



CHAPTER cciv.

An Act to authorise the construction of a Railway in the West Riding of the County of York, and in the County of Nottingham, from Rotherham through Blyth to Sutton, with a Branch to Treeton, and for other purposes.

A.D. 1891.

[5th August 1891.]

WHEREAS the construction of the railways herein-after described, in the west riding of the county of York and in the county of Nottingham, would be attended with public and local advantage :

And whereas the persons herein-after named, with others, are willing at their own expense to construct the said railways, and it is expedient that they be incorporated into a company (in this Act called "the Company"), and that the powers herein-after contained should be conferred upon them for and in relation to such construction :

And whereas it is expedient that the Company should be empowered to enter into and carry into effect agreements with the Great Northern Railway Company as herein-after provided :

And whereas plans and sections showing the lines and levels of the railways authorised by this Act, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited in the month of November last with the clerk of the peace for the west riding of the county of York, and with the clerk of the peace for the county of Nottingham, and are herein-after respectively referred to as the deposited plans, sections, and book of reference :

And whereas during the progress through Parliament of the Bill for this Act, a portion of Railway No. 1 was objected to on the ground that it interfered to some extent with the property belonging

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And whereas plans and sections herein-after referred to as the amended plans and sections showing the lines and levels of the proposed deviation of Railway No. 1, and also books of reference to those plans containing the names of the owners and lessees or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes of the said deviation were deposited in the month of March, 1891, with the clerk of the peace for the west riding of the county of York :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same as follows (that is to say) :—

Short title. **1.** This Act may be cited as the Rotherham, Blyth, and Sutton Railway Act, 1891.

Incorporation of Acts. **2.** The Companies Clauses Consolidation Act, 1845, Part I. (relating to cancellation and surrender of shares), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869, the Lands Clauses Acts, the Railways Clauses Consolidation Act, 1845, and Part I. (relating to the construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation. **3.** In this Act—
The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction :
“The Company” means the Company incorporated by this Act :
“The railway” or “the railways” and “the undertaking” mean respectively the railways and the undertaking by this Act authorised :
“The Great Northern Railway” means the railway of the Great Northern Railway Company :

And for the purposes of this Act the expression “superior courts” or “court of competent jurisdiction,” or any other like expression in this Act, or any Act wholly or partially incor-

porated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

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4. George Neill, Joseph Mitchell and Frederick Lee Harrop, and all other persons and corporations who have already subscribed to, or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the railways, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Rotherham, Blyth, and Sutton Railway Company," and by that name shall be a body corporate with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Company
incorporated.

5. The plans and other documents deposited as aforesaid in the month of March, with the clerk of the peace for the west riding of the county of York, shall be kept by him as documents deposited under the Standing Orders of Parliament for the purposes of this Act, and shall for the purposes of this Act, and for all other purposes, be deemed to form part of the deposited plans.

As to deposit
of plans in
March, 1891.

6. Subject to the provisions of this Act, the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections, the railways herein-after described, with all proper stations, sidings, approaches, works and conveniences connected therewith, and may enter upon, take and use such of the lands delineated on the said plans, and described in the deposited book of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act will be situate in the west riding of the county of York and in the county of Nottingham and are—

Power to
make rail-
ways.

A railway (No. 1), 19 miles 8·75 chains in length, commencing in a garden belonging or reputed to belong to Lucy Saville, and in the occupation of Emma Carpenter, in the township and parish of Rotherham, in the west riding of the county of York, at a point ninety-two yards or thereabouts, measured in an easterly direction, from the street known as Westgate, and one hundred and eighteen yards or thereabouts, measured in a northerly direction, from Alma Road, and terminating in the parish of Sutton, in the county of Nottingham, by a junction with the Great Northern Railway at a point three hundred

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and twenty-three yards or thereabouts, measured in a north-westerly direction, along the centre line of the said railway from the centre of the platforms of Sutton Station :

Provided that the Company shall construct and maintain so much of Railway No. 1 as lies between a point in the parish of Maltby, marked on the deposited plans of that railway as seven miles seven furlongs, from the point of commencement thereof, and a point in the parish of Stainton, marked on those plans as ten miles six furlongs, from the said commencement in the line, and according to the levels shown on the amended plans and sections, instead of and in substitution for the line shown on the deposited plans between those points.

A Railway (No. 2), 2 furlongs in length, wholly situate in the said west riding, commencing in a wood, known as Canklow Wood, in the township and parish of Whiston, by a junction with Railway No. 1 at a point one hundred and fifty-eight yards or thereabouts, measured in an easterly direction, from Canklow Road, and one hundred and forty-five yards or thereabouts, measured in a southerly direction, from Wood Lane, and terminating in a field belonging or reputed to belong to Euphemia Margaret Fullerton, and in the occupation of John Brown and Company, Limited, in the township of Brinsworth, in the parish of Rotherham, at a point forty yards or thereabouts, measured in an easterly direction, from Ickles Goit, and two hundred and sixty yards or thereabouts, measured in a north-westerly direction, from the centre of Canklow Bridge.

A Railway (No. 3), 1 mile 6 furlongs 9 chains in length, wholly situate in the said west riding, commencing in the said wood in the township and parish of Whiston, by a junction with Railway No. 1 at a point one hundred and thirty-three yards or thereabouts, measured in an easterly direction from the said Canklow Road, and two hundred and sixteen yards or thereabouts, measured in a southerly direction, from the said Wood Lane, and terminating in the township and parish of Treeton by a junction with the railway of the Rothervale Collieries, Limited, at a point forty-three yards or thereabouts, measured in a north-westerly direction along the centre line of the last mentioned railway, from the point where such railway crosses Well Lane on the level.

Capital.

7. The capital of the Company shall be six hundred thousand pounds in sixty thousand shares of ten pounds each.

Shares not
to be issued
until one
fifth paid.

8. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person

accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof. A.D. 1891.

9. One fifth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval between successive calls, and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.

10. If any money is payable to a shareholder, or mortgagee, or debenture stock holder, being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

11. The Company may from time to time borrow on mortgage of the undertaking any sums not exceeding in the whole two hundred thousand pounds, but no part thereof shall be borrowed until the capital of six hundred thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof, before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and also that such persons or corporations or their executors, administrators, successors or assigns are legally liable for the same, and upon production to such justice, of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof. Power to borrow.

12. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than seven thousand pounds in the whole. For appointment of a receiver.

13. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act, 1863, Debenture stock.

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- A.D. 1891. but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued by the Company under this or any subsequent Act shall, subject to the provisions of any subsequent Act, rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament, or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.
- Application of moneys. 14. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied only to the purposes of this Act to which capital is properly applicable.
- First ordinary meeting. 15. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.
- Number of directors. 16. The number of directors shall until the first ordinary meeting of the Company be five, but the Company may at that or at any subsequent ordinary meeting increase the number to seven, and may from time to time reduce and again increase the number, provided that the number be never less than three nor more than seven.
- Qualification of directors. 17. The qualification of a director shall be the possession in his own right of not less than fifty shares.
- Quorum. 18. The quorum of a meeting of directors shall be three.
- First directors: 19. George Neill, Joseph Mitchell, and Frederick Lee Harrop, and two other persons to be nominated by them, or the majority of them, and consenting to such nomination, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or nominated as aforesaid, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act, or nominated as aforesaid, being (if they continue qualified) eligible for re-election, and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall (subject to the powers herein-before contained for increasing or reducing the numbers of directors), elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act, 1845, and the several persons elected at any such meeting, being neither

removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead, in manner provided by the same Act. A.D. 1891.

20. The auditors need not hold shares in the Company.

Auditors not required to hold shares.

21. The Company may take by agreement, for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845, any quantity of land not exceeding ten acres, but nothing in that Act or in this Act shall exempt the Company from any indictment, action, or other proceeding for nuisance, in the event of any nuisance being caused by them upon any land taken under the powers of this section.

Lands for extraordinary purposes.

22. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of those Acts and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water required for the purposes of this Act in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rent-charges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Power to take easements, &c., by agreement.

23. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

24.—(1) The Company shall not under the powers of this Act, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses which after the passing of this Act have been, or on the 15th day of December last, were occupied either wholly or partially, by persons belonging to the labouring class as tenants or lodgers, unless and until the Company—

Restrictions on displacing persons of labouring class.

(a) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last aforesaid, or for such number of persons as the Local Government Board shall, after inquiry, deem necessary, having regard to the number of persons on or after that date residing in such houses, and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses

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or to the place of employment of such persons and to all the circumstances of the case; and

(b) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally, and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out, and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement, subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions, subject to which the Local Government Board may have approved of any scheme, or of any modifications of any scheme, or subject to which they may have dispensed with the above-mentioned requirement, shall be enforceable by a writ of Mandamus, to be obtained by the Local Government Board out of the High Court.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions, or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme, they shall be liable to a penalty of five hundred pounds in respect of every such house, which penalty shall be recoverable by the Local Government Board by action in the High Court, and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

Provided that the court may, if it think fit, reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them, or which they have power to acquire, and may purchase such further lands as they may require, and for the purpose of any such purchase sections 176 and 297 of the Public Health Act, 1875, shall be incorporated with this Act, and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section, in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act, 1875, and the scheme were one of the purposes of that Act.

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(7) The Company may on any lands belonging to them, or purchased, or acquired under this section, or any Provisional Order issued in pursuance of this section, erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section, and may sell, demise, or let, or otherwise dispose of such dwellings, and any lands purchased or acquired as aforesaid, and may apply for the purposes of this section, to which capital is properly applicable, or any of such purposes, any moneys which they may be authorised to raise or apply for the general purposes of their undertaking : A.D. 1891.

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section, shall for a period of twenty-five years from the passing of this Act, be appropriated for the purpose of such dwellings, and every conveyance, demise, or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section, subject to such conditions (if any) as they may see fit.

(8) So much of section 157 of the Public Health Act, 1875, as provides that the provisions of that section, and of sections 155 and 156 of the same Act, shall not apply to buildings belonging to any railway company, and used for the purposes of such railway under any Act of Parliament, shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9) The Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section, and may employ inspectors for the purposes of any such inquiry, and the inspectors so employed shall for the purposes of any such inquiry, have all such powers as the inspectors of the Local Government Board have for the purposes of inquiries directed by the Local Government Board under the Public Health Act, 1875.

(10) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section, and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector, and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11) Any houses on any of the lands shown on the deposited plans, occupied, or which may have been occupied by persons of

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(12) For the purposes of this section the expression "labouring class" includes mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons other than domestic servants whose income does not exceed an average of thirty shillings a week, and the families of any such persons who may be residing with them.

Inclination
of roads.

25. In altering for the purposes of this Act the roads next herein-after mentioned, the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say):—

Railway.	Number on deposited plan.	Parish.	Description of Road.	Intended Inclination.
No. 1	25	Whiston - - -	Public road	1 in 18
	1	Braithwell - - -	} Public road	1 in 15
	6	Treeton (detached) - - -		
	12	Treeton (detached) - - -	} Public road	1 in 15
	1	Laughton-en-le-Morthen - - -		
	5	Maltby - - -	Public road	1 in 13
	18	Blyth - - -	Public road	1 in 19

Power to
divert roads
as shown on
deposited
plans.

26. The Company may divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections, and when and as in each case the new portion of any road is made to the satisfaction of the justices, and is open for public use, may stop up and cause to be discontinued as a road so

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much of the existing road as will be rendered unnecessary by the new portion of road (that is to say):— A.D. 1891.

Railway.	Parish.	No. of Road on Plan.
No. 1 - -	Treeton (detached) - - -	6
No. 1 - {	Treeton (detached) - - -	12
	Laughton-en-le-Morthen - - -	1
No. 1 - -	Torworth - - -	50

And when and so soon as each of the said roads is so stopped up all rights of way over the same shall cease, and the Company may, subject to the provisions of the Railways Clauses Consolidation Act, 1845, with respect to mines lying under or near to the railway, appropriate and use for the purposes of their undertaking the site of the road stopped up as far as the same is bounded on both sides by lands of the Company.

27. And whereas, in the construction of the railways and works hereby authorised or otherwise in exercise of the powers of this Act, it may happen that portions only of the lands, houses or other buildings or manufactories, shown on the deposited plans, may be sufficient for the purposes of the same, and that such portions may be severed from the remainder of the said properties without material detriment thereto: Therefore, notwithstanding section ninety-two of the Lands Clauses Consolidation Act, 1845, the owners of and other persons interested in the lands, houses or other buildings or manufactories, described in the schedule to this Act, and whereof parts only are required for the purposes of this Act, may, if such portions can in the opinion of the jury, arbitrators, or other authority to whom the question of disputed compensation shall be submitted, be severed from the remainder of such properties without material detriment thereto, be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof, the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Owners may be required to sell parts only of certain lands and buildings.

28. Notwithstanding anything in this Act contained, the following provisions for the protection of the mayor, aldermen, and burgesses of the borough of Rotherham (in this section called "the corporation") shall apply and have effect (that is to say):—

For the protection of the corporation of Rotherham.

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- (1) For the purposes of this section the word "street" includes any street, road, highway, lane, bridge, passage, or place, and the footways thereof respectively vested in or under the direction, jurisdiction, or control of the corporation. The word "sewer" includes any drain, watercourse, or culvert, within the borough of Rotherham. The word "surveyor" means the surveyor for the time being of the borough of Rotherham.
- (2) The provisions of the Railways Clauses Consolidation Act, 1845, contained in sections 18 to 23 inclusive, shall, subject to the provisions of this Act, extend and apply to the water and gas mains, pipes, and apparatus of the corporation.
- (3) The Company shall not purchase or take otherwise than by agreement any land of the corporation at Pinch Mill Spring.
- (4) Railway No. 1 shall be so constructed that the centre line thereof shall be at least 100 yards distant from Pinch Mill Spring.
- (5) Any water suitable for domestic use, which may be tapped by the Company in constructing Railway No. 1 at or within the points, 4 miles $4\frac{1}{4}$ furlongs and 5 miles $3\frac{1}{2}$ furlongs, as shown on the deposited plans, shall be conducted by means of pipes approved by the corporation, by and at the expense of the Company, and shall be delivered by them to the corporation free from expense, at or near Pinch Mill Spring aforesaid. All such works shall be executed to the reasonable satisfaction of the surveyor, and according to plans and specifications to be previously submitted.
- (6) The Company shall make full compensation to the corporation for any loss the corporation may sustain by reason of any diminution in the supply of water from Pinch Mill Spring, which may result from the construction of the railway or any works connected therewith, or any works or operations of the Company, and the amount of any such compensation shall be settled from time to time as a question of disputed compensation under the Lands Clauses Consolidation Act, 1845.
- (7) Railways Nos. 2 and 3, where they or either of them shall cross over the water pipes, conduits or culverts belonging to the corporation, shall be constructed with a sufficient arch so as to leave the said water pipes, conduits or culverts accessible for the purpose of maintenance, renewal, repair, or extension. All such works shall be executed at the expense of the Company, and to the reasonable satisfaction of the surveyor, and according to plans and specifications to be previously submitted, together with all necessary particulars to such surveyor, and reasonably approved by him in writing.

- (8) Whenever in the execution of any of the powers of this Act it may be necessary to interrupt or interfere with any existing sewer, the Company shall, before interrupting or interfering therewith, construct according to a plan to be previously submitted to and reasonably approved by the surveyor, another sewer in lieu of and of not less capacity with the sewer so proposed to be interrupted or interfered with, and such sewer or substituted sewer shall be connected by and at the expense of the Company, with any existing sewer, in such manner as shall be sufficient to secure the passage of the sewage and refuse water through such substituted sewer, and as shall be reasonably approved by the said surveyor. A.D. 1891.
- (9) If by reason of the execution of any of the powers of this Act the corporation shall necessarily incur any cost in altering or lengthening any existing or making any other sewer, gas, or water main pipe or apparatus, the Company shall repay to the corporation such costs, and the same shall be a debt due from the Company to the corporation, and recoverable accordingly.
- (10) Where the surface of any street is interfered with or disturbed by the Company in the execution of any of the powers of this Act, any such interference or disturbance shall be carried out in accordance with plans to be approved by the said surveyor, and the Company shall at their own expense, well and sufficiently and to the satisfaction of the said surveyor, restore the surface so interfered or disturbed, and keep the same in efficient repair to the reasonable satisfaction of the said surveyor for one year from such restoration.
- (11) The Company and the corporation may enter into and carry into effect agreements for any variation in the works to be done or in the mode of executing the same.

29. In the execution of the works and in the exercise of the powers by this Act authorised, the following provisions for the protection of the county council of the west riding of the county of York (in this section called "the council") shall (notwithstanding anything shown on the deposited plans and sections or contained in this Act) have effect unless otherwise agreed in writing between the Company and the council (that is to say) :—

For the protection of the county council of the west riding.

- (1) The alteration of the level of the Balby and Worksop main road, in the township of Tickhill, shall be so made that the altered portion shall not in any part thereof have a steeper gradient than 1 in 40, and the alteration of the level of the Bawtry and Tinsley main road, in the township of Whiston shall be so made that the altered portion shall not in any part

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thereof have a steeper gradient than 1 in 30. The said altered portions of the said main roads shall be efficiently channelled and drained to the reasonable satisfaction of the surveyor of the council.

(2) The bridges carrying Railway No. 1 over the Bawtry and Tinsley and Rotherham and Pleasley main roads, in the township of Whiston, and Railway No. 2 over the Bawtry and Tinsley main road, in the township of Whiston, shall be of the full width of those respective roads between the fences thereof where so respectively crossed by the railway, and shall have a clear headway throughout of not less than 20 feet from the surface of the said roads respectively at the respective points of crossing to the under part of the bridges. The bridges carrying Railway No. 1 over the Balby and Worksop main road, in the township of Tickhill, and Railway No. 3 over the Bawtry and Tinsley main road, in the township of Whiston, shall also be of the full width of those respective roads between the fences thereof where so respectively crossed by the railway, and shall have a clear headway throughout of not less than 18 feet from the surface of such roads respectively at the respective points of crossing to the under part of the bridges. No portion of the abutments of any of the said bridges shall project beyond or be recessed within the line of the said fences.

(3) The Company shall construct to the reasonable satisfaction of the surveyor of roads of the said west riding, all such works, and do all such things as may be necessary to prevent any subsidence of the surface of the Rotherham and Barnby Moor main road, in the township of Maltby, where Railway No. 1 will be constructed underneath the same.

(4) The Company shall not commence to execute any works which will interfere with any of the said main roads, nor to construct any temporary or substituted road in accordance with the provisions of the Railways Clauses Consolidation Act, 1845, until they shall have given to the said surveyor not less than twenty-eight days' notice in writing of their intention so to commence such works, accompanied by plans, sections, and specifications, showing the nature of the said works proposed to be executed, and the position, width, and mode of formation of the said respective roads, nor until the said surveyor shall have signified in writing his approval of the proposed temporary and substituted roads, and the mode of executing the said works, unless the said surveyor does not within twenty-eight days after service of the said notice, plans, sections, and specifications, signify in writing his approval or

disapproval thereof, or other his directions in relation thereto, and the Company shall comply with all such reasonable directions and requirements of the said surveyor in relation to the said roads, and the mode of execution of the said works.

- (5) All temporary or substituted roads shall be properly drained and kept in repair by the Company, to the reasonable satisfaction of the said surveyor.
- (6) All embankments, arches, bridges, viaducts, and works, whereby any road is carried over the railway shall be maintained in good and substantial repair by the Company to the reasonable satisfaction of the said surveyor, and if default be made herein, and for the space of fourteen days after notice in writing in that behalf given by the said surveyor to the Company, the Company fail to commence the necessary works to remedy such default, or having commenced, fail to carry on the same with reasonable dispatch, the council may themselves execute and do the same, and recover the cost thereof from the Company in any court of competent jurisdiction. The bridges, where the railway is carried over any road vested in the council, shall be constructed and maintained so as to prevent as far as practicable the dropping of water on the road beneath.
- (7) All works affecting the said main roads, or any of them, or the said temporary or substituted roads, shall be executed under the superintendence and to the reasonable satisfaction of the said surveyor, but in all things at the expense of the Company, and they shall pay the reasonable costs incurred by the council in and about such superintendence, and in and about the inspection, approval, or disapproval of plans, sections, and specifications, as aforesaid.
- (8) The Company shall repay to the council any extra cost incurred by them in the maintenance of any road, if incurred by reason of any alteration thereof made under the powers of this Act.
- (9) If any difference arises between the Company and the council as to the true intent and meaning of any of the provisions of this Act, in relation to any works to be executed, or any powers to be exercised affecting the said main roads, or any of them, or the said temporary or substituted roads, or any of them, such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either of the parties in difference, and his decision shall be binding on both parties, and the costs of the arbitration shall be borne as he shall direct.

[Ch. cciv.] *Rotherham, Blyth, and Sutton Railway* [54 & 55 VICT.]
Act, 1891.

A.D. 1891.

For the protection of the Earl of Scarborough.

30. The Company shall concurrently with the construction of Railway No. 1, where it passes through the estates of the said Earl of Scarborough, in the parishes of Maltby and Stainton, in the west riding of the county of York, construct to the reasonable satisfaction of the said Earl, on the south side of the railway, a siding in the fields, numbered on the amended plans 50 and 52, in the parish of Maltby, together with a good and sufficient access to such siding from the public road numbered on the amended plans 53 in that parish.

Deposit money not to be repaid except so far as railway is opened.

31. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of twenty-one thousand four hundred and sixty pounds two and three-quarters per centum consolidated stock, being five per centum on the amount of the estimate in respect of the railways, has been deposited with the Paymaster-General for and on behalf of the Supreme Court, in respect of the application to Parliament for this Act, which sum is referred to in this Act as the deposit fund: Be it enacted, that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, (which persons, survivors, or survivor are or is in this Act referred to as "the depositors,") unless the Company shall previously to the expiration of the period limited by this Act for completion of the railways, open the same for the public conveyance of passengers: And if the Company shall make default in so opening the railway, the deposit fund shall be applicable and shall be applied as provided by the next following section: Provided that, if within such period as aforesaid, the Company open any portion of the railways for the public conveyance of passengers, then on the production of a certificate of the Board of Trade specifying the length of the portion of the railways opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railways so opened bears to the entire length of the railways, the High Court shall, on the application of the depositors or the majority of them, order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct, and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

32. If the Company do not previously to the expiration of the period limited for the completion of the railways complete the same and open them for the public conveyance of passengers, then and in every such case the deposit fund, or so much thereof as shall not have been paid to the depositors, shall be applicable, and after due notice in the "London Gazette," shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railways or any portion thereof, or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation has been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit, and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund or such portion thereof as may not be required as aforesaid shall, if a receiver has been appointed, or the Company is insolvent, or the undertaking has been abandoned, be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the depositors: Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors.

A.D. 1891.

Application
of deposit.

33. If the railways are not completed within five years from the passing of this Act, then, on the expiration of that period, the powers by this Act granted to the Company for the making and completing of the railways or otherwise in relation thereto, shall cease, except as to so much thereof as is then completed.

Period for
completion
of railways.

34. The Company may demand and take in respect of the use of the railways, any tolls not exceeding the following (that is to say):—

Tolls.

In respect of passengers and animals conveyed upon the railways or any part thereof as follows:—

For every person twopence per mile, and if conveyed in or upon a carriage provided by the Company, an additional sum of one penny per mile:

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Class 1. For every horse, ass, mule or other beast of draught or burden, threepence per mile, and if conveyed in or upon a carriage provided by the Company, an additional sum of one penny per mile :

Class 2. For every ox, cow, bull, or head of neat cattle twopence per mile, and if conveyed in or upon a carriage provided by the Company, an additional sum of one penny per mile :

Class 3. For every calf, pig, sheep, lamb, or other small animal one penny per mile, and if conveyed in or upon a carriage provided by the Company an additional sum of one halfpenny per mile :

In respect of all articles conveyed upon the railways, or any part thereof, as follows :—

Class 4. For all coals, coke, cannel, ironstone, iron ore, pig-iron, bar-iron, rod-iron, sheet-iron, hoop-iron, plates of iron, slabs, billets, and rolled iron, limestone, chalk, lime, bricks, salt, sand, fireclay, cinders, slag, and stone, per ton per mile one penny, and if conveyed in or upon a carriage provided by the Company, an additional sum per ton per mile not exceeding one halfpenny :

Class 5. For all dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, and for heavy iron castings, including railway chairs, per ton per mile one penny halfpenny, and if conveyed in or upon a carriage provided by the Company, an additional sum per ton per mile not exceeding one halfpenny :

Class 6. For all culm, charcoal, and all stones for building, pitching, and paving, all tiles, slates, clay (except fireclay), sugar, grain, corn, flour, hides, dye-woods, earthenware, timber, and deals, metals (except iron), nails, anvils, vices, and chains, and for light iron castings per ton per mile twopence, and if conveyed in or upon a carriage provided by the Company, an additional sum per ton per mile not exceeding one penny :

Class 7. For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandise, fish, articles, matters, or things per ton per mile threepence, and if conveyed in or upon a carriage provided by the Company, an additional sum per ton per mile not exceeding one penny :

And 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, conveyed on a truck or

platform sixpence per mile, and a sum of one penny half-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 conveyed on a truck or platform provided by the Company, an additional sum per ton per mile not exceeding twopence.

A.D. 1891.

35. The tolls which the Company may demand for the use of engines for propelling carriages on the railways shall not exceed one penny per mile for each passenger or animal, or for each ton of goods, or for each carriage or other article in addition to the several other tolls or sums by this Act authorised to be taken.

Tolls for propelling power.

36. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act (that is to say):—

Regulations as to tolls.

For all passengers, animals, goods, or minerals conveyed on the railways, or any of the railways, for a less distance than three miles the Company may demand tolls and charges as for three miles:

For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may demand tolls and charges on animals and goods for such fraction 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, and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile:

For a fraction of a ton the Company may demand tolls 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 imperial avoirdupois weight:

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, elm, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber shall be deemed one ton weight, and so in proportion for any smaller quantity.

37. With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding anything in this Act, the Company may demand and take any tolls not exceeding the following (that is to say):—

Tolls for small parcels and articles of great weight.

For the carriage of small parcels on the railways or on any part thereof as follows:—

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For any parcel not exceeding seven pounds in weight three-pence ;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight fivepence ;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight sevenpence ;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence ;

For any parcel exceeding fifty-six pounds but not exceeding one hundred and twelve pounds in weight one shilling and fourpence ;

For any parcel exceeding one hundred and twelve pounds but not exceeding two hundred and fifty pounds in weight one shilling and eightpence ; and

For any parcel exceeding two hundred and fifty pounds but not exceeding five hundred pounds in weight 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 that term shall apply only to single parcels in separate packages :

For the carriage of single articles of great weight as follows :—

For 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 eight tons, the Company may demand such sum as they 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.

Maximum
rates for
passengers.

38. 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 for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following (that is to say) :—

For every passenger conveyed in a first-class carriage the sum of threepence per mile ;

For every passenger conveyed in a second-class carriage the sum of twopence per mile ;

For every passenger conveyed in a third-class carriage the sum of one penny per mile.

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39. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railways, including the tolls for the use of the railways and for waggons or trucks and locomotive power and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier where any such service is performed by the Company) shall not exceed the following sums (that is to say) :—

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—
Maximum rates for animals and goods.

For every animal in Class 1 fourpence per mile ;

For every animal in Class 2 threepence per mile ;

For every calf pig or sheep in Class 3 one penny per mile ; and for every lamb or other small animal three farthings per mile ;

For everything in Class 4 one penny halfpenny per ton per mile ;

For everything in Class 5 twopence per ton per mile ;

For everything in Class 6 threepence per ton per mile ;

For everything in Class 7 fourpence per ton per mile ;

And 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 on a truck or platform sixpence per mile, and for every additional quarter of a ton in weight one penny halfpenny per mile.

40. Every passenger travelling upon the railways may take with him his ordinary or personal luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof.

Passengers luggage.

41. No station shall be considered a terminal station in regard to any goods conveyed on the railways unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

Terminal station.

42. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railways in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railways.

Foregoing charges no to apply to special trains.

43. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act

Company may take increased

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A.D. 1891. limited for the conveyance of animals or goods of any description by
charges by agreement. agreement with the owners or persons in charge thereof either by
reason of any special service performed by the Company in relation
thereto or in respect of the conveyance of animals or goods (other
than small parcels) by passenger trains.

Application of provisions of Railway and Canal Traffic Act, 1888, as to revision of rates.
44. Section 24 of the Railway and Canal Traffic Act, 1888, and any enactment which may be passed in the present or any future session of Parliament extending or modifying that enactment shall with any necessary modifications, apply to the Company in all respects as if it were one of the companies to which the provisions of the said enactment in terms applied: Provided that the time within which the revised schedule of maximum rates and charges prescribed by the said section shall be submitted to the Board of Trade, shall be three years from the date of the passing of this Act, or such further time as the Board of Trade may permit.

Power to enter into agreements with the Great Northern Railway Company.
45. The Company on the one hand, and the Great Northern Railway Company on the other hand may, subject to the provisions of Part III. of the Railways Clauses Act, 1863, as amended or varied by the Railway and Canal Traffic Acts, 1873 and 1888, from time to time enter into agreements with respect to the following purposes, or any of them (that is to say):—

The management and maintenance of the railways of the companies respectively, or any one or more of them, or any part thereof respectively, and of the works connected therewith respectively, or any of them:

The use or working of the railways or railway, or of any part thereof, and the conveyance of traffic thereon:

The fixing, collecting and apportionment of the tolls, rates, charges, receipts and revenues levied, taken, or arising in respect of traffic:

The supply by the Great Northern Railway Company (under any agreement for the railways or any of the railways or any part or parts thereof being so worked or used) of rolling stock and machinery necessary for the purposes of any such agreement, and of officers and servants for the conduct of the traffic of the railways, or any of the railways, or any part or parts thereof, as the case may be:

The payments to be made and the conditions to be performed with respect to such working, use, management, and maintenance:

The interchange, accommodation, and conveyance of traffic coming from or destined for the respective undertakings of the

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Company, and of the Great Northern Railway Company, and the division and appropriation of the revenue arising from that traffic : A.D. 1891.
—

The appointment of joint committees for carrying into effect all or any of the purposes of any such agreement.

46. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railways or any part thereof as aforesaid by the Great Northern Railway Company, the railways of the Company and of the Great Northern Railway Company shall, for the purpose of short distance tolls and charges, be considered as one railway, and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways of the Company and partly on the railways of the Great Northern Railway Company, for a less distance than three miles tolls and charges may only be charged as for three miles, and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges as for one mile only, and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond three miles tolls and charges as for a quarter of a mile only; and no other short distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railways of the Company, and partly on the railways of the Great Northern Railway Company.

Tolls on traffic conveyed partly on the railways and partly on the railways of the Great Northern Railway Company.

47. The powers of this Act, with respect to the purchase and acquisition of lands otherwise than by agreement, for the purposes of the railways by this Act authorised, and the junction thereof with the Great Northern Railway, and with respect to the making and maintaining of those railways shall, unless with the previous consent of the Great Northern Railway Company (herein-after called "the Great Northern Company") in writing under their common seal, be exercised only subject to and in accordance with the following provisions:—

For the protection of the Great Northern Railway Company.

(1) The Company shall not, without, in every case, the previous consent of the Great Northern Company in writing under their common seal, take, use, enter upon, or interfere with the Great Northern Railway, or any land, railway siding, or other work connected therewith, except only so far as shall be necessary for the purpose of making and maintaining the said railways as the same are, according to this Act, to be constructed :

Limiting interference with land, &c.

(2) With respect to any land of the Great Northern Company which the Company is by this Act authorised to take, use, enter upon, or interfere with, the Company shall not purchase or take the same, but the Company may purchase and take, and the Great Northern Company may and shall sell and

Company to acquire easement only.

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grant accordingly an easement or right of using the same for the purposes for which, but for this enactment, the Company might purchase and take the same :

Junction
with Great
Northern
Railway.

(3) The junction of Railway No. 1 with the Great Northern Railway, near Sutton, shall be effected at such point, and in such manner, and according to such mode of construction as shall be reasonably approved of by Richard Johnson, or other the engineer for the time being of the Great Northern Company, before the commencement of the work :

Plans, &c.,
of works to
be approved.

(4) The said railways by this Act authorised, where the same will be made upon or across, or will otherwise interfere with the Great Northern Railway, or with any railway siding or other work belonging to or worked by the Great Northern Company, shall, subject to the foregoing provisions of this enactment, be constructed according to plans, sections and specifications to be submitted to, and previously approved by the said Richard Johnson or other the engineer for the time being of the Great Northern Company, who shall report thereon within one month after the same shall have been submitted to him, and any difference thereon between him and the principal engineer for the time being of the Company shall (subject as aforesaid) be determined by arbitration in manner herein-after provided :

Traffic not
to be
obstructed.

(5) The Company shall not in any manner in the execution of any of their works, remove or disturb any of the rails of the Great Northern Railway sidings or other works, or obstruct or interfere with the free, uninterrupted and safe use of the Great Northern Railway or any traffic thereon, but any removal or disturbance of the rails of the Great Northern Railway necessary for the purpose of effecting a junction shall be effected and carried out by the Great Northern Company at the cost of the Company :

Company to
pay costs
of inspec-
tion during
progress of
works.

(6) The Company shall bear and on demand pay to the Great Northern Company the expense of the employment by that Company during the execution of any work affecting the Great Northern Railway siding, or other work of the Great Northern Company, of a sufficient number of inspectors, watchmen, and signalmen, to be appointed by that company for watching and signalling the same with reference to and during the execution of any such work of the Company, and for preventing as far as may be all interference, obstruction, danger, and accident from any of the operations, or from the acts or defaults of the Company, or their contractors, or any person in the employ of the Company, or of their contractors with reference thereto or otherwise :

- (7) If by reason of the execution of any of the works, or any proceedings of the Company, or the failure of any such works, or any act or omission of the Company, or of their contractors, or of any person in the employ of the Company or of their contractors, or otherwise, any railway siding or other work of the Great Northern Company shall be injured or damaged, such injury or damage shall be forthwith made good by the Company at their own expense, or in the event of their failing so to do then the Great Northern Company may make good the same and recover the expense thereof with full costs against the Company in any court of competent jurisdiction: And if any interruption or delay shall be occasioned to the traffic of or upon any such railway siding or other work of the Great Northern Company by reason of any of the matters or causes aforesaid, the Company shall pay to the Great Northern Company all costs and expenses to which that Company may be thereby put, as well as full compensation for all loss and inconvenience sustained by them by reason of any such interruption or delay, such costs, expenses, and compensation to be recoverable with full costs by the Great Northern Company from the Company in any court of competent jurisdiction: A.D. 1891.
Compensation for injury.
- (8) If the Great Northern Company shall at any time hereafter be desirous, for the purpose of forming branches or sidings, of constructing bridges under or over the said railways, the Company shall afford to the Great Northern Company all reasonable and proper facilities for the construction of such bridges, according to plans to be agreed on between the respective engineers for the time being of the two companies, or in case of difference, to be determined by arbitration as hereafter provided: Facilities for branches, &c.
- (9) If any difference shall arise between the Company and the Great Northern Company, or their respective engineers, as to the true intent and meaning of this section, or the mode of giving effect thereto, the same shall be from time to time determined by arbitration in the manner prescribed by the Railways Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration: Arbitration.
- (10) In order to facilitate the transmission of traffic between all places upon or beyond the Great Northern Railway and places on the railways by this Act authorised, the Company and any other railway company lawfully using or working their railways shall at all times hereafter afford to the Great Northern Company all proper, reasonable, and necessary Facilities for working, &c.

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facilities for the convenient working, forwarding, and conveyance of such traffic, including, among other things, through booking, through tickets and invoices, through rates and fares, and, so far as reasonably may be, through carriages and waggons, and shall perform and provide at the several stations upon the railways hereby authorised, all proper and sufficient facilities and services in the reception, forwarding, transmission, conveyance and delivery of such traffic, and shall accommodate, manage and forward the said traffic, and give such facilities and services as effectually, regularly and expeditiously as if it were their own proper traffic, and the rates and charges for such traffic, and the payment of tolls, rates and charges, and the arrangements to be made in respect of such traffic shall be agreed on between the two companies, or, failing agreement, shall be determined by arbitration in manner provided by the Railway Companies Arbitration Act, 1859.

Power to
pay interest
out of capital
during con-
struction.

48. Notwithstanding anything in this Act, or in any Act or Acts incorporated therewith contained, it shall be lawful for the Company out of any money by this Act authorised to be raised, to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine, to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised, or such less period as the directors may determine, but subject always to the conditions herein-after stated (that is to say) :—

- (A) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted, and is held by shareholders who, or whose executors, administrators, or assigns, are legally liable for the same :
- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :
- (C) The aggregate amount to be so paid for interest shall not exceed fifty thousand pounds, and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised ; but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid :

(D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus, advertisement, or other document of the Company inviting subscriptions for shares, and in every certificate of shares : A.D. 1891.

(E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section :

Save as herein-before set forth, no interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise, to any shareholder on the amount of the calls made in respect of the shares held by him ; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

49. Nothing in any agreement made under the authority of this Act shall affect the rights of the Postmaster-General under the Telegraph Act, 1878, to place and maintain telegraphic lines in, under, upon, along, over, or across the railways and works comprised in the undertaking of the Company, and from time to time to alter such telegraphic lines, and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act, 1878, specified, and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company is worked by the Great Northern Railway Company as freely and fully in all respects as he was entitled to do before the making of any such agreement. For protection of Postmaster-General.

50. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which by any standing order of either House of Parliament, now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking. Deposits for future Bills not to be paid out of capital.

51. Nothing in this Act contained shall exempt the Company or the railways from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railways companies 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 Provision as to general Railway Acts.

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A.D. 1891. rates of fares and charges, or of the rates for small parcels authorised
by this Act.

Costs of
Act.

52. All costs, charges, and expenses of and incident to the
preparing for obtaining and passing of this Act, or otherwise in
relation thereto shall be paid by the Company.

SCHEDULE.

Railway.	Parish.	No. of Property on Plan.
No. 1 - -	Rotherham - -	24, 25, 28, 31, 32, 34, 51, 52, 53, 58, 59, 60, 61, 62, 63, 64, 65, 66, 71, 72, 76, 77, 79, 80.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
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