ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

Cap. ccccliv.

An Act for making certain Lines of Railway in the West Riding of the County of *York*, to be called "The *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway."

[7th *August* 1846.]

WHEREAS the making of a Railway commencing from the *Sheffield and Rotherham* Railway at a Point between the Towns of *Sheffield* and *Rotherham*, and thence by way of *Barnsley* to the *Manchester and Leeds* Railway in the Township of *Horbury* and Parish of *Wakefield*, with the Branch Lines therefrom herein-after mentioned, all in the West Riding of the County of *York*, would be of great public Advantage, by opening an additional, certain, and expeditious Means of Communication between the said Places, and also by facilitating Communication between more distant Towns and Places: And whereas the Persons hereafter named, with other Persons, are willing, at their own Expence, to carry such Undertaking into execution, but the same 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

8 & 9 Vict. cc. 16. 18. and 20. incorporated with this Act.

Authority of the same, That the several Acts of Parliament following, that is to say, "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railway Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, legal Documents, and Parliamentary Notices, it shall be sufficient to use the Expression "The *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway Act, 1845."

Subscribers incorporated.

III. And be it enacted, That *Godfrey Wentworth, Edward Blackett Beaumont, John Green, George Pitt, George Chambers, Edward Tew, John Brakenridge, John Barff, Thomas Taylor, Ralph Creyke, James Audus, John Bentham, Robert Buchanan, William Moxon, Jeremiah Bourn Faviell,* and *Edward Harper*, and all other Persons and Corporations who have already subscribed or who shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining a Railway from the *Sheffield and Rotherham* Railway at a Point between the Towns of *Sheffield* and *Rotherham*, and thence by way of *Barnsley* to the *Manchester and Leeds* Railway in the Township of *Horbury* and Parish of *Wakefield*, with the Branches therefrom herein-after mentioned, with proper Works and Conveniences belonging thereto, according to the Provisions of this Act, and for other the Purposes herein contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein contained.

Capital.

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

Number and Amount of Shares.

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

Power for the Manchester and Leeds Railway Company to subscribe to the Undertaking;

VI. And whereas the *Manchester and Leeds* Railway Company have agreed to subscribe towards the Formation of the said Railway and Works, if authorized by Parliament so to do, the Sum of Four hundred thousand Pounds; be it therefore enacted, That the said *Manchester and Leeds* Railway Company may and they are hereby empowered to subscribe towards and become Shareholders in the Undertaking, either in their own Name or in the Names or Name of any Person or Persons to be appointed by them, to the Extent so agreed to be subscribed by them as aforesaid, or to any less Extent.

and to raise the Money for that Purpose.

VII. And be it enacted, That for such Purpose it shall be lawful for the *Manchester and Leeds* Railway Company to raise all or any

Part of the Money so agreed to be subscribed by them as aforesaid by the Creation of new Shares or Stock in the Undertaking of the *Manchester and Leeds* Railway, of such Amount, and to be appropriated and disposed of in such Manner, to such Person or Persons, for such Prices, on such Terms, by such Ways and Means, under such Conditions, and to confer on the Proprietors thereof such Rights and Privileges, as by the Order of any General or Special General Meeting of the *Manchester and Leeds* Railway Company shall be determined; and all the Provisions contained in or referred to by "The *Manchester and Leeds* Railway Act, 1841," with regard to the Capital thereby authorized to be raised by Shares, and to the Proprietors thereof, shall in all respects, subject to the Provisions herein contained, be applicable to the Capital and Shares hereby authorized to be raised and created by the *Manchester and Leeds* Railway Company, and to the Proprietors thereof; and all the Provisions contained in "The *Manchester and Leeds* Railway Act, 1844," authorizing the same Company to consolidate their existing Shares into a general Capital, shall in like Manner be applicable to the Shares hereby authorized to be created by the same Company; or it shall be lawful for the last-mentioned Company, if they think fit, to raise the said Sum or any Portion thereof by Mortgage of the Undertakings of the *Manchester and Leeds* Railway Company in like Manner, and under and subject to the same Provisions, as they are by all or any of the Acts relating to the said Undertakings authorized to raise Money by Mortgage on the Credit thereof: Provided always, that the *Manchester and Leeds* Railway Company shall not by such Means increase the Amount which may be owing at any One Time on Mortgage of their Undertaking beyond the Proportion of One Third of their then existing Capital in Shares and Stock, and that One Half of such existing Capital shall have been paid up before making any such Mortgage.

Calls.

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

Power to pay Subscriptions in advance.

IX. Provided always, and be it enacted, That it shall be lawful for the Directors from Time to Time as they shall think proper, with the Consent of any of the Proprietors who may have paid any Money in advance, to return the whole or any Part of any such respective Sums of Money so paid in advance by any of the Proprietors for the Time being in the said Undertaking, but without Prejudice to the Power of the said Directors to call for and enforce the Repayment of the same in like Manner as any other Calls made by them under the Provisions of this Act.

Interest to be paid on Calls till Railway completed.

X. And be it enacted, That it shall be lawful for the Directors of the said Company to pay to and allow the Shareholders in the said Undertaking, out of the Capital Stock of the said Company, from Time to Time, Interest at a Rate not exceeding Four Pounds *per Centum per Annum* upon all Sums paid by them on account of their Shares in the said Undertaking until the opening of the said Railway for Use.

XI. And

Power to borrow Money on Mortgage.

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

First General Meeting to be held.

XII. And be it enacted, That the first General Meeting of the Company shall be held within Two Months after the passing of this Act.

Quorum of General Meetings.

XIII. And be it enacted, That the Quorum of every General Meeting (whether ordinary or extraordinary) shall not be less than Ten Shareholders (irrespective of the said *Manchester and Leeds* Railway Company) holding in the aggregate not less than One thousand Shares to the Amount of Twenty-five thousand Pounds in the Capital of the Company.

Shareholders may convene Extraordinary Meetings.

XIV. And be it enacted, That the Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be Twenty holding in the aggregate not less than One thousand Shares to the Amount of Twenty-five thousand Pounds in the Capital of the Company.

Scale of voting.

XV. And be it enacted, That at all General Meetings of the Company every Shareholder, whether a Person or Corporation, shall be entitled to One Vote in respect of each Share held by such Person or Corporation; and it shall be lawful for the said *Manchester and Leeds* Railway Company to appoint any Person (whether such Person be a Shareholder or not in the Company hereby incorporated) by Writing under the Hand of the Chairman for the Time being of the Directors of the said *Manchester and Leeds* Railway Company, or under the Common Seal of such Company, to vote on their Behalf at any Meeting of the Company hereby incorporated; and such Person so appointed shall have the same Right of voting at such Meeting as the Company by whom he may have been appointed.

Regulation as to Proxies.

XVI. And be it enacted, That no Person shall be entitled to vote as a Proxy (except in behalf of a Corporation) unless the Instrument appointing such Proxy shall have been received by the Secretary of the Company Forty-eight Hours before the holding of the Meeting at which such Proxy is to be used.

Number of Directors.

XVII. And be it enacted, That (subject as herein-after mentioned) the Numbers of Directors shall be Twelve, of which Six shall be appointed by the Shareholders in the Company hereby incorporated, exclusive of the said *Manchester and Leeds* Railway Company, or any Person or Persons to be appointed by them, and the remaining Six shall be appointed by the Directors of the *Manchester and Leeds* Railway Company.

XVIII. And

Qualification of a Director.

XVIII. And be it enacted, That no Person (except a Person appointed by or on behalf of the said *Manchester and Leeds* Railway Company, who need not be a Holder of any Shares in the Company hereby incorporated) shall be capable of being a Director unless he be a Shareholder possessed of Fifty Shares.

Power to vary the Number of Directors.

XIX. And be it enacted, That it shall be lawful for the Company to increase or reduce the Number of Directors: Provided always, that so long as the said *Manchester and Leeds* Railway Company, or any Person or Persons to be appointed by them, shall remain Subscribers of One Half of the Capital of the said Undertaking, the Number of Directors to be appointed by the said Company shall be in the same Proportion, as nearly as may be, to the Number of which the whole Body of Directors when increased or reduced shall consist as the Number of Directors to be appointed by the said Company under the Provision herein-before contained shall bear to the said Number of Twelve, unless the said Company shall consent to reduce the Number so to be appointed by them, or unless they shall reduce the Number of Shares in the Undertaking held or on which Interest may be guaranteed by them below the Amount to which the said Company is by the Act authorized to subscribe, in either of which Cases the Number of Directors to be appointed by such Company shall be reduced accordingly; and provided also, that the increased Number of Directors in the said Company hereby incorporated do not exceed Sixteen, and that the reduced Number be not less than Eight, and that in any Case the Number of Directors shall be an equal Number.

First Directors.

XX. And be it enacted, That *Godfrey Wentworth*, *Edward Blackett Beaumont*, *John Barff*, *George Pitt*, *George Chambers*, and *Edward Tew* (nominated by the Company hereby incorporated), and *Henry Houldsworth*, *Robert Gill*, *John Milligen Laws*, *Henry Wickham Wickham*, *William Firth*, and *Edward Ackroyd* (nominated by the said *Manchester and Leeds* Railway Company) shall be the first Directors of the Company hereby incorporated.

Directors to continue in Office till first Meeting after passing of this Act.

XXI. And be it enacted, That the Directors appointed by this Act shall continue in Office until the first Ordinary Meeting; and at such Meeting the Shareholders present, personally or by Proxy, (with the Exception of the *Manchester and Leeds* Railway Company, or any Person or Persons to be appointed by them,) may either continue in Office the said *Godfrey Wentworth*, *Edward Blackett Beaumont*, *John Green*, *George Pitt*, *George Chambers*, and *Edward Tew*, or any Number of them, or may elect a new Body of Six Directors, the Directors or any of them appointed by this Act being eligible as Members of such new Body; and at the first General Meeting to be held every Year thereafter the Shareholders present, personally or by Proxy, (except as aforesaid,) shall elect Persons to supply the Places of the Directors not nominated by or on behalf of the said *Manchester and Leeds* Railway Company then retiring from Office agreeably to the Provisions herein-after contained; and the several Persons elected at such Meeting, being neither removed nor disqualified nor having

resigned, shall continue to be Directors until others are elected in their Stead as herein-after mentioned.

Certain Directors to be appointed by the Manchester and Leeds Railway Company.

XXII. And be it enacted, That at or before the said first Ordinary Meeting the Directors for the Time being of the said *Manchester and Leeds* Railway Company (if the said Company shall have subscribed and shall then hold One Half of the Capital as aforesaid) may, by Writing under the Hand of their Chairman for the Time being, nominate Six Persons to be Directors of the Company hereby incorporated from and after the said General Meeting, the Directors or any of them appointed by this Act being eligible as such new Directors; and the Directors so appointed shall accordingly be Directors of the Company hereby incorporated, and shall respectively remain in Office until they shall respectively die or resign, or become incompetent to act, or until they be removed by Vote of the Directors of the said *Manchester and Leeds* Railway Company; and it shall be lawful for the Directors of the said *Manchester and Leeds* Railway Company, so long as they continue to hold One Half of the said Capital, as and when any Vacancy shall occur in the Number of Directors appointed by such Company as aforesaid, in like Manner to elect any other Person in the Room of the Director occasioning such Vacancy; and in the event of any of the Directors appointed by such last-named Company being unable from any Cause to attend any Meeting of the Directors of the Company hereby incorporated, it shall be lawful for the Directors of the said *Manchester and Leeds* Railway Company to nominate another Person for the Occasion to attend such Meeting, and such Director shall have the same Powers at such Meeting as the Director in whose Stead he may be nominated would have had.

Rotation of Directors first elected.

XXIII. And be it enacted, That the Six Directors to be elected by the said Shareholders in manner aforesaid shall retire from Office at the Times and in the Proportion following, the Individuals retiring being re-eligible immediately or at any future Time; that is to say, at the End of the First Year after the first Election of Directors Three of such Directors to be determined by Ballot amongst themselves shall go out of Office, and at the End of the Second Year the remaining Three of such Directors shall go out of Office, and in each Instance the Places of such retiring Directors shall be supplied by an equal Number of Shareholders, qualified as aforesaid, or by the Re-election of such retiring Directors, or partly by the Re-election of some or One of such retiring Directors and partly by the Election of new Directors.

Permanent Rotation of Directors.

XXIV. And be it enacted, That at the first General Meeting in every subsequent Year Three or more of the Directors elected by the said Shareholders, such Number being determined by the Directors, and being selected from amongst those who have been longest in Office, shall go out of Office and cease to be Directors, and their Places shall be supplied in like Manner, so that the whole of such Six Directors shall go out of Office in the course of every Two Years; nevertheless every Director so retiring from Office may be re-elected

immediately or at any future Time, and after such Re-election shall with reference to the going out by Rotation be considered as a new Director.

Occasional Vacancies in Office of Directors to be supplied.

XXV. And be it enacted, That if any Director of the Company elected by the Shareholders (exclusive of the said *Manchester and Leeds* Railway Company) die or resign, or become disqualified or incompetent to act as a Director, or cease to be a Director by any other Cause than that of going out of Office by Rotation as aforesaid, then the remaining Directors (not appointed by or on behalf of the said *Manchester and Leeds* Railway Company), if they think proper so to do, may elect in his Place some other Shareholder, duly qualified, to be a Director; and the Shareholder so elected to fill up any such Vacancy shall continue in Office as a Director so long only as the Person in whose Place he shall have been elected would have been entitled to continue if he had remained in Office.

Permanent Chairman of Directors.

XXVI. And be it further enacted, That within One Month after the passing of this Act, and within One Month after each annual Appointment of Directors, so long as the *Manchester and Leeds* Railway Company shall hold One Half of the Capital of the said Undertaking, the Directors of the said *Manchester and Leeds* Railway Company shall choose One of the Directors to act as Chairman of the Directors for the Year following such Choice, or until the then next annual Appointment of Directors; and if the Chairman die or resign, or cease to be a Director, or otherwise become disqualified to act, the Directors of the *Manchester and Leeds* Railway Company, within One Month after the Occurrence of such Vacancy, shall choose some other of the Directors to fill such Vacancy; and every such Chairman so elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Death, Resignation, Removal, or Disqualification had not happened; and the Chairman of the Directors for the Time being shall be entitled not only to vote at any Meeting of the Directors as One of the Directors, but also to have a casting Vote if there be an Equality of Votes.

Quorum of Directors.

XXVII. And be it enacted, That the Quorum of a Meeting of Directors shall be Three.

Committees of Directors.

XXVIII. And be it enacted, That the Number of Directors of which Committees appointed by Directors shall consist shall be not less than Two nor more than Three, and the Quorum of such Committee shall be Two.

Powers of Committees of Directors.

XXIX. And be it enacted, That it shall not be lawful for the Directors to grant Power to any Committee of their Body to make Calls for Money upon the Shareholders.

Newspapers for Insertion of Advertisements.

XXX. And be it enacted, That the Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspaper published at *Leeds*, and in some Newspaper (if any) published at *Wakefield* and *Sheffield*, or one of those Places.

XXXI. And

Railway to be made according to deposited Plans.

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

Line of Railway.

XXXII. And be it enacted, That the Main Line of the said Railway shall commence by Two Junctions with the *Sheffield and Rotherham* Railway, one of such Junctions commencing in the Township of *Brightside Bierlow* in the Parish of *Sheffield* in the West Riding of the County of *York*, and the other of such Junctions commencing in the Township of *Kimberworth* in the Parish of *Rotherham* in the said West Riding, and shall pass through the following Places or some of them, (that is to say,) *Sheffield*, *Brightside Bierlow*, *Rotherham*, *Kimberworth*, *Ecclesfield*, *Tankersley*, *Blackburn*, *Wortley*, *Silkstone*, *Stainborough*, *Darfield*, *Worsbrough*, *Barnsley*, *Darton*, *Barugh*, *Royston*, *Woolley*, *Sandal Magna*, *Bretton* (*West*), *Crigglestone*, *Thornhill*, *Shitlington*, *Horbury*, and *Wakefield*, in the West Riding of the County of *York*, and shall terminate by Two several Junctions with the *Manchester and Leeds* Railway in the Township of *Horbury* and Parish of *Wakefield* in the said West Riding; and that a Branch Railway shall diverge out of the said Main Line in a Westerly Direction in the Township of *Barugh* in the Parish of *Darton*, and terminate in the Township and Parish of *Cawthorne* in the said West Riding; and that another Branch Railway shall diverge out of the said Main Line in a Westerly Direction in the Township of *Worsborough* in the Parish of *Darfield*, and passing thence through the Townships of *Worsborough*, *Barnsley*, *Dodworth*, and *Silkstone*, and terminate in the Township of *Silkstone*, all in the said West Riding.

Lands for extraordinary Purposes.

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

Compulsory Purchase of Lands limited.

XXXIV. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act; and that as to the Lands of which *Henry* Earl of *Effingham* is the Owner or reputed Owner, the same Powers shall not be exercised after the Expiration of One Year from the passing of this Act unless so much of the Railway hereby authorized to be made as is between the *Sheffield and Rotherham* Railway and *Barnsley* be then actually in course of Construction.

Period for Completion of Works.

XXXV. And be it enacted, That the Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of

of such Period the Powers by this or the recited Acts granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall be then completed.

Communications with other Railways to be made under the Direction of the respective Engineers.

XXXVI. And be it enacted, That all Communications between the Railways and Branch Railways hereby authorized to be made and the several Railways with which Junctions are intended to be effected thereby, and all such Openings in the Ledges or Flanches of the said last-mentioned Railways respectively as may be necessary or convenient for effecting such Junctions, shall be made under the Direction and Superintendence of the respective Engineers for the Time being of the said Railway Companies last above referred to; and that nothing in this Act contained shall extend to authorize the Company to take or enter upon any of the Lands of such several Companies, or to alter, vary, or interfere with any of the Railways or Works of the same Companies respectively, except so far as may be necessary for effecting the Junctions with such Railways respectively hereby authorized to be made.

Power to cross Roads on the Level.

XXXVII. And be it enacted, That it shall be lawful for the Company, if they think fit, to carry the said Line of Railway across and on the Level of the several Roads numbered on the Plans deposited as herein-before mentioned as follows; (that is to say,)

In the Township of *Barnsley* and Parish of *Silkstone*, the Turnpike Road numbered 127 on the said Plans; in the Township of *Kimberworth* and Parish of *Rotherham*, the public Carriage Road No. 30 on the said Plans; in the Township of *Barnsley* and Parish of *Silkstone*, the public Carriage Roads Nos. 191 and 85 respectively on the said Plans; in the Township of *Crigglestone* and Parish of *Sandal Magna*, the public Carriage Road No. 37 on the said Plans; in the Township of *Cawthorne* in the Parishes of *Cawthorne* and *Silkstone*, or one of them, the public Carriage Road No. 27 on the said Plans.

Station or Lodge to be erected at Points of crossing.

XXXVIII. And be it enacted, That for the greater Convenience and Security of the Public the said Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railways respectively shall cross on the Level any one of the before-mentioned Roads.

Provision as to certain Roads.

XXXIX. Provided always, and be it enacted, That as regards the Roads herein-after mentioned it shall be lawful for the Company to make the Rates of Inclination of such Roads respectively, when altered, as follows; (that is to say,)

As regards the public Carriage Road in the Township of *Worsborough*, numbered 170 on the Plans deposited as herein-before mentioned, not steeper than One Foot in Eight Feet as shown on the said Plans:

As regards the public Carriage Road in the Township of *Barnsley*, numbered 191 on the said Plans, not steeper than One Foot in Eleven Feet as shown on the said Plans:

As regards the public Carriage Road in the Township of *Woolley*, numbered 22 on the said Plans, not steeper than One Foot in Sixteen Feet as shown on the said Plans:

As regards the public Carriage Road in the Township of *Crigglestone*, numbered 37 on the said Plans, not steeper than One Foot in Sixteen Feet and One Foot in Twenty-three Feet as shown on the said Plans:

As regards the public Carriage Road in the Township of *Crigglestone*, numbered 25 on the said Plans, not steeper than One Foot in Thirty-two Feet and One Foot in Seven Feet as shown on the said Plans:

As regards the public Carriage Road in the Township of *Dodworth*, numbered 15 on the said Plans, not steeper than One Foot in Eleven Feet as shown on the said Plans:

As regards the public Carriage Road in the Township of *Dodworth*, numbered 9 on the said Plans, not steeper than One Foot in Sixteen Feet as shown on the said Plans.

Tolls:

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

On Articles of Merchandize.

1. In respect of the Tonnage of all Articles conveyed upon the Railway, as follows:

For all Coals, Coke, Culm, Slack, Charcoal, and Cinders, all Dung, Compost, and all Sorts of Manure, Lime and Limestone, all Stones for building, pitching, and paving, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Salt, and all undressed Materials for the Repair of public Roads or Highways, conveyed on the Railway for any Distance not exceeding Fifteen Miles, *per* Ton *per* Mile not exceeding One Penny; and if so conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny; and if conveyed for any Distance exceeding Fifteen Miles, *per* Ton *per* Mile not exceeding Three Farthings; and if so conveyed as last aforesaid in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Farthing:

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

For all Corn, Grain, and Flour, all Timber, Deals, and Dyewoods, all Metals (except Iron), Nails, Anvils, Vices, and Chains, all Fish, all Hides, all Sugar and other Groceries, conveyed on the Railway for any Distance not exceeding Fifteen Miles, *per* Ton *per* Mile not exceeding One Penny Halfpenny; and if so conveyed thereon in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny; and if conveyed for any Distance exceeding Fifteen Miles, *per* Ton *per* Mile not exceeding One Penny; and if so conveyed as

last aforesaid in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For all Cotton and other Wools, Cotton and Woollen Twist, Flax, and Yarns, all Garden Produce, and all Earthenware, *per* Ton *per* Mile not exceeding One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum not exceeding One Farthing:

For all Drugs, manufactured Goods, and all other Wares, Merchandize, Articles, Matters, or Things (for which no other Rate of Charge is hereby provided), *per* Ton *per* Mile not exceeding Two-pence Farthing; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Farthing:

For every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile not exceeding Sixpence (and so in proportion for every fractional Part of a Ton which any such Carriage may weigh).

On Passengers and Cattle.

2. In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows:

For any Person conveyed in or upon any Carriage, *per* Mile not exceeding Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny:

For every Horse, Mule, or Ass, or other Beast of Draught or Burden, conveyed in or upon any Carriage, *per* Mile not exceeding Four-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny:

For every Ox, Cow, or Neat Cattle conveyed in or upon any Carriage, *per* Mile not exceeding One Penny Three Farthings; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing:

For every Calf, Pig, Sheep, Lamb, or other small Animal conveyed in or upon any Carriage, *per* Mile not exceeding Three Farthings; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing:

For all Dead Oxen, Bulls, Cows, or Neat Cattle, Calves, Pigs, Sheep, or Lambs, and other uncured Meats, conveyed in any Carriage, *per* Ton *per* Mile not exceeding Two-pence Halfpenny; and if conveyed in any Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny; provided always, that such Carriages belonging to the Company shall be properly constructed and adapted for the Conveyance of such Articles.

Tolls for propelling Power.

XLI. And be it enacted, That the Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed One Halfpenny *per* Mile for each Passenger or Animal,

Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Maximum Rates of Charge for Merchandize;

XLII. Provided always, and be it enacted, That the maximum Rates of Charge to be made by the Company in respect of all Articles conveyed upon the Railway or any Part thereof, including the Tolls for the Use of the Railway, and of Waggons or Trucks, and for locomotive Power, or any of them, and every Expence incidental to such Conveyance (except the loading, unloading, and covering of Goods, where such Service is performed by the Company), shall not exceed the following Sums:

For all Coals, Coke, Culm, Slack, Charcoal, and Cinders, all Dung, Compost, and all Sorts of Manure, Lime and Limestone, all Stones for building, pitching, and paving, Clay, Sand, Iron Stone and Iron Ore, Pig Iron, Salt, and all undressed Materials for the Repair of public Roads or Highways, conveyed on the Railway for any Distance not exceeding Fifteen Miles, *per* Ton *per* Mile not exceeding One Penny Halfpenny; and if conveyed a Distance exceeding Fifteen Miles, *per* Ton *per* Mile not exceeding One Penny:

For all Bricks, Tiles, and Slates, all Bar Iron, Rod Iron, Hoop and Sheet Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils, *per* Ton *per* Mile not exceeding One Penny Halfpenny:

For all Corn, Grain, and Flour, all Timber, Deals, and Dyewoods, all Metals (except Iron), Nails, Anvils, Vices, and Chains, all Fish, all Hides, all Sugar and other Groceries, conveyed on the Railway for any Distance not exceeding Fifteen Miles, *per* Ton *per* Mile not exceeding Two-pence; and if conveyed a Distance exceeding Fifteen Miles, *per* Ton *per* Mile not exceeding One Penny Halfpenny:

For all Cotton and other Wools, Cotton and Woollen Twist, Flax and Yarns, all Garden Produce, and all Earthenware, *per* Ton *per* Mile not exceeding Two-pence:

For all Drugs, manufactured Goods, and all other Wares, Merchandize, Articles, Matters, or Things, for which no specific Rate of Charge is hereby provided, *per* Ton *per* Mile not exceeding Two-pence Halfpenny:

For any Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile not exceeding Sixpence, and so in proportion for every fractional Part of a Ton which any such Carriage may weigh.

for small Parcels;

For the Carriage (for any Distance) of small Parcels, as follows:

For any Parcel not exceeding Fourteen Pounds in Weight, not exceeding One Shilling:

For any Parcel not exceeding Twenty-eight Pounds in Weight, not exceeding Two Shillings:

For any Parcel not exceeding Fifty-six Pounds in Weight, not exceeding Two Shillings and Sixpence:

Provided

Provided always, that the said Tolls shall include the Charge for the Delivery of such Parcels within One Mile from any Station on the Railway, but not beyond a Turnpike: Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages; and provided also, that it shall not be lawful to include in One Package several Parcels of various Sorts intended for various Individuals, but it shall be lawful for the Company to charge a separate Sum for each such Parcel, although many are included in One Package.

and for Passengers and Cattle.

And with respect to the Conveyance of Passengers and Live Animals upon the Railway, the maximum Rates of Charge, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expence incidental to such Conveyance, shall not exceed the following Sums:

For every Person conveyed in or upon any Carriage being a First-class Carriage, *per* Mile not exceeding Two-pence Halfpenny:

For every Person conveyed in or upon any Carriage being a Second-class Carriage, *per* Mile not exceeding Two-pence: Provided always, that the Second-class Carriages belonging to the Company shall be closed, and shall have Glass Windows:

For every Person conveyed in or upon any Carriage being a Third-class Carriage, *per* Mile not exceeding One Penny: Provided always, that the Third-class Carriages belonging to the Company shall be covered, and have Seats for Passengers: Provided also, that the Company shall run not less than Three Mixed Trains at the ordinary Speed containing Third-class Carriages upon the Railway each Way every Day, except *Sunday*, *Good Friday*, and *Christmas Day*, and not less than Two such Trains on those Days:

For every Horse, Mule, or Ass, or other Beast of Draught or Burden, Four-pence Halfpenny *per* Mile:

For every Ox, Cow, or Neat Cattle, Two-pence *per* Mile:

For every Calf, Pig, Sheep, Lamb, or other small Animal, One Penny *per* Mile:

Provided always, that with respect to Cattle and Sheep, when a Waggon for the Carriage of Cattle or Sheep shall be engaged, the Charge for any such Waggon capable of containing Six Oxen or Thirty-four Sheep shall not exceed Four-pence *per* Mile:

For all Dead Oxen, Bulls, Cows, or Neat Cattle, Calves, Pigs, Sheep, or Lambs, and other uncured Meats, conveyed in any Carriage, *per* Ton *per* Mile not exceeding Three-pence.

Restriction as to Charges not to apply to Special Trains.

XLIII. Provided always, and be it enacted, That the Restriction as to the Charges to be made for Passengers and Goods shall not extend to any Special or Extra Trains that may be required to be run upon the Railway, but shall apply only to the ordinary Trains appointed or to be appointed from Time to Time by the said Company for the Conveyance of Passengers and Goods upon the Railway.

Regulations as to the Tolls.

XLIV. And be it enacted, That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; that is to say,

For Articles or Persons conveyed on the Railway for a less Distance than Six Miles the Company may demand, in addition to the prescribed Tolls for Conveyance, a reasonable Charge for the Expence of stopping, loading, and unloading:

For a fractional Part of a Mile beyond Six Miles, or beyond any greater Number of Miles, the Company may demand Tolls for Merchandize 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 Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton.

Tolls for Articles of great Weight.

XLV. And with respect to single Articles of great Weight, be it enacted, That the Company may lawfully demand the Tolls following; that is to say,

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

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

Passengers Luggage.

XLVI. And be it enacted, That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and fifty 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.

Power to lease the Railway.

XLVII. And whereas the Railway by this Act authorized to be made will communicate with the *Manchester and Leeds* Railway, and might be worked by the *Manchester and Leeds* Railway Company with greater Economy and Convenience to the Public than by the Company by this Act incorporated; be it therefore enacted, That it shall be lawful for the last-mentioned Company, with the Approbation of Three Fifths of the Votes of the Shareholders present, either personally or by Proxy, at some Meeting of the Company specially convened for that Purpose, to demise or lease, for such Consideration or annual Rent as they shall think proper, so much of the Railways and other Works by this Act authorized to be made (either before or after the Completion thereof) as shall be situated to the North of the Station at the Town of *Barnsley*, or any Part thereof, unto the

said *Manchester and Leeds* Railway Company for any Term which shall be agreed upon; and the said *Manchester and Leeds* Railway Company are hereby authorized (if they think fit), with the Approbation of Three Fifths of the Votes of the Proprietors in the said last-mentioned Company present, either personally or by Proxy, at some Special General Meeting convened for the Purpose, to enter into and accept such Lease, and such Lease shall entitle the said *Manchester and Leeds* Railway Company to the free Use and Enjoyment of the Railway and Works comprised in such Lease; and during the Continuance of any such Lease all the Powers, Privileges, and Authorities granted to, and which are or might be held, used, exercised, and enjoyed by, the Company by this Act incorporated, or the Directors thereof, or their Officers, Agents, or Servants, under or by virtue of this Act, shall in respect of the Premises comprised in such Lease in like Manner and to the same Extent in all respects apply to, and be held, used, exercised, and enjoyed by, the said *Manchester and Leeds* Railway Company and the Directors thereof, or their Officers, Agents, and Servants, under the same Regulations and Restrictions as are granted and imposed by this Act upon the Company hereby incorporated; and it shall be lawful for the said *Manchester and Leeds* Railway Company and the Company by this Act incorporated to make and enter into any such Contract or Agreement for effecting the Purposes aforesaid, or for otherwise working and using the Railway or any Part thereof, or for the Maintenance and Repair thereof, or for and in respect of the Traffic passing along the same or any Part thereof, or for securing and guaranteeing to the Company hereby incorporated any particular Rate of Interest or Dividend upon their Capital as they the said Companies deem advisable; and every such Contract may contain such Covenants, Clauses, Provisoes, and Conditions as the said Parties may mutually agree upon.

Enabling the Manchester and Leeds Railway Company to purchase the Line or any Interest therein.

XLVIII. And be it enacted, That it shall be lawful also for the said *Manchester and Leeds* Railway Company, by and with the Authority of Three Fifths of the Votes of the Proprietors who may be present, either personally or by Proxy, at some General Meeting of the said last-mentioned Company specially convened for the Purpose, to purchase, and for the Company by this Act incorporated, by and with the like Authority on the Part of the Proprietors in the said last-mentioned Company, to sell and transfer, so much of the Undertaking by this Act authorized as shall be situated to the North of the Station at the Town of *Barnsley*, or any Share or Interest therein, to the said *Manchester and Leeds* Railway Company, and whether before or after the Completion thereof (but subject to any existing Mortgages, Contracts, or Agreements, or Liabilities, affecting the same); and on the Completion of such Purchase, of which Completion a Transfer or Conveyance, duly stamped for denoting the full and proper Stamp Duty payable by Law in respect of the Purchase Money, and under the Corporate Seal of the Company hereby incorporated, shall be sufficient Evidence, and the said *Manchester and Leeds* Railway Company may have and hold the said Undertaking, or the Share therein purchased by them, and use, exercise, and enjoy, or participate in the Use, Exercise, and Enjoyment of all the Rights, Powers,

Powers, and Privileges conferred by this Act on the said Company hereby incorporated, and for such Purposes it shall be lawful for the said *Manchester and Leeds* Railway Company, if they see fit, by and with such Authority as aforesaid, to create such an additional Number of Shares, and to borrow such Sum of Money, as may be necessary for completing such Purchase, or for constructing and working the said Railway by this Act authorized, provided the Amount of Capital by this Act authorized to be raised by such additional Shares shall not exceed the Amount of Capital by this Act authorized to be raised for the Purpose of the said Undertaking, and that the Money so to be borrowed shall not exceed One Third of the Amount of such Capital, and that no Money whatever shall be borrowed until the whole of the Money to be raised by Shares shall have been subscribed for, and One Half of the Money to be raised by Shares shall have been actually paid up: Provided always, that in the event of the whole of the Undertaking by this Act authorized being purchased by the said *Manchester and Leeds* Railway Company, then from and after the Completion of such Purchase the Company by this Act incorporated shall become amalgamated with and shall form Part of the said *Manchester and Leeds* Railway Company, and be subject to all the Provisions contained in the several Acts of Parliament which at the Period of such Amalgamation shall be in force relating to the said *Manchester and Leeds* Railway Company.

Confirmation of Agreements already entered into.

XLIX. And be it enacted, That any Contract or Agreement which may have been entered into between the Company and any other Persons, Bodies Politic or Corporate, or any Persons acting on their Behalf, before the passing of this Act, but consistently with, and in furtherance of, or for effecting the Purposes of this Act, shall be as binding and effectual as though the same had been made between the Company and such Persons, Bodies Politic or Corporate, or any Persons acting on their Behalf, after the passing of this Act.

Company may make increased Charges by Agreement.

L. Provided further, and be it enacted, That nothing herein contained shall be held to prevent the said Company from taking any increased Charges over and above the Charges herein-before limited for the Conveyance of Goods of any Description by Agreement with the Owners of or Persons in charge of such Goods, either in respect to the Conveyance thereof by Passenger Trains, or by a Train specially provided for the particular Service performed by the said Company in relation thereto.

Railway to be carried over the Calder and Hebble Canal by a Bridge of certain Dimensions.

LI. And be it enacted, That in carrying the proposed Railway over the Canal, Banks and Towing Paths, of the Company of Proprietors of the *Calder and Hebble* Navigation in the said Township of *Horbury* and Parish of *Wakefield*, the Railway Company shall and they are hereby required to carry and make the said Railway over such Canal, Banks and Towing Paths, by means of a Bridge; and the Railway Company shall and they are hereby required so to construct and erect such Bridge, and the Piers or Abutments and Arch thereof, as to leave a clear Space of not less than Fifty Feet between the Piers or Abutments thereof, and so that the Span of the Arch thereof over such Canal and Towing Path shall not be less than Fifty Feet measured at Right

Right Angles with the said Canal; and the springing of such Arch from the Piers or Abutments shall be or commence at Seven Feet above the Level of the Towing Path of the Canal, and the Soffit of the Arch of such Bridge shall be Fourteen Feet at the least above the ordinary Top-water Level of the Canal; and the Company shall, at their own Costs and Charges, restore and complete and put in a perfect State and Condition the Towing Path of the said Canal, and every such Part thereof as shall be injured by the Erection of such Bridge, or the making of such Railway and the Fences thereof, and shall also make convenient Approaches to such Towing Paths and Canal in lieu of any Ways or Approaches which may be stopped up or interfered with by the making of such Railway, and for such Purpose, when necessary, shall have Openings through or under such Railway; and all such Works shall be made and completed to the Satisfaction of the Engineer of the said Company of Proprietors, but at the sole Costs and Charges of the Railway Company.

For preventing Obstruction during the Erection and Repairs of Works, a Waterway of Thirty Feet and a Towing Way of Six Feet to be left.

LII. And in order that during the Erection or Construction of the Bridge, Towing Path, and Works by this Act authorized to be made or constructed over the Canal, Banks and Towing Paths, belonging to the Company of Proprietors of the *Calder and Hebble* Navigation, and during any Repairs or rebuilding or restoring of such Bridge, Towing Path, or Works, no Obstruction shall be occasioned to the Passage of Vessels, Barges, and Boats along the said Canal, or to the Passage of the Towing Horses along the said Towing Path, or to the Use of the Towing Tackle along the Banks of the said Canal, the Company shall and they are hereby required, at all Times during the Erection or Construction or Repairs, Rebuilding, or Restoration aforesaid, to leave, provide, and maintain a clear, free, open, and uninterrupted navigable Waterway of not less Width than Thirty Feet in the said Canal, and also a clear Height above the Surface of the Water sufficient for the free Passage of Vessels, Barges, and Boats along the said Canal, and also a free and uninterrupted Passage for Towing Horses and Towing Tackle along the Towing Path thereof of not less Width than Six Feet, and the same shall be done to the Satisfaction of the Engineer of the said Company of Proprietors of the *Calder and Hebble* Navigation, but at the sole Costs and Charges of the Railway Company.

Penalty for obstructing the Calder and Hebble Navigation.

LIII. And be it enacted, That if by reason and in execution of any of the Works by this Act authorized or required to be made, or by reason of the bad State of Repair of any such Works or of the said Bridge, or if by any Act or Omission of the Railway Company, or any of their Agents, Servants, or Workmen, the *Calder and Hebble* Navigation or the Towing Paths thereof shall be so constructed as that Boats, Barges, or other Vessels navigating or using the same cannot pass, or shall be impeded in the Passage along the same, or in case the Space under the said Bridge shall be at any Time contracted so as to be less in Width or Height than is herein-before prescribed, then and in any of the said Cases the Railway Company shall forfeit and pay to the Company of Proprietors of the *Calder and Hebble* Navigation, as or by way of ascertained Damages, the Sum of Fifty Pounds for every Day not exceeding Fourteen Days, and

so in proportion for any less Time than One Day during which the said Obstruction shall continue on the said Navigation; and in default of Payment of the said Sum or such Proportion thereof as shall become due, on Demand made by or on behalf of the said Company of Proprietors to the Secretary, Treasurer, or other Officer of the Railway Company, the said Company of Proprietors of the *Calder and Hebble* Navigation may sue for and recover the same, together with full Costs of Suit, from the Railway Company, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster:* Provided always, that nothing herein contained shall extend to prevent the said Company of Proprietors of the *Calder and Hebble* Navigation from recovering against the Railway Company any special Damage that may be sustained by them on account of such Penalty or Penalties, and they are hereby authorized to sue for and recover such special Damages accordingly; but in every Case where the Penalty or Penalties herein-before imposed shall have been paid by the Railway Company, and any Action for special Damages shall be brought as above mentioned, then the Penalty or Penalties so paid shall be deemed and considered as Payments on account of such special Damages, and Credit shall be given by the Court before whom such Action shall be tried for any Sum or Sums of Money so paid by the Railway Company, and the same shall be deducted from the Amount of Damages to be recovered by the said Company of Proprietors of the *Calder and Hebble* Navigation; and in case the Amount of Damages recovered shall not exceed the Sum or Sums so paid, then and in such Case Judgment shall be given for the Railway Company; and no Action shall be maintained by the said Company of Proprietors of the *Calder and Hebble* Navigation against the Railway Company for the Recovery of any Penalty or Penalties after Judgment shall have been obtained by them for any special Damage in respect of the Act or Acts for which such Penalty or Penalties would have been recoverable: Provided also, that in case by any Writing under the Common Seal of the said Company of Proprietors any Liabilities of the Railway Company to any Penalty, Action, or Suit in respect of any of the Matters aforesaid shall be consented by the said Company of Proprietors to be remitted, discharged, annulled, or abandoned by them, then the Railway Company shall no longer be liable under this Act to any such Penalty, Action, or Suit, or other Matter or Thing, so consented to be remitted, discharged, annulled, or abandoned.

The Levels of the Canal and Towing Paths not to be altered, nor the Waters to be diverted, nor the Works of the Calder and Hebble Company to be interfered with.

LIV. And be it enacted, That it shall not be lawful for the Company to alter the Level of the Canal, Banks and Towing Paths, so as to obstruct or injure the Navigation of the Company of Proprietors of the *Calder and Hebble* Navigation, nor to divert any of the Waters of the said Canal, nor to divert any Waters which now run into or supply the said Canal, or any other Waters which the said Company of Proprietors have now Power to divert into the said Canal, or which might lawfully be taken or used by the said Company of Proprietors for the Supply of Water to the Navigation of the said Rivers *Calder* and *Hebble*, nor to take or use or interfere with any Locks, Side Ponds, Feeders, Towing Paths, Bridges, Weirs, Banks, Wharfs, or any other Works of or belonging to the said Company of Proprie-

tors, without the Consent of the said Company of Proprietors in Writing under their Common Seal first had and obtained, except such Lands or Property as they are by this Act specifically empowered to take and use, any thing in this Act or in the Acts incorporated with this Act contained to the contrary notwithstanding.

Difference of Opinion respecting the satisfactory Execution of Works connected with the Calder and Hebble Navigation, to be settled by Arbitration.

LV. Provided always, and be it enacted, That if in any or either of the Cases aforesaid where any Works are directed to be made, done, or executed to the Satisfaction of the Engineer of the Company of Proprietors of the *Calder and Hebble* Navigation any Difference of Opinion shall arise between such Engineer and the Engineer of the Railway Company in respect of the Mode of constructing, erecting, making, or doing any of such Works, or the Propriety or Convenience thereof, or the satisfactory Execution of any of the several or respective Matters aforesaid, then such Difference of Opinion between such respective Engineers shall be settled by Arbitration according to the Method provided by the Railway Clauses Consolidation Act, 1845, with respect to the Settlement of Disputes by Arbitration, provided that the Persons to be proposed in pursuance thereof to act as Arbitrators or Umpire, and so acting, shall be Engineers.

Company may vary Works affecting the Navigation, with Consent, &c.

LVI. Provided always, and be it enacted, That it shall be lawful for the Company, with the Consent of the Company of Proprietors of the *Calder and Hebble* Navigation in Writing under their Common Seal, to construct or make the Bridge and Towing Path, or any Works in connexion with the said Canal, or with the Navigation of the Rivers *Calder* and *Hebble*, any or either of them, of any other Dimensions or in any other Manner than is herein-before specified, and also to make any other Works instead thereof, or instead of Parts thereof, which shall equally or better tend to promote the mutual Advantage of the said Company of Proprietors and the Railway Company.

Saving Rights of the Company of Proprietors of the Calder and Hebble Navigation.

LVII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to alter, lessen, diminish, abridge, or prejudice the Rights, Privileges, Powers, or Authorities of the Company of Proprietors of the *Calder and Hebble* Navigation granted to or acquired by them by or under the several Acts passed for authorizing and empowering the said Company of Proprietors to maintain and improve the Navigation of the Rivers *Calder* and *Hebble* in the West Riding of the County of *York*, or in any way to interfere with the Powers or Provisions of the said Acts, any or either of them, or with the Execution of the said Acts, any or either of them, save and except so far as is necessary for the Execution and Maintenance of the Works in and by this Act authorized.

Sidings, &c. to be made from the Railway to the Calder and Hebble Navigation.

LVIII. And whereas it is expedient that sufficient Branches, Communications, Sidings, Lye-bys, Staiths, Erections, and other Works shall be made for the Conveyance and Transfer of Animals, Goods, Minerals, and other Articles from and to the Railway hereby authorized to be made to and from the *Calder and Hebble* Navigation, and also for the loading, unloading, and temporary Deposit and Security of

of such Animals, Goods, Minerals, and Articles for the Purpose of or in order to such Conveyance or Transfer thereof as aforesaid; be it therefore enacted, That all such Branches, Communications, Sidings, Lye-bys, Staiths, Erections, and other Works as shall be necessary for the safe and convenient Conveyance and Transfer of Animals, Goods, Minerals, and other Articles from or to the said Railway hereby authorized to be made to or from the said *Calder and Hebble* Navigation immediately adjoining to the Places where the same Railway shall have been carried over or across the same Navigation, and also for the convenient loading, unloading, and temporary Deposit and Security of such Animals, Goods, Minerals, and Articles for the Purpose of or in order to such Conveyance or Transfer thereof as aforesaid, shall be made and completed by and at the Expence of the Railway Company hereby incorporated before such Part of the same Railway as shall cross or be intended to cross the same Navigation shall have been opened for Traffic, and shall for ever thereafter be maintained and kept in repair by and at the Expence of the same Railway Company; and the Number, Nature, Extent, Position, Situation, Formation, and Dimensions of all such Branches, Communications, Sidings, Lye-bys, Erections, Staiths, and Works respectively, and the Manner in which the same shall be constructed, and the Materials to be used therein, and the Sufficiency of the Construction and Execution of the same, shall in every respect be determined upon and by an Engineer to be mutually agreed upon and appointed by the same Railway Company and the Proprietors of the *Calder and Hebble* Navigation and the Undertakers of the *Aire and Calder* Navigation, or their respective Directors or Managing Committees, and in case they shall not agree in the Appointment of such Engineer, then such Engineer shall be appointed by the Recorder of *Leeds* for the Time being by Writing under his Hand; provided that no Animals, Goods, Minerals, or other Articles shall be permitted to lie or remain in or upon the said Branches, Communications, Sidings, Lye-bys, Erections, Staiths, and Works, or any of them, for above Six Hours beyond the Time necessary for the loading and unloading thereof.

Company not to charge higher Tolls on Goods, &c. brought from or to the Navigation.

LIX. And be it further enacted, That the said Railway Company hereby incorporated shall not be entitled to charge or receive any larger Sum for Tonnage or Tolls *per* Ton *per* Mile on any Part of the same Railway, or other larger Charges, or any Charge whatsoever of a different Description or Denomination, for or in respect of any Animals, Goods, Minerals, or Articles which shall have been or shall be intended to be conveyed on the said *Calder and Hebble* Navigation, or on any Part or Parts of the *Aire and Calder* Navigation, than the average Rate which they are for the Time being actually and *bonâ fide* charging and receiving for Tonnage, Tolls, or other Charges on similar Animals, Goods, Minerals, or Articles conveyed for the like Distances on other Parts of the same Railway which shall not have been and shall not be intended to be conveyed upon the said Navigations or either of them, or any Part or Parts of the said Navigations respectively.

Works for the Dun Navigation

LX. And whereas the Company of Proprietors of the Navigation of the River *Dun*, in pursuance of the Powers vested in them by the Acts

Acts of Parliament relating to the said River *Dun*, have Power to make the said River and have made a considerable Portion of the same navigable, and from Time to Time have exercised and continue to exercise their Powers to purchase Lands and Hereditaments for the Purpose of making Alterations and Improvements in the said Navigation, and the Cuts, Canals, and Works belonging thereto, and also for the Purpose of making Roads, Tramways, Communications, and Conveniences connected therewith for the Conveyance of Coals, and other Articles, Matters, or Things, thereto and therefrom: And whereas the said Railway will interfere with the Lands and Hereditaments acquired by the said Company of Proprietors for the Purposes aforesaid at or near *Blackburn Forge* in the Township of *Brightside Bierlow*, and also with other Lands and Hereditaments over which their said Powers extend: And whereas by certain other Acts of Parliament relating to the *Dearne and Dove* Canal the Proprietor of any Estate is authorized and empowered to make any Railway or Road to convey his Coals or Minerals to the said *Dearne and Dove* Canal within the Limits therein mentioned: And whereas the said Railway will pass over certain Lands and Hereditaments and Works belonging to the said *Dearne and Dove* Canal Company, and near the said Canal within the Limits aforesaid, and would obstruct the Access of Coal to the said Canal unless a Communication be made under or across the said Railway to the said Canal convenient for the Purposes aforesaid: And whereas the said *Dearne and Dove* Canal is leased to the Company of Proprietors of the Navigation of the River *Dun*: And whereas it is expedient that Branch Communications, Sidings, Lyebyes, and other Works shall be made between the said Railway and the said River *Dun* Navigation at or near *Blackburn Forge*, and also between the said Railway and the said *Dearne and Dove* Canal at or near *Worsborough Bridge* and the Roads and Tramways leading thereto, and also that Openings under and Archways over the said Railway should be provided for any of the said Roads, Railroads, Tramways, or Communications for the Conveyance of Coals, or other Articles, Matters, and Things, to the *Dun* Navigation or the *Dearne and Dove* Canal at other Points as when and where they from Time to Time become necessary; be it therefore enacted, That good and sufficient Branch Communications, Sidings, Lyebyes, and other Works shall, by and at the Expence of the Railway Company hereby incorporated, be made and maintained between the said Railway and the said River *Dun* Navigation at or near *Blackburn Forge*, and also between the said Railway and the said *Dearne and Dove* Canal at or near *Worsborough Bridge*, and that good and sufficient Openings under and Archways over the said Railway shall be made and maintained by the said Railway Company for the Roads, Railways, Tramways, or Communications for the Conveyance of Coals, or other Articles, Matters, or Things, to the *Dun* Navigation or the *Dearne and Dove* Canal at other Points as when and where they from Time to Time become necessary; and the Number, Nature, Extent, Position, Situation, Formation, and Dimensions of all such Branches, Communications, Sidings, Lyebyes, and other Works respectively, as well as of the Openings and Archways so from Time to Time to be made, and the Manner and Direction in which the same

and Dearne and Dove Canal.

same shall be constructed, and the Materials to be used therein, and the Sufficiency of the Construction and the Execution of the same, or any of the Works connected therewith, and the Compensation to be given to the said Company of Proprietors of the Navigation of the River *Dun* or to the *Dearne and Dove* Canal Company, or to the said Company of Proprietors as Lessees of the said Canal, and for the Land or Hereditaments belonging to the said Company of Proprietors or to the said Canal Company which shall be taken, severed, used, or affected by the said Railway, shall in every respect be settled and determined by *John Hawkshaw* of *Manchester*, Civil Engineer, or other the Engineer for the Time being of the said Railway Company, on behalf of the said Railway Company, and *Charles Bartholomew* of *Sheffield*, Civil Engineer, or other the Engineer for the Time being of the said Company of Proprietors, on behalf of the said Company of Proprietors, or their Umpire, to be named by such Engineers before they act in any Matter or Thing so left to their Decision as aforesaid; and it shall be lawful for the said Railway Company and the said Company of Proprietors from Time to Time to enter into and carry out any Agreements relative thereto that may be deemed mutually advantageous, with such Conditions, Provisions, and Stipulations as the contracting Parties may think advisable consistently with the Provisions in this Act contained.

If Railway crosses Stream supplying the Dearne and Dove Canal and the River Dun, proper Culverts to be made.

LXI. And be it enacted, That wheresoever the Railway shall cross any Brook or Stream of Water now falling into or supplying the said River *Dun*, or the said *Dearne and Dove* Canal, or any of the Reservoirs, Cuts, or Canals of the said Company of Proprietors of the Navigation of the River *Dun* or of the said Canal Company, the said Railway Company shall, at their own Expence, cause such Brooks or Streams to be either carried over or under the Railway so that the same may fall into the same Reservoirs, River, Cuts, or Canals respectively at their present Places, or as near thereto as is possible, so that the same shall not enter at a lower Level, and for that Purpose proper and sufficient Culverts, Drains, and Aqueducts shall be made for the same to the Intent that the Supply of Water to the same Reservoirs, River, Cuts, or Canals respectively may not in any Manner be diminished or prejudiced.

Company to maintain Culverts, &c. in good Repair.

LXII. And be it enacted, That the said Railway Company shall, at their own Expence, maintain the said several Culverts, Passages, and Viaducts which they are hereby required to make as aforesaid in perfect Repair, and well and sufficiently drained, and, where necessary, fenced off; and in case any of the Culverts, Arches, or Viaducts to be erected by the said Railway Company for any Brooks or Streams supplying the said Reservoirs, River, Cuts, or Canals shall not be kept in good Repair, and drained and fenced off as aforesaid, it shall be lawful for the said Company of Proprietors of the Navigation of the River *Dun* to do the needful Repairs, and to drain and (where necessary) fence off the same, and to recover the Amount of the Expences thereof from the said Railway Company by Action of Debt or on the Case, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*.

LXIII. Pro-

Limiting Deviation where the Line crosses the Lands of the Dearne and Dove and Dun Companies.

LXIII. Provided also, and be it enacted, That the said Railway Company shall not be authorized to take or use or in any way damage the said Canal, Brooks, or Streams herein-before mentioned, or any of them, or any of the Works or Property of the said Canal Company, or of the said Company of Proprietors of the Navigation of the River *Dun*, or any Part or Parts thereof respectively, or to deviate from the Line of the said Railway as laid down on the said Plans deposited with the said Clerk of the Peace where the said Line crosses the Lands or Hereditaments of the said *Dearne and Dove* Canal Company, or the Streams supplying the said Canal or the River *Dun* with Water, or the Railways or Tramways leading to the said Canal or River, more than Thirty Yards on either Side of the centre Line of the said Railway as laid down on the said Plans, without the Consent of the said Company of Proprietors first had and obtained, other than and except in the Manner herein-before expressly provided for and authorized.

Company may contract with the River Dun Company for the Passage of Goods.

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

A Ticket of Weights to be given to the Boatman on the River Dun Navigation.

LXV. And be it enacted, That the said Railway Company are hereby required to give a Ticket containing a just Account of the respective Weights of all Articles, Matters, and Things passing to and from the said River *Dun* Navigation, or the said *Dearne and Dove* Canal, along the Railway and Branches or Communications belonging to the said Railway Company hereby incorporated, to each Boatman receiving or delivering any of such Articles, Matters, or Things, and such Boatman is hereby required to deliver such Ticket to the Company of Proprietors of the Navigation of the River *Dun*, or their Agent, demanding the same; provided that in case any such Ticket shall be delivered to any such Boatman, and he neglects or refuses to deliver up the said Ticket, on Demand as aforesaid, the said last-mentioned Company, or any Person or Persons they may appoint, is hereby authorized to detain any Boat or other Vessel of or belonging to such Boatman, or to which such Boatman belongs, and prevent the same passing through any Lock, or on any Part of the said Navigation or Canal, until such Ticket is delivered up as aforesaid; and the said Railway Company shall at all Times give to the said River *Dun* Company and their Agents Access to such Books, and such Information as may be necessary to verify the Accuracy of such Tickets and Weights.

Saving Rights of the River

LXVI. And be it enacted, That nothing in this Act contained shall diminish, alter, prejudice, affect, or take away any of the Rights, Privileges,

Dun and Dearne and Dove Companies.

Privileges, Powers, or Authorities vested in the said Company of Proprietors of the Navigation of the River *Dun*, or in the said *Dearne and Dove* Canal Company, or in the said Company of Proprietors as Lessees of the said *Dearne and Dove* Canal, shall authorize or empower the said Railway Company to abstract, divert, intercept, or diminish the Water or any Part thereof from any of the Streams of Water which supply the said River *Dun*, Cuts and Canals connected therewith, or the *Dearne and Dove* Canal, or any Cut, Dam, or Reservoir made or in progress of making which supplies or is intended to supply the said River, Cuts, or Canals or any of them, or to obstruct or prevent the said Company of Proprietors or the said Canal Company at any Time hereafter from making any Railway, Tramway, or Road authorized to be made by the Acts relating to the said River *Dun* Navigation, or to the said *Dearne and Dove* Canal, or from the making of any Reservoirs or Cuts or Canals, or other Works and Improvements to the said Navigation, Canal, and Conveniences connected therewith, which they are now authorized to make, but that the same and every of them may be made and proceeded with in the same Manner and as fully in all respects as the said Company of Proprietors and Canal Company respectively might have done had not this Act been passed.

Junctions with the Sheffield and Rotherham Branch of the Midland Railway to be under the Direction of the Engineer of the Company.

LXVII. And be it enacted, That the Junction of the said Railway hereby authorized to be made with the *Sheffield and Rotherham* Branch of the *Midland* Railway, and all such Openings in the Ledges or Flanches of the said Branch Railway as may be necessary or convenient for effecting such Junction, shall be made by and at the Expence of the *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway Company under the Direction and Superintendence and to the Satisfaction of the Engineer for the Time being of the said *Midland* Railway Company: Provided nevertheless, that if such Engineer of the said last-mentioned Company should prescribe a Mode of effecting the said Junction which the said Engineer of the *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway Company cannot or shall not approve, then such Junction shall be effected in such Manner as shall be approved of and directed by the Lords of the Committee of Her Majesty's Privy Council appointed for Trade and Foreign Plantations, and not otherwise: Provided also, that if within One Calendar Month after Request in Writing made to him and the Secretary of the *Midland* Railway Company for that Purpose, the Engineer of the *Midland* Railway Company shall neglect or refuse to prescribe a Mode of effecting such Junction, then it shall be lawful for the Engineer of the said *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway Company to effect the same in such Manner as shall be prescribed and approved by the said Lords Commissioners of Her Majesty's Privy Council for Trade and Foreign Plantations.

Lands of the Midland Railway Company not to be

LXVIII. And be it enacted, That, unless with the Consent in Writing of the *Midland* Railway Company, it shall not be lawful for the *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield*, and *Goole* Railway Company to purchase or take any Lands, Grounds, or Buildings

ings of the *Midland* Railway Company, either for the Purposes of the said Railway or for any Station to the said Railway, or for any other Purpose, and that it shall not be lawful for the *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway Company to alter or vary or interfere with the *Midland* Railway or any of the Works thereof, except so far and in such Manner as may be necessary for the Formation of the said Junction of the said *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway with the said *Midland* Railway in manner and subject to the Provisions herein-before contained: Provided nevertheless, that the said *Midland* Railway Company shall permit and suffer the said *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway Company to lay down and construct over and upon the Lands of the said *Midland* Railway Company such Line or Lines of Railway, within the Limits of Deviation defined on the said Plans for forming the said Junction, as shall be necessary under the Provisions of this Act.

taken without Consent.

LXIX. Provided always, and be it enacted, That nothing in this Act contained shall extend to affect, prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the *Midland* Railway Company, but all the Rights, Privileges, and Franchises of the said Company, and all Powers and Authorities conferred upon them by the several Acts relating to the said *Midland* Railway, shall be and they are hereby saved and reserved.

Saving Rights of Midland Railway Company.

LXX. 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 an Act of the present or succeeding Sessions of Parliament; and for other Purposes in relation to Railways;* be it enacted, That nothing in this said Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company, so far as the same shall be applicable thereto.

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

LXXI. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the said Railways by this Act authorized to be made from the Provisions of any general Act relating to such Bills, or of any general Act relating to Railways, or which may pass during the present or any future Session of Parliament, or from any future Revision and Alterations, under the Authority of Parliament, of the maximum Rate of Fares and Charges authorized by this Act.

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

 LXXII. And

Interpretation of the Expression "the Railway."

LXXII. And it is enacted, That the Expression "the Railway" shall mean the Railway and Railways, Branch Railways, Communications, and Works hereby authorized to be made.

Public Act.

LXXIII. 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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