonging, and all Lands, Tenements, chief and other Rents, Hereditaments, Real Estate, Easements, Rights, Powers, and Privileges whatsoever, and the Benefit of all Contracts, Agreements, and Proceedings in any way relating thereto, or of or to which the said Canal Company was seised, possessed, or entitled at Law or in Equity immediately before the passing of this Act, shall, on the passing of this Act, be well and effectually vested in and belong to the *Manchester, Sheffield, and Lincolnshire* Railway Company for ever, or for all other the Estate and Interest of the said Canal Company therein.

After passing of this Act the *Sheffield* Canal Company dissolved, and the same vested in *Manchester, Sheffield, and Lincolnshire* Railway Company.

II. And be it enacted, That upon the passing of this Act all the Moneys, Goods, Chattels, Boats, Barges, Machines, Ropes, Live and Dead Stock, Bonds, Deeds, Securities, Books, Writings, Maps, Plans, and other Personal Estate and Effects of or to which the said Canal Company was possessed or entitled at Law or in Equity immediately before the passing of this Act, and all Rights, Powers, Remedies, Matters, and Things relating thereto, shall for and in consideration of the Annuities or yearly Sums, and for the other Considerations herein mentioned, be vested in and belong to the said Railway Company, their Successors and Assigns, for their absolute Benefit; and all Persons and Corporations who immediately before the passing of this Act owed any Sum of Money to the said Canal Company, or to any Person on their Behalf, shall pay the same, together with all Interest, if any, due or to accrue due for the same, to the said Railway Company; and all Mortgages, Debts, Sum and Sums, Moneys, and Liabilities which immediately before the passing of this Act

Personal Estate of the Canal Company vested in the Railway Company.

Act were due or owing by, charged on, or recoverable from the said Canal Company, or for which the said Canal Company was or but for the passing of this Act would have been liable, shall, with all Interest, if any, to accrue thereon, from and after the passing of this Act, be paid by and recoverable from the said Railway Company; and all Conveyances, Leases, Deeds, Appointments, Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities made or entered into before the passing of this Act to, with, in favour of, or by, for, or on behalf of the said Canal Company, or any Person or Party on their Behalf, shall be and remain as good, valid, and effectual in favour of, against, and with reference to the said Railway Company, and may be proceeded on and enforced in the same Manner, to all Intents and Purposes, as if the said Railway Company had been the Party to and executed the same, or had been named or referred to therein, instead of such Canal Company, Person, or Party respectively.

Stamp Duty  
to be paid on  
Purchase.

III. And be it enacted, That the said Railway Company shall, within Six Months after the passing of this Act, 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 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.

Powers given  
by the Canal  
Act may be  
executed by  
the Railway  
Company.

IV. And be it enacted, That on the passing of this Act all the Rights, Privileges, Powers, and Authorities by the said first-recited Act conferred on or given to the said Canal Company shall apply to and be vested in the said Railway Company, and may lawfully be used, exercised, and enjoyed by the last-mentioned Company, or the Directors thereof, or their Officers, Agents, or Servants, and the Corporate Seal of the said Railway Company shall be used when necessary in reference thereto, in like Manner as though the said Railway Company had been originally named in the said first-recited Act instead of the said Canal Company.

Railway  
Company to  
perform all  
Liabilities of  
Canal Com-  
pany previous  
to the passing  
of this Act.

V. And be it enacted, That the said Railway Company shall, from and immediately after the passing of this Act, be subject to and shall perform and conform and be liable to all Covenants, Conditions, Agreements, Directions, Duties, Liabilities, Debts, Charges, and Restrictions to which the said Canal Company was at the Time of the passing this Act, or but for this Act would have been or become subject or liable, and shall indemnify the several Proprietors of Shares in the said Canal, and the several Annuitants under this Act, their respective Heirs, Executors, Administrators, Successors, and Assigns, Estates and Effects, from and against all such Covenants, Conditions, Agreements, Directions, Duties, Liabilities, Debts, Charges, and Restrictions, and all Costs, Charges, and Expenses to be occasioned or incurred by reason thereof, or of the Nonperformance or undue Performance of the same, or any of them.

Contracts to  
be valid.

VI. And be it enacted, That every Deed, Agreement, Contract, or Bond before the passing of this Act made, executed, or entered into

into between, by, or on behalf of the said Canal Company and any Person, whereby any Matter in dispute between such Company and such Person shall have been referred or agreed to be referred to the Arbitrament and Determination of any Arbitrators or Umpire, shall be and remain as good, valid, and effectual in favour of and against and with reference to the said Railway Company, and may be proceeded on and enforced in favour of or against the same Company, in the same Manner to all Intents and Purposes as if the Matter in dispute thereby referred or agreed to be referred were Matter in dispute between the said Railway Company and such Person as last aforesaid, and as if the same Company had been named or referred to therein; and had been Party to or executed or entered into the same, instead of the said Canal Company or the Person acting for or on behalf of such Company; and every Award which shall be made under or by virtue of any such Deed, Agreement, Contract, or Bond shall be made in favour of or against the said Railway Company, and shall be as binding and effectual to all Intents and Purposes, and may be proceeded upon and enforced in favour of or against the said Railway Company, and in favour of or against any Person with whom the Matter shall be in dispute, in the same Manner in all respects as it would or might have been by or with reference to the said Canal Company in case this Act had not been passed.

VII. Provided always, and be it enacted, That in all Cases in which the said Canal Company previously to the passing of this Act shall, under the Powers and Provisions of the said first-recited Act, have entered into any Contract for the Purchase of, or shall have taken or used, any Land which at the Time of the passing of this Act shall not be effectually conveyed to the said Company, and the Purchase Money in respect of which shall not have been duly paid by the said Company, then and in every such Case such Contract, if subsisting, shall be completed, and such Land, if a Conveyance of the same can be enforced at Law, shall be conveyed to the said Railway Company, or as they shall direct; and such Purchase Money shall be paid and applied pursuant to the said first-mentioned Act; and all the Clauses, Provisions, Powers, and Authorities contained in such Act in relation to the Completion of such Contract, and the Purchase and Conveyance of such Lands, and the Payment and Application of the Purchase Money in respect thereof, shall for the Purposes of this Act be construed and taken as if the said Railway Company were named in such Act and Contract respectively instead of the said Canal Company.

Contracts for Purchase of Land to be good.

VIII. Provided also, and be it enacted, That in all Cases in which, under the Provisions of the said first-recited Act, any Sum of Money has already been paid by the said Canal Company into the Bank of *England*, or to any Trustee or Trustees, on account of the Purchase of any Land or any Interest thereon, or for any Compensation or Satisfaction, or on any other Account, such Sum, or the Stocks, Funds, or Securities in or upon which the same shall be invested by the Order of the Court of Exchequer or the Court of Chancery, or otherwise howsoever, and the Interest, Dividends, and annual Produce thereof, shall be applied and disposed of pursuant to the said

As to Monies paid into the Bank of England.

[*Local.*]

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Act;

Act; and all the Clauses, Provisions, and Authorities contained in such Act in relation to such Monies, Stocks, Funds, and Securities, and the Interest, Dividends, and annual Produce thereof, shall for the Purposes of this Act be construed and taken as if the said Railway Company were named in such Act instead of the said Canal Company.

Actions by  
or against  
Canal  
Company  
not to abate.

IX. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the said Canal Company previously to the passing of this Act, shall abate or be discontinued or prejudicially affected by this Act, but on the contrary the same shall continue and take effect both in favour of and against the said Railway Company in the same Manner in all respects as the same would have continued and taken effect in relation to the said Canal Company if this Act had not been passed; and all Penalties incurred for any Offence against the Provisions of the said first-recited Act relating to the said Canal Company previously to the passing of this Act shall and may be sued for, and all Offences which may have been committed before the passing of this Act against the Provisions of the said first-recited Act shall and may be prosecuted, by and against the said Railway Company in such or the like Manner to all Intents and Purposes as the same might have been sued for and prosecuted by and against the said Canal Company if this Act had not been passed, the said Railway Company being in reference to the Matters aforesaid in all respects substituted in the Place of the said Canal Company.

Tolls relating  
to Canal to  
remain the  
same until  
altered.

X. And be it enacted, That all such and the same Tolls, Rates, Charges, and Duties made and imposed under or by virtue of the said first-recited Act relating to the said Canal as immediately before the passing of this Act were payable, or if this Act had not been passed would or might from Time to Time have become payable to the said Canal Company, shall be and remain payable to the said Railway Company, except during the Time that the same shall be varied and altered under the Authority of the said first-recited Act or this Act, and shall and may be demanded, collected, and recovered by the said Railway Company by such Means and under such Restrictions and Regulations as the said Tolls, Rates, or Duties were or might or could have been collected and recovered by the said Canal Company if this Act had not been passed.

Bye Laws,  
&c. relating  
to the Canal  
Company to  
remain in  
force till  
altered.

XI. And be it enacted, That all Rules, Bye Laws, Regulations, and Orders made under the Authority and according to the Directions of the said first-recited Act relating to the said Canal, and which were in force immediately before the passing of this Act, shall continue to be in full Force and Effect with reference to the same Canal until the same Rules, Bye Laws, Regulations, and Orders shall be repealed, altered, or varied by the said Railway Company under the Powers of the same Act or of this Act; and the said Rules, Bye Laws, Regulations, and Orders, and all Penalties and Forfeitures imposed by the said Bye Laws, shall be enforced, recovered, and applied by or in the Name of the said Railway Company

Company in the same Manner in all respects as such Rules, Bye Laws, Orders, and Regulations might have been enforced, and such Penalties and Forfeitures might have been recovered and applied, by the said Canal Company if this Act had not been passed.

XII. And whereas the Capital of the said Canal Company consists of a Capital Stock of Seventy thousand four hundred Pounds, divided into Seven hundred and four Shares of One hundred Pounds each : Be it enacted, That in consideration of the said Canal and the Works, Property, and Effects thereof, or of the Company of Proprietors thereof, and the Powers and Privileges appertaining thereto, being vested in the said Railway Company upon the Terms and in manner in this Act mentioned, the said Railway Company, their Successors and Assigns, shall yearly and every Year for ever hereafter well and truly pay or cause to be paid unto every Person who at the Time of the passing of this Act was the Proprietor of or entitled to any One or more of the said Seven hundred and four Shares, their respective Executors, Administrators, Successors, and Assigns for ever, a fixed Annuity or yearly Sum of Two Pounds and Ten Shillings for and in respect of each such Share held by them respectively, and that such Annuity or yearly Sum shall be computed and reckoned as from the passing of this Act (from which Time the said Railway Company shall have and be entitled to the Gains, Profits, and Proceeds of the said Canal, and the Works, Property, Effects, Powers, Privileges, and other the Matters and Things appertaining thereto vested in them by this Act), and shall from Time to Time be paid to the Persons for the Time being entitled thereto in net Monies, free and clear of all Deductions and Abatements whatsoever (except any Income or Property Tax, or other Tax in the Nature thereof legally chargeable thereon), in manner following; that is to say, a proportionate Part of such Annuity, calculated from the passing of this Act to the Thirtieth Day of *June* or the Thirty-first Day of *December*, whichever of these Days shall next happen after the passing of this Act, on the Fifteenth Day of *July* or the Fifteenth Day of *January* next succeeding such Thirtieth Day of *June* or Thirty-first Day of *December*, as the Case may be, and from and after the Payment of such proportionate Part then by equal half-yearly Payments, on the Fifteenth Day of *January* and the Fifteenth Day of *July* in each and every Year, the first of such half-yearly Payments to be made on such of the said last-mentioned Days as shall next happen after Payment of the said proportionate Part as aforesaid, and the said Railway Company shall also pay to every Person entitled as aforesaid on the Fifteenth Day of *July* or the Fifteenth Day of *January* next succeeding the passing of this Act, whichever of those Days shall first happen, so much Money as will be equal to a Dividend after the Rate of Two Pounds *per Annum* on each of the Shares held by such Persons respectively, calculated from the Thirty-first Day of *March* One thousand eight hundred and forty-eight to the passing of this Act.

In consequence of Canal being vested in Railway Company, certain Annuities to be paid by them half-yearly.

XIII. And be it enacted, That the said Railway Company shall preserve and keep at the Office or Place of Business of the said Railway Company at *Sheffield* all Certificates of Shares in the said Canal

Old Transfer Books and Papers relating to not

Shares in  
Canal to be  
kept, and  
Access given  
thereto.

not delivered to the Proprietors thereof before the passing of this Act, and all Register and Transfer Books, Dividend Lists, and other Books, Papers, and Documents showing the Transmission of Shares in the said Canal, and the Proprietors thereof, or the Titles thereto, and that every Annuitant under this Act, and if such Annuitant be a Corporation the Clerk or Agent of such Corporation, may, at all convenient Times peruse and examine all such Certificates, Books, Lists, and other Papers and Documents *gratis*, and may require a Copy of the same or any of them, or of any Part thereof respectively, and for every One hundred Words so required to be copied the said Railway Company may demand a Sum not exceeding Sixpence.

Annuities to  
be Personal  
Estate.

XIV. And be it enacted, That all the Annuities or annual Sums of Money by this Act created shall be Personal Estate, and transmissible as such, and shall not be of the Nature of Real Estate.

Who to be  
deemed  
Annuitants.

XV. And be it enacted, That every Person who at the passing of this Act was entitled to any Share in the said Canal, or who shall for the Time being be the Proprietor of any Annuity by this Act created, shall be deemed an Annuitant under this Act.

Annuities to  
be held on  
the same  
Trusts as the  
Shares in  
respect of  
which they  
are granted.

XVI. And be it enacted, That every Person who, on the passing and under the Provisions of this Act, shall become the Proprietor of One or more of the Annuities by this Act created, shall stand and be possessed thereof upon the same Trusts and for the same Purposes, and with and under the same Powers and Provisions respectively, subject nevertheless to the Provisions of this Act, as the Share or Shares in the said Canal represented by such Annuity or Annuities was or were at the passing of this Act held upon and subject or liable to, and so as to give effect to and not revoke any Will or other Testamentary Disposition, Contract, Settlement, Trust, Charge, or Agreement made previous to the passing of this Act.

Register of  
Annuitants.

XVII. And be it enacted, That the said Railway Company shall keep a Book, to be called "The Register of Annuitants under the *Sheffield* Canal Purchase Act, 1848," and in such Book shall be fairly and distinctly entered from Time to Time the Names of the several Persons entitled to Annuities under this Act, together with the Number of the Annuities to which such Annuitants shall be respectively entitled, distinguishing each Annuity by its Number (such Annuities being numbered in arithmetical Progression, beginning with the Number One), and the Surnames or Corporate Names of the said Annuitants shall be placed in alphabetical Order, and such Book shall be authenticated by the Common Seal of the said Railway Company being affixed thereto, and such Authentication shall take place at the first Ordinary Meeting of the said Railway Company held after the passing of this Act, or at the next subsequent Meeting of the said Company, and so from Time to Time at each Ordinary Meeting of the said Company.

Addresses of  
Annuitants.

XVIII. And be it enacted, That in addition to the said Register of Annuitants the said Railway Company shall provide a Book, to be called "The Annuitants Address Book under the *Sheffield* Canal Purchase

Purchase Act, 1848," in which the Secretary shall from Time to Time enter in alphabetical Order the Corporate Names and Places of Business of the several Annuitants being Corporations, and the Surnames of the several other Annuitants, with their respective Christian Names, Places of Abode, and Descriptions, so far as the same shall be known to the said Railway Company, and every Annuitant, and if such Annuitant be a Corporation the Clerk or Agent of such Corporation, may at all convenient Times peruse such Book *gratis*, and may require a Copy thereof or of any Part thereof, and for every Hundred Words so required to be copied the said Railway Company may demand a Sum not exceeding Sixpence.

XIX. And be it enacted, That, on Demand of any Annuitant who became such immediately on the passing of this Act, the said Railway Company shall cause a Certificate of every Annuity or yearly Sum of Two Pounds Ten Shillings to which such Annuitant shall under the Provisions of this Act be entitled to be delivered free of Expense to such Annuitant, and such Certificate shall have the Common Seal of the said Railway Company affixed thereto, and such Certificate shall specify the Number by which every such Annuity or annual Sum shall be known in the Books of the said Railway Company to be kept as provided by this Act, and the same may be according to the Schedule (A.) to this Act annexed, or to the like Effect.

Certificates of Annuity to be issued to the Annuitant.

XX. And be it enacted, That the said Certificate shall be admitted in all Courts as *prima facie* Evidence of the Title of the Party to whom the same shall be granted, his or their Executors, Administrators, Successors, or Assigns, to the Annuity therein specified; nevertheless the Want of such Certificate shall not prevent the Party for the Time being entitled to any such Annuity from disposing thereof.

Certificate to be Evidence.

XXI. And be it enacted, That if any such Certificate be worn out or damaged, then upon the same being produced at some Meeting of the Directors of the said Railway Company such Directors may order the same to be cancelled, and thereupon another similar Certificate shall be given to the Party in whom the Property of such Certificate and of the Annuity therein mentioned shall be at the Time vested, or if such Certificate be lost or destroyed, then upon Proof thereof to the Satisfaction of the Directors a similar Certificate shall be given to the Party entitled to the Certificate so lost or destroyed, and in either Case a due Entry of the substituted Certificate shall be made by the Secretary in the said Register of Annuitants; and for every such Certificate so given or exchanged the Company may demand any Sum not exceeding Two Shillings and Sixpence.

Certificate to be renewed when destroyed.

XXII. And be it enacted, That, subject to the Regulations herein contained, every Annuitant may sell and transfer all or any of his Annuities; and every such Transfer shall be by Deed duly stamped, in which the Consideration shall be duly stated, and such Deed may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect.

Transfer of Annuities to be by Deed duly stamped.

[Local.]

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XXIII. And

Transfer of  
Annuities to  
be registered,  
&c.

XXIII. And be it enacted, That the said Deed of Transfer (when duly executed) shall be delivered to the Secretary, and be kept by him, and the Secretary shall enter a Memorial thereof in a Book, to be called "The Register of Transfers under the *Sheffield* Canal Purchase Act, 1848," and shall endorse such Entry on the Deed of Transfer, and shall, on Demand, and in exchange for each old Certificate, deliver a new Certificate to the Purchaser; and for every such Entry and for each such Endorsement and new Certificate the Railway Company may demand any Sum not exceeding Two Shillings and Sixpence; and on the Request of the Purchaser of any Annuity an Endorsement of such Transfer shall be made on the Certificate of such Annuity, instead of a new Certificate being granted; and such Endorsement, being signed by the Secretary, shall be considered in every respect the same as a new Certificate.

Closing of  
Transfer  
Books.

XXIV. And be it enacted, That it shall be lawful for the Directors of the said Railway Company to close the Register of Transfers for a Period not exceeding Fourteen Days previous to each Ordinary Meeting of the said Railway Company, and they may fix a Day for closing of the same, of which Seven Days Notice shall be given by Advertisement in some Newspaper published in the Town of *Sheffield*, or in case no Newspaper shall be published in that Town, then in some Newspaper published in the West Riding of the County of *York*; and any Transfer made during the Time when the Transfer Books are so closed shall, as between the said Railway Company and the Party claiming under the same, but not otherwise, be considered as made subsequently to such Ordinary Meeting.

Transmission  
of Annuities  
by other  
Means than  
Transfer to  
be authen-  
ticated by a  
Declaration.

XXV. And be it enacted, That if the Interest in any Annuity have become transmitted in consequence of the Death or Bankruptcy or Insolvency of any Annuitant, or in consequence of the Marriage of a Female Annuitant, or by any other lawful Means than by a Transfer according to the Provisions of this Act, such Transmissions shall be authenticated by a Declaration in Writing as herein-after mentioned, or in such other Manner as the Directors of the said Railway Company shall require; and every such Declaration shall state the Manner in which and the Party to whom such Share shall have been so transmitted, and shall be made and signed by some credible Person before One of Her Majesty's Justices of the Peace, or before a Master Extraordinary of the High Court of Chancery; and such Declaration shall be left with the Secretary, and thereupon he shall enter the Name of the Person entitled under such Transmission in the Register of Annuitants; and for every such Entry the said Railway Company may demand any Sum not exceeding Two Shillings and Sixpence, and until such Transmission has been so authenticated no Person claiming by virtue of any such Transmission shall be entitled to receive such Annuity.

Proof of  
Transmission  
by Marriage,  
Will, &c.

XXVI. And be it enacted, That if such Transmission be by virtue of the Marriage of a Female Annuitant, the said Declaration shall contain a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, and shall declare the Identity of the Wife with the Holder of such Annuity; and if such Transmission have

taken place by virtue of any Testamentary Instrument or by Intestacy, the Probate of the Will or the Letters of Administration, or an official Extract therefrom, shall, together with such Declaration, be produced to the Secretary, and upon Production of any Declaration as to the Transmission of Annuities required by this Act the Secretary shall make an Entry of such Declaration in the said Register of Transfers, and for every such Entry the said Railway Company may demand any Sum not exceeding Two Shillings and Sixpence.

XXVII. And be it enacted, That the said Railway Company shall not be bound to see to the Execution of any Trust, whether express, implied, or constructive, to which any of the said Annuities may be subject, and the Receipt of the Party in whose Name any such Annuity shall stand in the Register of Annuitants, or if it stands in the Names of more Parties than One the Receipt of One of the Parties named in the Register of Annuitants, shall from Time to Time be a sufficient Discharge to the said Railway Company for any Sum of Money payable in respect of such Annuity, notwithstanding any Trusts to which such Annuity may then be subject, and whether or not the said Railway Company have had Notice of such Trusts, and the said Railway Company shall not be bound to see to the Application of the Money paid upon such Receipt.

Railway Company not bound to see to the Execution of Trusts.

XXVIII. And be it enacted, That the Annuities hereby made payable by the *Manchester, Sheffield, and Lincolnshire* Railway Company, their Successors and Assigns, shall be paid rateably to the registered Proprietors of the Annuities for the Time being, and shall be charged and chargeable upon the *Manchester, Sheffield, and Lincolnshire* Railway, and the Works, Undertakings, Property, and Effects for the Time being of the said Railway Company, and upon the Tolls, Gains, and Profits thereof, and shall be a Charge ranking next in succession with respect to the Undertakings and Property of the said Company of Proprietors of the said *Sheffield* Canal hereby vested in the said Railway Company after the Incumbrances on such Undertakings and Property which are existing at the passing of this Act, and with respect to the other Undertakings and Property of the *Manchester, Sheffield, and Lincolnshire* Railway Company next after the Incumbrances existing thereon respectively at the Time of the passing of this Act, and after the Moneys they are authorized by an Act or Acts passed previous to the present Session of Parliament to borrow or take up at Interest; and in case Default shall be made in Payment of the said Annuities, or any Part or Parts thereof, for the Space of Twenty-one Days after any of the Times or Days appointed for Payment thereof, the same and all Arrears thereof may be recovered and shall be recoverable, together with all Costs, Charges, and Expenses which shall be occasioned by reason or in consequence of any such Default, by all or any of the Means following, (that is to say,) either by Action or Suit in any of the Superior Courts of Law or Equity at *Westminster*, or by Action, Plaint, or Suit in any County Court established or having Jurisdiction for the Recovery of Debts in any District or Districts in which any Part of the Works of the said *Manchester, Sheffield, and Lincolnshire* Railway shall lie, or in any other Court of competent Jurisdiction, which

Annual Sums payable by *Manchester, Sheffield, and Lincolnshire* Railway Company to be a Charge on their Railway and on Canal.

which Action, Plaint, or Suit may be brought, entered, or prosecuted by any One or more of the Persons whose annual Sum or Sums shall be in arrear for the Space above mentioned, or by any such Person or Persons as last aforesaid entering into and upon the Works for the Time being of the said Railway Company, and distraining all or any of the moveable Stock, Goods, Chattels, or Effects of or belonging to the said Railway Company, their Successors or Assigns, and the Distress or Distresses then and there found the Person or Persons making the same are hereby authorized to detain, manage, sell, and dispose of in the same Manner in all respects, and upon the same Terms, as Distresses for Rents reserved upon Leases for Years may be and are or ought to be managed, sold, and disposed of, or by the Appointment of a Receiver in manner herein-after mentioned.

On default  
of Payment  
Receiver  
may be  
appointed.

XXIX. And be it enacted, That if within Twenty-one Days after any such Annuities shall have become payable, and after Demand thereof in Writing, the same be not paid, it shall be lawful for any One or more Person or Persons entitled, together or alone, to an aggregate Amount of such Annuities, not being less than Two hundred Pounds, and without Prejudice to his or their Right to proceed for the Money so in arrear by any such Action, Plaint, or Suit as aforesaid, to require from Time to Time, as often as any such Default shall happen, the Appointment of a Receiver by an Application to be made as herein-after mentioned.

As to Appli-  
cation for the  
Appointment  
of a Receiver.

XXX. And be it enacted, That every Application for a Receiver in the Cases aforesaid shall be made to Two of Her Majesty's Justices of the Peace for the West Riding of the County of *York*, and on any Application so made it shall be lawful for such Justices, by Order in Writing, to appoint some Person to receive the whole or a competent Part of the Tolls or Sums liable to the Payment of such Annuities, until such Annuities, and also all such further annual Sum or Sums (if any) as during such Perception should become due to the Person or Persons on whose Behalf such Receiver shall be appointed, together with all Costs, Charges, and Expenses which shall have been incurred by or by reason of any such Default as aforesaid, including the Charges of receiving the Tolls or Sums aforesaid first herein-before mentioned, be fully paid; and upon such Appointment being made all such Tolls and Sums of Money so liable as aforesaid shall be paid to and received by the Person so to be appointed, and the Money so to be received shall be so much Money received by or to the Use of the Person or Persons to whom such Annuities shall be then due, and on whose Behalf such Receiver shall have been appointed; and after such Sum or Sums of Money in arrear, Costs, Charges, and Expenses have been so received, the Power of such Receiver shall cease.

Access to  
Account  
Books of the  
Proprietors  
by their  
Receiver.

XXXI. And be it enacted, That at all reasonable Times after the Appointment of any Receiver under the Powers aforesaid, and during such Time as the Appointment shall continue in force, the Books of Accounts of the said Railway Company shall be open to the Inspection of such Receiver, with Liberty to take Extracts therefrom without Fee or Reward.

XXXII. Pro-

XXXII. Provided always, and be it enacted, That if at any Time Complaint shall be made to the Commissioners of Railways that the Amount of the Rates or Tolls received or claimable by the said Railway Company by virtue of this Act or of the said first-recited Act for or in respect of the said Canal or any Part thereof, or of the several Vessels or Articles, Matters or Things, which shall be navigated, carried, or conveyed in, upon, or along the same or any Part thereof, is such as with reference to the Rates or Tolls taken and Carriage charged upon the said Railway to operate prejudicially to the Persons using the said Canal, it shall be lawful for the said Commissioners from Time to Time, when and as such Complaints shall be made, to examine and inquire, or to appoint some competent Person to examine and inquire, into such Complaints, and the Grounds thereof, and, after such Examination had, to make Regulations from Time to Time as the said Commissioners shall think fit with respect to the Amount of all or any of the Rates or Tolls which shall be received or claimable by the said Railway Company for or in respect of the said Canal or any Part thereof, or of all or any of the Vessels or Articles, Matters, or Things, which shall be navigated or carried or conveyed thereon, and by such Regulations to impose such Conditions and Restrictions with regard to the Amount of all or any of such Tolls or Rates as the said Commissioners shall think fit, having regard to the Tolls levied on the said Railway, and to the Difference of Tolls which it shall be lawful to levy on the said Canal; and every such Regulation on being published in the *London Gazette* shall be binding upon the said Railway Company, and such Tolls or Rates as may be affixed thereby shall be recoverable by them until such Regulation shall be revoked or altered by the said Commissioners.

For regulating Tolls upon the Canal.

XXXIII. And be it enacted, That the Company, its Agents and Servants, shall not give any undue Preference 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 Canal, or the Conveniences thereunto belonging; and in case the Commissioners of Railways shall, upon Complaint made to them, and after Ten Days Notice of such Complaint given by them to the Company, of any alleged undue Preference made by the Company, (such Notice specifying the undue Notice complained of,) be of opinion that such alleged undue Preference is really an undue Preference within the Meaning of this Act, and shall signify such Opinion in Writing to the Company, then in case the Company, its Agents or Servants, shall, after Five Days from the Declaration of such Opinion by the said Commissioners, cause or permit any such undue Preference again to occur, the Company shall for every such Offence forfeit and pay a Sum not exceeding Twenty Pounds, to be recovered and applied in manner directed by the Companies Clauses Consolidation Act, 1845.

Penalty on Company, &c. giving undue Preference.

XXXIV. And be it enacted, That the said Railway Company shall and they are hereby required and directed from Time to Time, and at all Times, from and after the passing of this Act, to keep open and maintain the said Canal and every Part thereof, and all the

Canal to be kept open and in good Repair.

[Local.]

12 M

Works

Works and Wharfs thereto belonging, in as good Order and Condition as but for the passing of this Act the said Canal Company would have been bound to do.

Commissioners of Railways may require Inconveniences and Evils to be remedied.

XXXV. And be it enacted, That if at any Time after the passing of this Act it shall appear to the Commissioners of Railways to be necessary for the Interests of the Public, it shall be lawful for the said Commissioners to require the said Railway Company to proceed forthwith to the Correction or Prevention of any Inconveniences or Evils by the Commissioners specified; and upon the Failure or Inability of the said Company to comply with the Requisitions of the said Commissioners within the Period of Six Months from the Date of such Requisition in the Particulars aforesaid, it shall be lawful for the said Commissioners to serve the said Railway Company with Notice to introduce into Parliament in the then existing Session, if Parliament should then be sitting, and if not, in the then 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, and duly to prosecute the same, in default whereof it shall be lawful for the said Commissioners to introduce or prosecute (as the Case may be) such Bill or Bills at the Expense of the said Railway Company.

Railway Company to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. 105.

XXXVI. 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 another Act was passed in the said Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said present Majesty, intituled *An Act for regulating the Gauge of Railways*, and another Act was passed in the same Session of Parliament, intituled *An Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the said *Manchester, Sheffield, and Lincolnshire* Railway Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway so far as the same shall be applicable thereto.

Canal to be subject to Provisions of future general Acts.

XXXVII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the said Canal from the Provisions of any general Act relating to this Act, or of any general Act relating to Canals, or relating to Canals amalgamated with Railways, or of any Act relating to the said Railway, which may pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the Tolls, Rates, and Duties authorized to be taken by this Act.

XXXVIII. And

XXXVIII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the *Manchester, Sheffield, and Lincolnshire* Railway Company from the Provisions 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 or Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by the said recited Acts or this Act.

Railway to be subject to Provisions of future general Acts.

XXXIX. And whereas there is a Mortgage Debt of Twenty-five thousand five hundred Pounds on the said Canal: Be it enacted, That, in addition to all other Sum or Sums the said Railway Company may by the said recited Acts or any other Acts of Parliament now passed be authorized to borrow on Mortgage or Bond, it shall be lawful for the said Railway Company, for the Purpose of paying off the said Mortgage Debt on the said Canal, to borrow on Mortgage or Bond any Sum or Sums not exceeding in the whole Twenty-five thousand five hundred Pounds, and to secure the Payment thereof, with Interest, in the same Manner as the other Sum or Sums the said Railway Company may from Time to Time be authorized to raise on Mortgage or Bond.

Power to raise Money on Mortgage.

XL. And be it enacted, That it shall not be lawful for the said Railway Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

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

XLI. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Interpretation of Act.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Person" shall include Corporation:

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Expression "the Railway" or "the said Railway" shall mean the *Manchester, Sheffield, and Lincolnshire* Railways and Works connected therewith:

The Expression "the Railway Company" and "the said Railway Company" shall mean the *Manchester, Sheffield, and Lincolnshire* Railway Company, and their Successors and Assigns:

The Expressions "the Canal Company" and "the said Canal Company" shall mean the Company of Proprietors of the *Sheffield* Canal:

The Word "Secretary" shall mean the Secretary for the Time being of the said Railway Company, and shall include the Word "Clerk."

XLII. And

Short Title  
of Act.

XLII. 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 *Sheffield* Canal Purchase Act, 1848."

Expenses  
of Act.

XLIII. And be it enacted, That all the Costs, Charges, and Expenses connected with the passing of this Act or of carrying the same into effect shall be paid by the said Railway Company, or the Directors thereof, out of the first Monies that shall come to their Hands after the passing thereof, and of the incurring of such Costs, Charges, and Expenses, as the Case may be.

Public Act.

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

### SCHEDULES referred to in the foregoing Act.

#### SCHEDULE (A.)

THIS is to certify, That \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_ is, under the Provisions of "The *Sheffield* Canal Purchase Act, 1848," the Proprietor of the Annuity or annual Sum of Two Pounds Ten Shillings created by the said Act, and distinguished in the Register of Annuitants under the said Act by the No. \_\_\_\_\_

Given under the Common Seal of the Manchester, Sheffield, and Lincolnshire Railway Company, this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

#### SCHEDULE (B.)

I, [or we,] \_\_\_\_\_ of \_\_\_\_\_ in consideration of £ \_\_\_\_\_ paid to me [or us] by \_\_\_\_\_ of \_\_\_\_\_ do hereby transfer to the said \_\_\_\_\_ One [or if more than One, state the Number] Annuity [or Annuities] of Two Pounds Ten Shillings [if more than One, add "each"] numbered \_\_\_\_\_ created by "The *Sheffield* Canal Purchase Act, 1848," to hold the same to the said \_\_\_\_\_ his [or their] Executors, Administrators, or Assigns, [or Successors and Assigns, as the Case may be,] subject to the Provisions of the said Act. And I, [or we,] the said \_\_\_\_\_ hereby agree to accept the same accordingly. Witness our Hands and Seals this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_