

ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

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9 & 10 Vict. c. 319.

An Act for making a Railway from the proposed Sheffield and Lincolnshire Junction *Railway to the City of* Lincoln, by virtue of which last-mentioned Act the said *Sheffield and Lincolnshire Extension* Railway Company became merged in and incorporated with the said *Sheffield and Lincolnshire Junction* Railway Company, and by which Act, first-mentioned in this present Recital, 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

10 & 11 Vict. c. 190.

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 it is expedient that the said Canal should be vested in the said *Manchester, Sheffield, and Lincolnshire* 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 Canal Company respectively authorized to be raised has been actually paid up and expended for the Purposes authorized by such Acts: And whereas 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 the

Power to vest the Ashton Canal in the Manchester, Sheffield, and Lincolnshire Railway Company.

aforesaid Canal from *Manchester* to or near *Ashton-under-Lyne* and *Oldham*, 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, Locks, Drains, Soughs, 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, and Real, Leasehold, Copyhold, and other Estate, Easements, Rights, Powers, Authorities, and Privileges whatsoever, and the Benefit of all Contracts, Agreements, and Proceedings in any Way relating thereto, 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; and it shall be lawful for the said

said Railway Company, their Successors and Assigns, as well as for the Board of Directors for the Time being of the said Railway Company, and for any Committee of such Directors, to exercise and carry into execution such Powers, Authorities, and Privileges, or any of them.

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

II. And be it enacted, That upon the passing of this Act all the Monies, 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, in consideration of the said Annuity or yearly Sum, be vested in and belong to the *Manchester, Sheffield, and Lincolnshire* Railway Company 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 Debts and Monies which immediately before the passing of this Act were due or owing by or recoverable from the said Canal Company, or for the Payment of 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, be paid by or recoverable from the said Railway Company, who shall effectually indemnify the said Canal Company therefrom; and all Conveyances, Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities, made or entered into before the passing of this Act to, with, in favour of, or by or for the said Canal Company, or any Person 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 a 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.

Railway Company to perform all Liabilities to which Canal Company is liable.

IV. And be it enacted, That the said Railway Company shall henceforth be subject to and shall perform and conform to all Conditions, Directions, Duties, Liabilities, and Restrictions to which the said Canal Company is subject or liable, under or by virtue of the said recited Acts of Parliament, or any of them, or any other Acts of Parliament; and shall indemnify the said Canal Company from and against all such Conditions, Directions, Duties, Liabilities, and Restrictions, and all Costs, Charges, and Expenses to be occasioned or incurred

incurred by reason of the Nonperformance or undue Performance of the same, or any of them.

Contracts to be valid.

V. And be it enacted, That every Agreement, Contract, or Bond before the passing of this Act made, executed, or entered into between, by, or on behalf of the said Canal Company and any Person whereby any Matter or 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; and every Award which shall be made under or by virtue of any such 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 with reference to the said Canal Company in case this Act had not been passed.

Contracts for the Purchase of Land to be good.

VI. 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 any of the recited Acts, 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 Canal Company, and the Purchase Money in respect of which shall not have been duly paid by the said Canal Company, then 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 Act or Acts under which such Contract shall have been entered into, or such Land taken or used; and all the Clauses, Provisions, Powers, and Authorities contained in such Act or Acts 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 or Acts and Contract respectively instead of the said Canal Company.

As to Money paid into the Bank of England.

VII. Provided also, and be it enacted, That in all Cases in which, under the Provisions of any of the recited Acts, any Sum of Money has already been paid by the said Canal Company, or shall hereafter be paid by them, into the Bank of *England*, or to any Trustee or Trustees, on account of the Purchase of any Land or any Interest therein,

therein, 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 Act or Acts under which the same has been or shall be so paid into the Bank of *England*, or to such Trustee or Trustees as aforesaid; and all the Clauses, Provisions, and Authorities contained in such Act or Acts 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 or Acts, instead of the said Canal Company.

Actions not to abate.

VIII. 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 any of the said recited Acts 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 same Acts, or any of them, shall and may be prosecuted, by 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 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,

Bye Laws, &c. relating to Canal Company to remain in force for Six Months.

IX. And be it enacted, That all Rules, Bye Laws, Regulations, and Orders made under the Authority and according to the Directions of the said recited Acts 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 Expiration of Six Months from the passing of this Act, unless the same shall be sooner repealed, varied, or altered by the said Railway Company; 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 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, in case the said Rules, Bye Laws, Regulations, and Orders, and the said Penalties and Forfeitures, had been actually made and imposed by the said Railway Company under the Powers of this Act.

Railway Company may make Bye Laws, &c. with respect to the Canal.

X. And be it enacted, That it shall be lawful for the said Railway Company from Time to Time to make such Rules, Bye Laws, Regulations, and Orders relating to the said Canal as they shall think fit, subject to the Provisions and Directions of the said recited Acts relating to the said Canal; and all such Rules, Bye Laws, Regulations, and Orders shall be subject to the same Provisions as are contained in an Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for regulating Railways*.

3 & 4 Vict. c. 97.

A certain Annuity to be paid to the Ashton Canal Company by Railway Company by half-yearly Payments.

XI. And be it enacted, That, in consideration of the said Canal and the Works, Property, and Effects thereof, or of the said Canal Company, and the Powers and Privileges appertaining thereto, being vested in the *Manchester, Sheffield, and Lincolnshire* Railway Company, upon the Terms and in manner in this Act mentioned, the said Railway Company, and their Successors and Assigns, shall yearly and every Year well and truly pay or cause to be paid unto the said Canal Company, their Successors and Assigns for ever, a fixed Annuity or yearly Sum of Twelve thousand three hundred and sixty-three Pounds Fifteen Shillings, and that such Annuity or yearly Sum shall be computed and reckoned as from the Twenty-fifth Day of *December* One thousand eight hundred and forty-seven (up to which Time such Annuity or yearly Sum has already been paid by the said Railway Company), and shall from Time to Time be paid to the said Canal Company in net Monies, free and clear of all Deductions and Abatements whatsoever (except Income Tax or Property Tax, or any Tax in the Nature thereof) by equal half-yearly Payments, on the Twenty-fourth Day of *June* and the Twenty-fifth Day of *December* in each and every Year, the first of such half-yearly Payments to be made on the Twenty-fourth Day of *June* One thousand eight hundred and forty-eight.

Receipt of Three of the Committee, &c. of Canal Company a sufficient Discharge.

XII. And be it enacted, That the Receipt or Receipts of any Three Members of the Committee for the Time being of the said Canal, or of the Treasurer or Secretary thereof for the Time being, for the said Annuity or yearly Sum, or any Part or Parts thereof, shall be a good and sufficient Discharge, or good and sufficient Discharges, for all such Sum and Sums of Money as shall therein be expressed to be received from the said Railway Company, or from any other Person or Persons whomsoever.

Annuity to Canal Company to be a Charge on the Railway.

XIII. And be it enacted, That the said Annuity or clear yearly Sum payable to the said Canal Company, their Successors and Assigns, shall be charged and chargeable upon the *Manchester, Sheffield, and Lincolnshire* Railway, and the Works, Property, and Effects of the said Railway Company, and upon the said Canal, and the Tolls, net Gains, and Profits thereof, and shall be a Charge ranking next in succession after the existing Incumbrances of the said Railway Company and the said Canal Company respectively, and after the Monies they are respectively authorized by any Act or Acts now in force to borrow or take up at Interest; and that in case Default shall be made in Payment of the same, or any Part or Parts thereof, for the

Space of Twenty-one Days after any of the Days or Times appointed for Payment of the said Annuity or clear yearly Sum, or any Part thereof, it shall and may be lawful for the said Canal Company, their Successors and Assigns, from Time to Time, as often as such Default shall happen to be made, to recover and enforce Payment of the said Annuity or clear yearly Sum, or so much thereof as shall be then due and in arrear, together with all Costs, Charges, and Expenses which shall be occasioned by reason or in consequence of any such Default, from and by the said Railway Company, their Successors or Assigns, by all or any One or more of the Means following, that is to say, either by Action or Suit in any of the Superior Courts of Law or Equity, or by entering into and upon the *Manchester, Sheffield, and Lincolnshire* Railway or the said Canal, or any of the Works or Premises appertaining thereto respectively, and there 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 to detain, manage, sell, and dispose of in the same Manner in all respects and upon the same Terms as Distresses for Rent reserved upon Lease for Years may be and are or ought to be managed, sold, and disposed of, and as if the said Annuity or yearly Sum was Rent reserved upon Lease, or by the Appointment of some Person to receive the whole or a competent Part of the Tolls, Rates, and Duties, and other Sums of Money which shall for the Time being be or become due and payable to the said Railway Company, their Successors or Assigns, for the Use or in respect of the said Railway and other the Works and Premises appertaining thereto, or for the Use or in respect of the said Canal and other the Works and Premises appertaining thereto, until all Arrears of the said Annuity or clear yearly Sum which shall from Time to Time be or during such Perception shall become due or payable, together with all Costs, Charges, and Expenses which shall have been incurred by or by reason or in consequence of any such Default, including the Charges of receiving the Rates, Tolls, Duties, and Sums of Money aforesaid, shall thereby, or by some other Ways and Means, be fully paid and satisfied, and that upon such Appointment being made all such Rates, Tolls, Duties, and Sums of Money as aforesaid shall be paid to or 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 said Canal Company, their Successors or Assigns, and after all such Arrears of the said Annuity or clear yearly Sum, together with all such Costs, Charges, and Expenses as aforesaid, shall have been from Time to Time received or otherwise paid and satisfied, the Power of such Receiver shall from Time to Time cease: Provided nevertheless, that the Remedies hereby granted for the Recovery of the said Annuity or clear yearly Sum, or any Part thereof, shall not prejudice or interfere with the Rights or Interests of any Mortgagee or other Person having a prior Security upon the said Works, Property, and Effects of the said Railway Company, or upon the said Canal, and the Tolls, net Gains, and Profits thereof.

As to Division of Annuity among Share-

XIV. And be it enacted, That the said Annuity or clear yearly Sum of Twelve thousand three hundred and sixty-three Pounds Fifteen

holders in Canal Company.

Fifteen Shillings shall, as and when the same shall be from Time to Time received, be divided by the said Canal Company among the Proprietors of the said Canal in proportion to the Shares held by them respectively in the said Canal Company.

Railway Company to indemnify Canal Company from all Expenses of paying Annuity and of managing the Canal Company's Affairs.

XV. Provided always, and be it enacted, That, in addition to the Payment of the said Annuity of Twelve thousand three hundred and sixty-three Pounds Fifteen Shillings by this Act made payable, the said Railway Company shall always pay and shall indemnify the said Canal Company against all Costs, Charges, and Expenses of and attending the receiving and Division of the same Annuity amongst the Proprietors of Shares in the said Canal, as well as all other reasonable Costs, Charges, and Expenses of and attending the Management of the Affairs of the said Canal Company, and all such Costs, Charges, and Expenses shall from Time to Time be recoverable and recovered under this Act by the same Ways and Means as the said Annuity, or any Part thereof, is hereby made recoverable.

Railway Company, if required, to undertake the sole Management of the Affairs of the Canal Company.

XVI. Provided always, and be it enacted, That it shall be lawful for the said Canal Company, at any Time hereafter, to require the said Railway Company, by their own Clerks and Servants, to divide the said Annuity, when and as the same shall become due, amongst the said Proprietors of Shares in the said Canal, in lieu of paying over the same to the said Canal Company as aforesaid for the Purpose of such Division, and also to require the said Railway Company to undertake the entire Management of the Affairs of the said Canal Company, and on any such Requirement as aforesaid it shall be imperative on the said Railway Company thenceforth, by themselves, their Clerks, and Servants, and at their sole Costs, Charges, and Expenses, to undertake, and carry into effect the future Division of the same Annuity, and the future Management of the Affairs of the said Company.

Canal Company not to be entitled to any Rights beyond the Annuity.

XVII. And be it enacted, That over or beyond the Right to the due and punctual Receipt of the said perpetual Annuity or clear yearly Sum of Twelve thousand three hundred and sixty-three Pounds Fifteen Shillings, and the Powers and Remedies for compelling and enforcing Payment thereof, together with such Costs, Charges, and Expenses, and Services as are by this Act made payable and performable by the said Railway Company, the Proprietors of Shares in the said Canal shall not, nor shall any of them in respect of such Shares have or be entitled to any Rights, Powers, Privileges, or Advantages over or in relation to the said Canal, or to the said Railway Company, except such Rights, Powers, Privileges, and Advantages as may be necessary for the Enjoyment and for enforcing the due and punctual Payment in Perpetuity of the said Annuity or yearly Sum in manner in this Act mentioned, and for the Division thereof, and for the Management of the Affairs of the said Canal Company, so far as regards the Sale, Transfer, and Registration of Shares therein, nor shall the said Canal Company, or the Directors or Officers thereof, except as aforesaid, exercise, or be competent to exercise, any Powers, or do or be Parties to, or be competent to do or be Parties to, any Act, Deed, Matter, or Thing whatsoever

whatsoever in relation to the said Canal, or the Affairs or Concerns thereof, without the express Consent in Writing on each Occasion of the said Railway Company.

So much of recited Acts as exempts Canal from Payment of parochial and other Rates repealed.

XVIII. And be it enacted, That so much of the said recited Acts or any of them as enacts that the Rates, Tolls, and Duties which the said Canal Company are thereby authorized and permitted to take and receive should at all Times thereafter be exempted from the Payment of all and every Parliamentary and other Taxes, Rates, Assessments, or Impositions whatsoever, and also so much of the said recited Acts or any of them as enacts that the said Canal Company should from Time to Time be rated to all Parliamentary and Parochial Taxes and Assessments for and in respect of the Lands and Grounds to be purchased and taken by the said Canal Company in pursuance of the said Acts or any of them in the same Proportion as other Lands and Grounds lying near the same are or shall be rated, and the same Lands and Grounds so to be purchased or taken would have been rateable in case the same were the Property of Individuals in their natural Capacity, shall be and the same is hereby repealed.

Limiting Amount of Tolls upon the Canal.

XIX. And be it enacted, That the maximum Rates, Tolls, and Duties to be charged or received by the said Railway Company in respect of the Navigation or Use of the said Canal and Works shall not exceed in Amount the Rates, Tolls, and Duties as specified in the Schedule hereto annexed.

Penalty on Company giving undue Preference.

XX. 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 Preference 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.

For regulating Tolls upon the Canal.

XXI. 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 recited Acts, 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 navitaged, 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 of Railways 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 of Railways 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 of any such Tolls or Rates as the said Commissioners of Railways 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, according to the said Schedule hereto annexed; 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 of Railways.

Canal to be kept open and in good Repair.

XXII. And be it enacted, That the said *Manchester, Sheffield, and Lincolnshire* 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 and maintain the said Canal and every Part thereof, and all the Works thereto belonging, well and sufficiently repaired, dredged, cleansed, scoured, and in good Order and Condition, and preserve the Supplies of Water to the same, so that the same Canal and every Part thereof may be at all Times kept open and navigable for the Use of all Persons desirous to use and navigate the same, and that without any Hindrance, Interruption, or Delay, but subject nevertheless to the Provisions and Restrictions in this Act or in any of the said recited Acts contained for the Recovery of the Rates or Dues payable in respect thereof.

Power for Landowners to take Water for working Steam Engines and heating Manufactories.

XXIII. And whereas by the herein-before recited Act of the Thirty-eighth Year of the Reign of King *George* the Third, after reciting that Steam Engines were become of great Use in various Manufactories carried on within the County of *Lancaster*, and as such Engines consumed considerable Quantities of Coal they would by the Rates which would be payable for such Coals tend to promote the Interests of the said Navigation, but the said Engines could only be made use of where cold Water could be obtained to condense the Steam, on which Account, as well as for the better Supply of the same with Coals, it would be convenient to erect such Steam Engines as near as might be to the said Navigation, it was enacted, that it should be lawful for the Owners of any Lands within the Distance of Eighty Yards from the said Canal and Cuts, or any of them, to make a Communication between the Water therein and any Steam Engine or Engines, by means of One or more Metal Pipe

or

or Pipes of sufficient Strength or Thickness, and so constructed as to prevent any Leakage or Waste of Water, and to draw from the said Canal and Cuts or any of them such Quantities of Water as should be sufficient to supply the said Engine or Engines with cold Water for the sole Purpose of condensing the Steam used for working any such Engines as aforesaid; provided always, that the Proprietor of every such Engine should return to the said Canal and Cuts, or some of them, in every Day on which he should use such Engine a Quantity of Water, on the same Level on which it should be taken, equal to the Quantity so taken in every such Day from the said Canal and Cuts or any of them (the inevitable Waste thereof by condensing such Steam only excepted), so that no Obstruction should arise therefrom to the said Navigation; provided also, that such Water so taken should be applied to the working of the said Engine, and to no other Use or Purpose, and that every Person laying any Pipe in the said Canal, or any Part thereof, for such Purpose, should and was thereby required to make good the Bank thereof, and to repair at his own proper Costs and Charges all such other Damages as might arise from the laying in of such Pipe, in such Manner and at such Times as should cause as little Let, Hindrance, or Molestation as might be to the said Navigation, or to the Persons using the same; provided nevertheless, that no Person should take any Water from the said Canal or Cuts, or any of them, for the Use of any such Engine, without giving One Month's previous Notice in Writing of such his Intention to the Committee of the said Company of Proprietors, in order that the said Committee might appoint a Person or Persons to inspect the Premises on their Behalf, and to take care that the said Pipe were of a proper Strength and Thickness, and were laid into the Bank at a convenient Time to the said Company, in a proper Manner, according to the Intent and Meaning of the Act now in recital; and if any Dispute should arise between the said Company of Proprietors or the said Committee and any Person who should be desirous of taking Water out of the said Canal or Cuts or any of them, for the Purposes of any such Engine, or who should be in the Use of taking the same therefrom, such Dispute should be finally settled and determined by the said Commissioners; and it was by the said recited Act of the Thirty-eighth Year of the Reign of King *George* the Third further enacted, that it should be lawful for the Owners or Occupiers of any Steam Engine or Steam Engines which should at any Time thereafter be erected, built, or set up in or upon any Part of the Lands and Grounds of the said Company of Proprietors near *Ancoats Lane* in *Manchester* aforesaid, to draw from the said Canal within such Lands, from the higher or the lower Level thereof, such Quantities of Water as should be sufficient to supply such last-mentioned Engine or Engines with cold Water for the sole Purpose of condensing the Steam used for working any such Engines as last aforesaid, on condition that the Proprietor of every such Engine as last aforesaid should return into some Part of the said Canal within such Lands and Grounds, in every Day on which he should use such Engine, a Quantity of Water equal to the Quantity so taken in every such Day from the said Canal (the inevitable Waste thereof by condensing such Steam only excepted), so that no Obstruction might arise therefrom to the said Navigation,

and

and so that no Water were taken out of the highest Level of the said Canal in the said Lands or Grounds when the Water in such highest Level should be less than Three Feet and Six Inches deep, and so as that no Pipe be laid or fixed for taking such Water should be laid or fixed lower than Three Feet and Six Inches above the Level of the Sill of the uppermost Lock in the said Lands and Grounds, and so that the Person or Persons so taking such Water as last aforesaid should also conform to the several other Restrictions and Regulations in the said Act now in recital provided respecting the taking of Water for condensing Steam out of any other Part of the said Canal: And whereas it is expedient that the Powers of drawing Water from the said Canal and Cuts herein-before recited or mentioned should be extended and enlarged for the Purposes and in the manner herein-after mentioned or referred to, but not further or otherwise: Be it enacted, That it shall be lawful for all such Owners and Occupiers of Lands or Steam Engines, as herein-before recited or mentioned, to draw from the said Canal and Cuts respectively, in addition to such Quantity of Water as they are by the said recited Act authorized to draw therefrom for the Purpose of condensing Steam used for working their Steam Engines as aforesaid, all such further Quantity of Water as shall be sufficient for generating or raising Steam for working any such Steam Engine or Engines, and for heating the Manufactory at or within which any such Steam Engine shall be erected, but for no other Use or Purpose whatsoever; and that all and singular the Powers, Provisoes, Restrictions, and Provisions in the said recited Act of the Thirty-eighth Year of the Reign of King *George* the Third contained applicable to the Water thereby authorized to be drawn and taken from the said Canal and Cuts, or any of them, for the Purposes therein mentioned, shall extend and apply not only to the Water by the last-mentioned Act authorized to be so drawn and taken, but to the Water by this Act authorized to be drawn and taken from the said Canal and Cuts as aforesaid, as fully and effectually as if the same Powers, Provisoes, Restrictions, and Provisions were re-enacted in this Act with reference to the whole of such Water, and as if the Name of the *Manchester, Sheffield, and Lincolnshire* Railway Company had been used in the said recited Act instead of the Name of the said Canal Company.

For preventing Misapplication or Waste of Water by the Landowners.

XXIV. Provided always, and be it enacted, That it shall be lawful for the said Railway Company, and their Agents and Servants, from Time to Time, during the laying of any such Pipe as aforesaid, and also (subject to the Proviso herein-after contained) during the whole of the Time that any such Pipe shall continue laid and unremoved, to enter upon the Land and Premises to or within which or to or within any Part of which the same shall be so laid for the Purpose of ascertaining the Places where and the Manner in which such Pipe as aforesaid is laid, and that such Pipe as aforesaid is laid in a proper and workmanlike Manner, and so as to avoid Leakage and Waste of Water, and for the Purpose of ascertaining that no Water is allowed to run to waste, or is used or disposed of at or within such Land and Premises otherwise than for the Purposes authorized by the said recited Act of the Thirty-eighth Year of the Reign of King *George* the Third or this Act; and in case any such Owner

Owner or Occupier authorized to draw Water as aforesaid, or any Person in his Employ, shall knowingly and willingly cause or permit or suffer any Leakage or Waste of the said Water, or any of the said Water to be used or disposed of otherwise than for the Purposes authorized by and according to the Intent and Meaning of the said last-mentioned Act or this Act, every such Owner or Occupier upon whose Land and Premises the said Leakage or Waste of Water shall be caused, permitted, or suffered as aforesaid, or the said Water shall be used or disposed of otherwise than for the Purpose authorized as last aforesaid, shall forfeit and pay to the said Railway Company the Sum of Five Pounds for every Day during which, or during any Part of which, the said Leakage or Waste of Water shall be caused, permitted, or suffered as aforesaid, or the said Water shall be used or disposed of otherwise than for the Purpose authorized as last aforesaid, which said Sum shall and may be recovered by the said Railway Company, together with full Costs of Suit, by Action of Debt in any Court of Record.

Entry not to be made without a Warrant of a Justice.

XXV. Provided always, and be it enacted, That after any such Pipe shall have been laid as aforesaid it shall not be lawful for the said Railway Company, or any of their Agents or Servants, for any of the Purposes aforesaid, to make any Entry upon any Land or Premises in or upon which any such Pipe shall be so laid, unless and until a Warrant authorizing such Entry to be made shall be granted by some Justice of the Peace of or acting within the County of *Lancaster*, and which Warrant any such Justice of the Peace is hereby authorized and required to grant, on Oath being made before him by some Officer or Agent of the said Railway Company of the Existence in his Belief of reasonable Grounds of Suspicion that upon such Land and Premises such Water is allowed to leak or run to waste, or is used or disposed of otherwise than for the Purposes authorized by the said recited Act of the Thirty-eighth Year of the Reign of King *George* the Third or this Act.

If Waste of Water not stopped in Seventy-two Hours after Notice, Company may cut off Supply.

XXVI. Provided also, and be it enacted, That if at any Time hereafter any such Leakage or Waste as aforesaid of the said Water shall take place, or the said Water shall be used or disposed of otherwise than for the Purposes authorized as last aforesaid, it shall be lawful for the said Railway Company and they are hereby authorized to give Notice to the Owner or Occupier upon whose Premises the same shall happen, by leaving the said Notice in Writing upon the said Premises, or on some Part thereof, to prevent and stop the said Leakage or Waste of Water, or to discontinue and put an end to the Use or Disposition of the said Water otherwise than for the Purposes authorized as last aforesaid; and if such Owner or Occupier shall not within Seventy-two Hours after the said Notice shall have been left as aforesaid prevent and stop the said Leakage or Waste of the said Water, or discontinue and put an end to the said last-mentioned Use and Disposition of the said Water, as the Case may be, it shall be lawful for the said Railway Company, immediately after the Expiration of the said Notice, to stop the Supply of the said Water to the said Premises of the said Owner or Occupier, and to prevent and hinder the Water of the said Canal from flowing into

the said Premises: Provided always, that from and immediately after such Leakage or Waste of Water shall have been stopped, or the said Use and Disposition last mentioned shall have been discontinued and put an end to, and all and every Penalty and Penalties (if any) which shall have been incurred thereby shall have been paid, it shall be lawful for such Owner and Occupier again to have the full and free Use of the said Water in the same Manner and to the same Extent and for the same Purposes as he or they used the said Water previously to its being cut off under the Power for that Purpose herein-before contained.

Railway Commissioners may require Inconveniences and Evils to be remedied.

XXVII. 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 *Manchester, Sheffield, and Lincolnshire* 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 whom the same shall be made or apply 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 *Manchester, Sheffield, and Lincolnshire* Railway Company with Notice to introduce into Parliament, in the then existing Session if Parliament should be then 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 *Manchester, Sheffield, and Lincolnshire* 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.

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

XXVIII. And be it enacted, That it shall not be lawful for the said Railway Company, out of any Money by any existing Act relating to the said Railway Company authorized to be raised for the Purposes of such Act, 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 Railway Company to construct any other Railway or execute any other Work or Undertaking.

Saving Rights of the Duke of Bridgewater's Trustees.

XXIX. And be it enacted, That nothing herein contained shall take away, diminish, alter, prejudice, or affect any of the Properties, Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Devisees in Trust of the late Duke of *Bridgewater* under the Authority of any Act or Acts of Parliament, or otherwise.

Railway to be subject to the Provisions of 1 & 2 Vict. c. 98.,

XXX. 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

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 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 of the said Company so far as the same shall be applicable thereto.

3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. 105.

Railway Company to be subject to Provisions of future general Acts.

XXXI. 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.

Canal, &c. to be subject to Provisions of future general Acts.

XXXII. 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 *Manchester, Sheffield, and Lincolnshire* 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.

Interpretation of Act.

XXXIII. 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,)

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 Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*, or any of them, or the Court of Common Pleas at *Lancaster*:

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

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

The

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

The Expression "the Canal," or "the said Canal," shall mean the Canal Navigation from *Manchester* to or near *Ashton-under-Lyne* and *Oldham*.

The Expression "the Canal Company" shall mean the Company of Proprietors of the Canal Navigation from *Manchester* to or near *Ashton-under-Lyne* and *Oldham*, and their Successors and Assigns.

Expenses of Act.

XXXIV. And be it enacted, That all the Costs, Charges, and Expenses connected with the passing of this Act shall be paid by the *Manchester, Sheffield, and Lincolnshire* Railway Company, or the Directors thereof, out of the first Monies that shall come to their Hands after the passing thereof.

Public Act.

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

SCHE-

SCHEDULE referred to in the foregoing Act,

SHOWING

Rates or Tolls on the Canal Navigation from Manchester to or near Ashton-under-Lyne and Oldham.

Species of Lading.	Rates per Ton per Mile.	
	d.	
Lime Ashes	$0\frac{1}{2}$	
Lime	$0\frac{1}{2}$	
Limestone	$0\frac{1}{2}$	And 2*s.* per Boat extra.
Sand and Gravel	$0\frac{1}{2}$	
Street Scrapings	$0\frac{1}{2}$	
Dung, Clay, and Marl	$0\frac{1}{2}$	
Salt	$0\frac{3}{4}$	
Gritstone	1	Not passing Locks.
Flags	1	
Slate	1	
Iron Ore	1	
Coal	1	
Cannel	1	
Brass Lumps	1	
Coal and Cannel	$1\frac{1}{2}$	For Eight Miles, then to pass free.
Gritstone	$1\frac{1}{2}$	
Flags	$1\frac{1}{2}$	Passing Locks.
Slate	$1\frac{1}{2}$	
Brass Lumps	$1\frac{1}{2}$	
Scrap Iron	$1\frac{1}{2}$	
Pig Iron	$1\frac{1}{2}$	
Iron Ore	$1\frac{1}{2}$	
Bolders	$1\frac{1}{2}$	
Stock Bricks and Seconds	$1\frac{1}{2}$	Not passing Locks.
Common Bricks	$1\frac{1}{2}$	
Timber	$1\frac{1}{2}$	
Goods	$1\frac{1}{2}$	
Wares and other Merchandize	$1\frac{1}{2}$	
Common Bricks	2	Passing Locks.
Stock Bricks and Seconds	2	
Fire Bricks	1	
Iron of every Description unpacked	$1\frac{1}{2}$	
Tiles and unpacked Brown Earthenware	1	
Malt	2	
Grain	2	
Grain and Flour passing from the Macclesfield Canal to Manchester.	1	Passing Locks.
Lead	2	
Timber	2	
Bark	2	
Bones	2	
Horns	2	
Hoofs and Hides	2	
Steel	2	
Cast Iron Goods, unpacked	$1\frac{1}{2}$	

And all other Goods, Wares, and Merchandize not mentioned above or in the subsequent Part of this Schedule, passing Locks, 2*d.* per Ton per Mile.

The Weight to be calculated at 112 lbs. to the Cwt. and 20 Cwt. to the Ton.

Except on the Species of Lading hereafter mentioned, conveyed between the Places or under the Circumstances hereafter mentioned, namely:

Species of Lading.	From.	To.	Rates.
Coal - - -	Fairbottom, Bardsley, Hollinwood, Peak Forest Canal, Huddersfield Canal, Ashton, and Places in the above Neighbourhoods.	Navigated Six Miles or upwards, and conveyed towards Manchester or Stockport - -	1*d.* per Ton per Mile for Eight Miles, then to pass free.
Cotton, Linen, Woollen, and Silk Goods.	Manchester - -	London, and vice versâ, viâ Macclesfield.	½*d.* per Ton per Mile.
Ditto - -	Ditto - -	Potteries, Wolverhampton, Birmingham, and Bristol, and vice versâ.	1*d.* Ditto.
Merchandize - -	Ditto - -	London, and vice versâ, viâ Macclesfield.	1¼*d.* Ditto.
Ditto - -	Ditto - -	London, and vice versâ, viâ Cromford.	½*d.* Ditto.
Ditto - -	Ditto - -	Nottingham, and vice versâ, viâ Cromford.	9*d.* Gross.
Flour and Grain - -	Nottingham - -	Manchester viâ Cromford Railway.	1*d.* per Ton per Mile.
Ditto - -	Chesterfield - -	Manchester - -	½*d.* Ditto.
Ditto - -	Wolverhampton -	Manchester - -	½*d.* Ditto.
Merchandize - -	Manchester - -	Sheffield, and vice versâ.	½*d.* Ditto.
Ditto - -	Ditto - -	Chapel-en-le-Frith, and vice versâ.	1½*d.* Ditto.
Ditto - -	Liverpool - -	Macclesfield -	1½*d.* Ditto.
Earthenware - -	Potteries - -	Manchester - -	1*d.* Ditto.
Merchandize, Grain, Flour, Iron, and Timber.	Manchester - -	Huddersfield, and vice versâ.	1*d.* Ditto.
Flour and Grain - -	Huddersfield - -	Stockport - - -	1*d.* Ditto.
Merchandize, Iron, and Timber.	Manchester - -	Stockport, and vice versâ.	9*d.* Gross.
Flour and Grain - -	Ditto - -	Stockport, and vice versâ.	6*d.* Ditto.
Merchandize, Flour, Grain, and Timber.	Ditto - -	Ashton, and vice versâ	1½*d.* per Ton per Mile.
Cotton and general Merchandize.	Ditto - -	Places locally situate on the Peak Forest Canal, and vice versâ.	1*d.* Ditto.
Iron - - -	South of Wolverhampton.	Manchester - -	6*d.* Gross.
Iron - - -	Staffordshire - -	Manchester, Hollinwood, and Stockport.	1⅛*d.* per Ton per Mile.

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