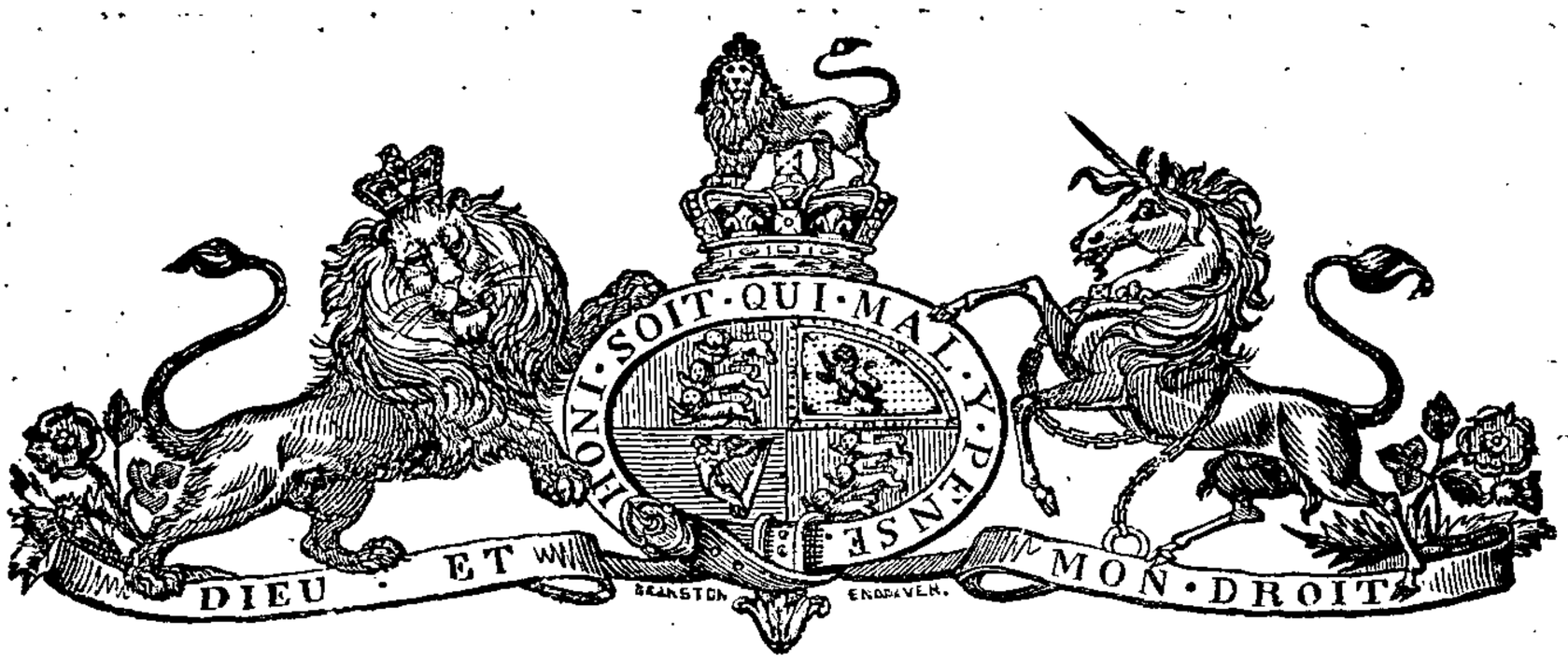


ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

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Purposes 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 the present Parliament assembled, and by the Authority of the same, That the "Railways Clauses Consolidation Act, 1845," and the "Lands Clauses Consolidation Act, 1845," shall, so far as the same are applicable and are not modified by this Act, or inconsistent with the Provisions thereof, be held to apply to the Branch Railways and Works by this Act authorized to be made, and shall be read and construed as forming Part of this Act.

8 & 9 Vict. cc. 18. & 20. extended to this Act.

Provisions of recited Act extended to this Act.

II. And be it enacted, That all the Provisions of the said recited Act relating to the *Midland* Railway, so far as the same are or may be applicable and are now in force, and except such of them as are by this Act repealed, altered, or otherwise provided for, or as may be inconsistent with the Provisions of the said "Railways Clauses Consolidation Act, 1845," and the said "Lands Clauses Consolidation Act, 1845," as extended to this Act, shall extend to this Act and to the several Purposes thereof, and to the several Matters and Things hereby authorized to be done, as fully and effectually as if the said Provisions were re-enacted in this Act in reference to such Purposes, Matters, and Things; and the said Act and this Act shall be construed and read together as forming One Act.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament and all legal Documents it shall be sufficient to use the Expression "The *Midland* Railway, *Masbrough* and *Normanton* Stations Enlargement, Act, 1847."

Power to raise Money.

IV. And whereas the additional Capital which the said Company will require for the Purposes of this Act is Thirty-four thousand four hundred Pounds; be it therefore enacted, That it shall be lawful for the said Company to raise for the Purposes of this Act, on the Credit of their Undertaking and the Revenue arising thereon, any Sum or Sums of Money not exceeding in the whole the Sum of Thirty-four thousand four hundred Pounds.

So much of 8 & 9 Vict. c. 16. as to borrowed Money to apply to this Act.

V. And be it enacted, That all the Provisions of the "Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money by the Company, and to the Conversion of Money borrowed or authorized to be borrowed into Capital, shall be held applicable to the borrowing by the said Company of all or any of the Monies hereby authorized to be raised by them, and to the Conversion thereof into Capital.

Money not to be borrowed till Half of Capital is paid up.

VI. Provided always, and be it enacted, That it shall not be lawful for the said Company to borrow on Mortgage for the Purposes of this Act any Sum or Sums of Money unless or until the whole of the Capital in Shares or Stock by the said recited Acts limited or authorized to be raised shall have been subscribed for, and One Half of such Capital paid up, or any Sum or Sums of Money which, together with such Sums as may be due and owing by the said Company on

Mortgage

Mortgage of their Undertaking at the Time of the borrowing of such Sum or Sums of Money, would amount to more than One Third of the Capital of the Company in Shares or Stock: Provided also, that if any new Shares shall be created by virtue of this Act, such Shares shall entitle the Holders thereof to such Rights and Privileges only as may be determined in reference thereto before the creating thereof by any General Meeting of the Company.

Former Mortgages to have Priority.

VII. Provided always, and be it enacted, That all Mortgages granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgages to be created by virtue of this Act.

Interest not to be paid on Calls paid up.

VIII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the Companies Clauses Consolidation Act, 1845, in that Behalf contained.

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

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

Power to make Branch Railways according to deposited Plans.

X. And whereas Maps or Plans and Sections showing the Line and Levels of the proposed Branch Railways and Works, together with Books of Reference to the said Plans containing the Names of the reputed Owners, Lessees, and Occupiers of the Lands which may be required to be taken for the Purposes thereof, have been deposited with the Clerk of the Peace for the West Riding of the County of *York*; be it enacted, That, subject to the Powers of Deviation in the said Railways Clauses Consolidation Acts contained, it shall be lawful for the said Company to make and maintain the Branch Railways herein-after mentioned, with all proper Works and Conveniences connected therewith, in the Line or Course and upon the Lands delineated in the said Plans and referred to in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as may be requisite for such Purposes.

XI. And

Line of Works.

XI. And be it enacted, That the Powers to the said Company for the Construction of Works and Branch Railways or Sidings in virtue of this Act shall be the following; namely,

To alter and enlarge the Station of the said *Midland* Railway Company called the *Masbrough* Station, and also their Station called the *Normanton* Station, and to make all necessary and proper Works, Approaches, and Conveniences connected therewith; which said Works for the Extension and Improvement of the *Masbrough* Station will be situated within the several Parishes, Townships, and extra-parochial or other Places of *Rotherham*, *Kimberworth*, and *Masbrough*, in the West Riding of the County of *York*; and which said Works for the Extension and Improvement of the *Normanton* Station will be situated in the several Parishes, Townships, and extra-parochial or other Places of *Normanton* and *Altofts*, or one of them, in the said West Riding:

To construct a Railway or Siding from and out of and commencing by a Junction with the Line of Railway called the *Midland* Railway near the Point where it crosses the *Ickles* Cut of the River *Dun* Navigation in the Township of *Brinsworth* in the Parish of *Rotherham* aforesaid, and passing thence from, in, through, or into the Parishes or Townships or Places, or some of them, of *Brinsworth*, *Masbrough*, *Kimberworth*, and *Rotherham* to and terminating by a Junction with the *Sheffield and Rotherham* Branch of the said *Midland* Railway near the *Holmes* Station thereon in the Township of *Kimberworth* and Parish of *Rotherham* aforesaid:

To widen the said *Midland* Railway at or near the *Normanton* Station, and for that Purpose to make and construct additional Line or Lines of Railway from a Point or Place on the said Railway in the Township of *Normanton*, near and on the Northerly Side of the Boundary Line between the Parishes of *Warmfield* and *Normanton*, to or near to the Point or Place where the *York and North Midland* Railway unites with the *Midland* Railway in the Township of *Altofts* in the said Parish of *Normanton*; which said Line or Lines of Railway and other Works will pass from, in, through, or will be situate within the several Parishes, Townships, extra-parochial or other Places of *Warmfield*, *Altofts*, and *Normanton*, or some of them, all in the said West Riding of the County of *York*.

Lands for extraordinary Purposes.

XII. And be it enacted, That it shall be lawful for the Company, in addition to the Lands which they are at present authorized to purchase, and in addition also to the Lands which they are herein-before authorized to purchase, for the Construction of the Branch Railways and Works hereby authorized, to purchase any Lands adjoining or near to the said Branch Railways and Works, or any of them, not exceeding in the whole Thirty Acres, for any of the extraordinary Purposes specified in the said "Railways Clauses Consolidation Act, 1845."

Limiting Period for compulsory

XIII. And be it enacted, That the Powers of the said Company for the compulsory Purchase of Lands for the Purposes of this Act shall

shall not be exercised after the Expiration of Three Years from the passing of this Act. Purchase of Lands.

XIV. And be it enacted, That the said Branch Railways and Works shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this and the said recited Acts granted to the Company for executing the said Branch Railways and Works shall cease to be exercised, except as to so much of the said Branch Railways and Works respectively as shall then be completed. Period for the Completion of Works.

XV. And be it enacted, That when and as soon as the said Branch Railways, or any Part thereof respectively, shall be completed, the same shall form Part of the *Midland* Railway vested in the said Company by the said first-recited Act relating to such Company as if the same had been completed before the passing of such Act and thereby vested in them, and shall be subject to all the Provisions in the said Act contained with reference to the Maintenance, Use, or Protection of the said *Midland* Railway or otherwise, save in so far as the said Provisions may be modified by this Act. Branch Railway to form Part of Midland Railways.

XVI. And whereas the *Midland* Railway at or near *Masbrough* where the said additional or enlarged Station is proposed to be made crosses a certain Highway called *Masbrough Street* by a Bridge, and in the constructing of the said additional or enlarged Station it may be necessary to widen such Bridge or to erect another Bridge adjoining thereto; be it therefore enacted, That it shall be lawful for the said Company to widen the present Bridge or to construct another Bridge over and across the said Highway, and in widening the present Bridge or in erecting such new Bridge the Company shall not be compelled or compellable to give a greater Height or Headway than now exists under the present Bridge, but the same shall be made so as to leave the same of not less Height or Headway than now exists under the present Bridge. Power to alter Bridge over Masbrough Street.

XVII. And be it enacted, That it shall be lawful for the said Company to demand and receive in respect of the Branch Railways hereby authorized such Tolls and Charges as they are by the said recited Acts relating to the *Midland* Railway, and by an Act passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, called the "*Midland* Railway, *Nottingham and Lincoln* Railway, Act, 1845, authorized to demand and receive in respect to the said *Midland* Railway and *Nottingham and Lincoln* Railway respectively, and no more. Tolls.

XVIII. Provided always, and be it enacted, That nothing herein contained shall enable the said Company to take or use any Part of a certain Plot of Land and Premises situate at *Normanton* aforesaid belonging to *Joseph Thornton* of *Kettlethorpe Hall*, Contractor, and conveyed to him and his Heirs under or by virtue of an Indenture made the Nineteenth Day of *January* One thousand eight hundred and forty-two, between the *North Midland* Railway Company of the First Part, the said *Joseph Thornton* of the Second Part, and *Thomas* Saving Rights of Mr. Joseph Thornton.

Dyson of the Third Part, or to purchase, take away, abridge, or defeat the several Rights of Way, Lights, Privileges, or Easements, Covenants or Stipulations, in the same Indenture granted or secured to the said *Joseph Thornton*, his Appointees, Heirs, and Assigns, and others in the said Indenture mentioned, without the Consent of the said *Joseph Thornton*, his Heirs or Assigns, or to do any Act which shall in any way abridge, defeat, or prejudicially affect the Interest of the said *Joseph Thornton* in, or the beneficial Use by him of, certain Refreshment Rooms and Galleries situated at *Normanton* aforesaid, or the Rights of Way, Privileges, and Easements connected therewith to which the said *Joseph Thornton* is entitled under or by virtue of a certain other Indenture made the Fifth Day of *December* One thousand eight hundred and forty-three, between the said *North Midland* Railway Company of the one Part and the said *Joseph Thornton* of the other Part.

Company not to take Property of the Manchester and Leeds Railway Company or interfere with their Railway and Works.

XIX. And be it enacted, That, notwithstanding any thing in this Act contained to the contrary, it shall not be lawful for the *Midland* Railway Company or for any other Person or Persons for the Purposes of or in execution of this Act in any Manner, either permanently or temporarily, to enter upon, take, or use any of the Land or Property of the said *Manchester and Leeds* Railway Company other than such as upon the said Plans is shown or intended to be, and as must necessarily be taken for the Construction of the said Line or Lines of Railway only, or in any Manner to alter, vary, or interfere with the said *Manchester and Leeds* Railway, or any of the Works appertaining thereto, save only for the Purpose of effecting the Junction hereby authorized in manner herein-after mentioned, and not otherwise.

As to Communication with the Manchester and Leeds Railway.

XX. And be it enacted, That the Line or Lines of Railway hereby authorized shall communicate with the *Manchester and Leeds* Railway at the Point where, according to the Plan deposited as in this Act mentioned, the same appear to communicate therewith, and at no other Points (without the previous Consent in Writing of the *Manchester and Leeds* Railway Company under their Common Seal); and that all Communications between the said Line or Lines of Railway and the said *Manchester and Leeds* Railway shall be effected in a substantial and workmanlike Manner by means of Connexion Rails and Points laid to the entire Satisfaction of the Engineer for the Time being of the said *Manchester and Leeds* Railway Company.

Expence of such Communications to be borne by the Midland Railway Company.

XXI. And be it enacted, That the Expence of the Communications hereby authorized with the *Manchester and Leeds* Railway, and of all necessary Openings in the Rails thereof, and of all other Works which may from Time to Time be requisite for effecting, altering, amending, repairing, and maintaining such Rails and Points, and of regulating and adjusting the same, shall, subject to the Contribution by the *Manchester and Leeds* Railway Company of such Portion of the Expences thereof as the said last-mentioned Company may be liable to pay under their existing Agreement with the *Midland* Railway Company, be borne and paid by the *Midland* Railway Company; and that all such Communications, Openings, and Works shall not only be in the first instance made and done, but shall also from Time to Time be

altered, amended, repaired, and maintained, to the entire Satisfaction of the Engineer for the Time being of the said *Manchester and Leeds* Railway Company, and in such Manner and Form and by such Ways and Means only as shall not in anywise prejudice or injure the said *Manchester and Leeds* Railway, or impede, obstruct, or interfere with the free, uninterrupted, and safe Passage along the same.

Saving Rights of the Manchester and Leeds Railway Company.

XXII. And be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, Franchises, or Authorities of or vested in or belonging to the *Manchester and Leeds* Railway Company by or under any Act or Acts of Parliament relating to the said *Midland* Railway or the said *Manchester and Leeds* Railway, or either of them, or by or under any Deed, Contract, or Agreement which before the passing of this Act shall have been made or entered into by the said *Midland* Railway Company, or any Person or Persons on their Behalf, with the said *Manchester and Leeds* Railway Company, or any Person or Persons on their Behalf, but all the Rights, Privileges, Powers, Franchises, and Authorities of the said *Manchester and Leeds* Railway Company under the said several Acts of Parliament, or under any such Deed, Contract, or Agreement, or otherwise, are hereby expressly saved and reserved, not only as against and with respect to the *Midland* Railway Company, but also as against and with respect to all other Companies and Persons whomsoever.

As to the Use of the Sheffield and Rotherham Branch of the Midland Railway.

XXIII. And whereas the *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway as authorized by Parliament will join and unite with the Branch Line of the *Midland* Railway Company called the *Sheffield and Rotherham* Railway near the Village of *Brightside*, and it is expedient to afford Accommodation for the Traffic which will pass over the said Branch Line to and from the said Point of Junction near *Brightside;* be it enacted, That the Company which for the Time being may be in possession as Owner or Lessee of so much of the Line of the *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway as lies to the South of the Town of *Barnsley* shall be entitled to use, with their Engines and Carriages (the same being properly constructed), the said *Sheffield and Rotherham* Branch of the *Midland* Railway between the Junction or Junctions with the said Branch Line near *Brightside* and the Towns of *Sheffield* and *Rotherham*, and all Stations situated upon the said *Sheffield and Rotherham* Branch Railway, and all Watering Places, Water Approaches, Sidings, Works, and Conveniences at and appertaining to such Stations, which may be necessary or useful for the working of the Traffic over the said Branch Railway between the said Junction or Junctions and any Part of the said Branch Railway, upon such Terms and Conditions, and under such Regulations, and on Payment only of such reasonable Tolls, Charges, Rent, or other Consideration, as may be agreed upon between the said Companies, or, failing such Agreement, as shall be settled by Arbitration in the Manner prescribed by "The Companies Clauses Consolidation Act, 1845," with respect to Disputes to be settled by Arbitration; and all Clauses and Provisions in the said Act contained in relation to Disputes to be settled by Arbitration shall apply to the Arbitration hereinbefore

before authorized and directed: Provided nevertheless, that nothing in this present Clause or in the next following Clause contained shall be construed to apply to any Part of the Main Line of the *Midland* Railway, or to the *Masbrough* Station, or any other Station situate upon such Main Line, or to the Branch Line usually called the *Greasborough* Branch of the *Sheffield and Rotherham* Railway.

Accommodation to be provided by the Midland Railway Company for booking Passengers and Goods.

XXIV. And be it enacted, That all reasonable Accommodation and Facility shall be afforded by the *Midland* Railway Company at their several Stations at *Sheffield*, *Rotherham*, *Brightside*, the *Holmes*, and elsewhere upon their said *Sheffield and Rotherham* Branch Line for the Booking and Departure and Arrival of the Passengers who may be desirous of being conveyed, and for the Receipt and Transmission of all Goods conveyed or directed to be conveyed by any of the Trains which under the Powers of the last preceding Clause may start from or arrive at any such Stations on the said Branch Line; and if any Difference shall arise between the said Companies as to the Sufficiency of the Station Accommodation at such Stations on the said *Sheffield and Rotherham* Branch Line, the Question shall be referred to and determined by the Commissioners of Railways, who shall determine what further Accommodation (if any) shall be provided by the *Midland* Railway Company, and on what Terms.

The Sheffield and Rotherham Branch to be under a joint Management.

XXV. Provided always, and be it enacted, That the joint Use and working of the said Branch Line of the said *Midland* Railway as herein-before authorized shall, in respect to the running of Engines and Carriages thereon, and in such and every other respect as may be deemed necessary for preventing Collisions and Accidents thereon, be and the same is hereby made subject to the joint and united Control and Management of the said Companies; and in the event of any Difference of Opinion between the said Companies in respect of any Regulations to be made by them in the Matter, or in the event of such Regulations as may be made by them not being to the Satisfaction of the Commissioners of Railways, then it shall be lawful for the said Commissioners to decide between the Parties, or to make, establish, and enforce such Rules and Regulations in respect of the joint Use and working of the said Branch Railway, so far as such joint Use and working is by this Act authorized, as the said Commissioners shall deem fit.

Annual Payments to be made to the Surveyors of Highways of Kimberworth.

XXVI. Whereas upon the Construction of the *Midland* Railway through the said Township of *Kimberworth* it became expedient that a certain Turnpike Road, called the *Rotherham and Wortley* Turnpike Road should be diverted, and the same was diverted at and from a Point near to the *Masbrough* Toll Bar above *Ferham* into a certain Lane called *Back Lane*, and along the Course of such Lane to its Junction with the said Turnpike Road near a Public House called by the Sign of the "*Ship*," all within the Hamlet of *Masbrough* in the said Township of *Kimberworth*, and such Diversion of Road has for several Years last past formed a Part of and been used as a Part of the said Turnpike Road in lieu of the old Road between the said Points of Diversion: And whereas the Portion of old Roadway between the said Points of Diversion has been since kept open for the local Accommo-

Accommodation of the Neighbourhood, and has been repaired by the *Midland* Railway Company by virtue of an Agreement to that Effect; And whereas the Inhabitants of the said Township of *Kimberworth* are liable at Law to repair and amend the said Portion of old Road so having ceased to be Turnpike, that is to say, the Portion from the *Masbrough* Toll Bar above *Ferham* to the "*Ship* Inn" in *Masbrough*, and the Footpaths thereof, the same being situate wholly within the Hamlet of *Masbrough* and Township of *Kimberworth*, and it is expedient that the *Midland* Railway Company should make a Contribution in Money as herein-after mentioned towards the Repair thereof instead of doing such Repairs: Be it therefore enacted, That the *Midland* Railway Company and their Successors shall and they are hereby required to pay to the Surveyors for the Time being of the Highways of the Township of *Kimberworth* annually for ever the Sum of One hundred Pounds for and towards the Repair of the said Portion of the old Road between the Points or Places herein-before mentioned, such Sum to be paid by Two equal half-yearly Payments of Fifty Pounds in every Year, the first half-yearly Sum to become due and payable at the Expiration of Three Calendar Months next after the passing of this Act, and all such Sums to be applied and appropriated by such Surveyors in the same Manner and for the same Purposes as Monies collected by Rates for the Repair of Highways in *England* are by Law required to be appropriated, on Payment of which annual Sum at the Times and in manner aforesaid the said *Midland* Railway Company and the Trustees of the said *Rotherham and Wortley* Turnpike Road shall be discharged and exonerated from any Liability to repair the said Road.

In respect of the Dun Navigation.

XXVII. And whereas by Agreements respectively dated Twenty-third of *March* One thousand eight hundred and thirty-nine, and the Fifth Day of *September* One thousand eight hundred and forty-four, the *Midland* Railway Company agreed with the Company of Proprietors of the Navigation of the River *Dun* that the said Navigation Company, and the Goods and Traffic to and from their Navigation, should be given and receive as full Privileges, Facilities, and Advantages for Transmission of Traffic as were or should be at any Time granted or given by the said *Midland* Railway Company to any other Party or Persons, and that Traffic between *Sheffield* and the *Dun* Navigation at *Rotherham* should be carried by the *Midland* Railway Company, and that certain Land in the *Sheffield* Station and other Station Accommodation should be afforded to the said Navigation Company at *Sheffield*, so that the said Navigation Company should be allowed to make Sidings on each Side of the *Midland* Railway at the *Holmes* Cut, and near *Rotherham*, upon such other Terms and Conditions, and upon Payment of such Tolls and Rent, as in the said Agreements respectively mentioned: And whereas the said Navigation Company have, at their own Expence, made such Sidings and a Branch Railway and Staiths to communicate between the *Midland* Railway and the *Holmes* Cut near the *Ickles* Cut in the Township of *Brinsworth* at or near *Rotherham*: And whereas the Siding or Branch Railway authorized by this Act from the *Midland* Railway in the Township of *Brinsworth* to the *Sheffield and Rotherham* Branch of the *Midland* Railway in the Township of *Kimberworth* will render useless such

Part of the said Siding as lies on the West Side of the *Midland* Railway, and will also cross the *Holmes* Cut and a Goit and the Land of or belonging to the said Navigation Company: Be it enacted, That the said *Midland* Railway Company shall, previously to the entering on the Land of the said River *Dun* Company under the Powers contained in this Act, repay to the said Navigation Company the Sum of One thousand Pounds, being the Money expended in making the said Branches and Staiths and Sidings between the South Side of the South Bank of the *Holmes* Cut and the *Ickles* Cut, and thereupon the said *Midland* Company shall take possession of and have an absolute Property in the said Staiths and Sidings, and the Rails, Chairs, and other Materials composing the same; and the *Dun* Company shall be at liberty, at their own Expence, to make a Siding and Communication from the Branch Railway hereby authorized to the said Canal over the Land of the said *Midland* Company, and thereupon the said Navigation Company shall take possession of and have an absolute Property in the said Siding and Communication, the Position and Mode of Junction to be determined by the respective Engineers of the said Companies or their Umpire; and the said Navigation Company shall be at liberty, within the Space of Four Years, to make all necessary Communications from Time to Time with the said last-mentioned Sidings or Communications to be made by the said Navigation Company as aforesaid.

Agreements confirmed.

XXVIII. And be it enacted, That the said Agreements shall be and are hereby fully ratified and confirmed, and shall be taken and construed together and with this Act, and that nothing in this Act contained shall extend to alter, abridge, or diminish any of the Powers, Rights, or Privileges conferred on the said River *Dun* Company by the said Agreements or either of them, except in so far as the same may be expressly altered or abridged by this Act, or which may be inconsistent with the Provisions of the same.

Bridge across the Dun Navigation.

XXIX. And be it enacted, That the Opening in the Bridge for carrying the said Siding or Branch Railway over the said *Holmes* Cut shall not be of a less Height in any respect, nor of a smaller Span on the Square, than the Opening of the Bridge which carries the Main Line of the said *Midland* Railway over the said *Holmes* Cut in the Township of *Brinsworth*, with like Towing Paths, Side Arches, and Walls, and the centre Line of such Opening shall be in the same straight Line, and coincide with the centre Line of the Canal at the Point where the same is crossed by the Siding or Branch Railway hereby authorized, and be in every other respect executed to the Satisfaction of the Engineer for the Time being of the said Navigation Company, and so that no Part of the Bridge, nor the Execution or Repair thereof, nor of any of the Works connected therewith, shall injure or obstruct the said Navigation, or the passing or hauling of Vessels along the same.

Company may contract with the River Dun Com-

XXX. And be it enacted, That it shall be lawful for the said *Midland* Railway Company from Time to Time to enter into any Contracts with the Company of Proprietors of the Navigation of the River *Dun* for the Passage over or along the Railway hereby authorized

rized to be made of any Coal, Articles, Matters, and Things to and from the said Navigation, or which shall pass over the Line of the said Navigation, or for the Passage over the said River *Dun* Navigation, and the Canals connected therewith, of any Coal, Articles, Matters, and Things to or from the said Railway, or which shall pass over their Line of Railway, upon Payment of such Tolls, and under such Conditions and Restrictions, as may be mutually agreed upon; and for the Purposes aforesaid it shall be lawful for the respective Parties to enter into any Contract for the Division or Apportionment of the Tolls to be taken upon such respective Railway, Navigation, and Canals.

pany for Passage of Goods and Apportionment of Toll.

XXXI. And be it enacted, That all Clauses and Provisions contained in any Act relating to the said *Midland* Railway for the Benefit or Protection or in favour of the Company of Proprietors of the Navigation of the River *Dun*, the River *Dun* Navigation, or the Cuts or Canals out of the same or Works connected therewith, or the Construction of the Railway over or across the said Navigation, Cuts or Canals, and Works, shall be extended to the said Company of Proprietors, their Successors and Assigns, and to the said Navigation, Cuts, Canals, and Works which will be affected by the Branch Railway and other Works hereby authorized to be made, and to the Construction of the said Branch Railway over or across the said Navigation, Cuts or Canals, and Works, except in so far as the same shall be inconsistent with the Powers and Provisions contained in this Act.

Provisions in favour of Dun Company in former Acts to be applicable to Works under this Act.

XXXII. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act or incidental thereto shall be paid by the said Company, *pari passu* with the Costs, Charges, and Expences of every other Act of Parliament psssed in the present Session to which they may be liable, out of the first Monies that shall come to their Hands, and in preference to every other Payment whatsoever.

Expences of Act.

XXXIII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the said Tenth Year of the Reign of Her Majesty, intituled *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said Railways or any of them, or the said Company in respect thereof, from

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

from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Company so far as the same shall be applicable thereto.

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

XXXIV. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made, or any of them, from the Provisions of any general Act relating to this Act, or of any general Act relating to Railways, which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Public Act.

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

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