



## CHAPTER clxxvi.

An Act to authorise the Sutton Rotherham and Barnsley Railway Company to construct new railways in the West Riding of the county of York to abandon certain of their authorised railways and for other purposes.

A.D. 1893.

[27th July 1893.]

**W**HEREAS by the Rotherham Blyth and Sutton Railway Act 1891 (in this Act called "the Act of 1891") the Rotherham Blyth and Sutton Railway Company (in this Act called "the Company") were incorporated for making and maintaining a railway from Rotherham to the Great Northern Railway at Sutton and were authorised to raise a share capital of six hundred thousand pounds and to borrow two hundred thousand pounds:

And whereas by the Rotherham Blyth and Sutton Railway Act 1892 (in this Act called "the Act of 1892") the Company were authorised to construct the further railways therein described and to raise further capital by shares and borrowing and the name of the Company was changed to the Sutton Rotherham and Barnsley Railway Company:

And whereas it is expedient that the Company should be empowered to make the new railways and the alteration of railways and to execute the other works and exercise the other powers in this Act mentioned and also to acquire retain hold and use additional lands for the purposes of this Act and for other purposes connected with their undertaking:

And whereas it is expedient that the construction of the Railway No. 3 described in section 5 of the Act of 1892 should be abandoned:

And whereas plans and sections showing the lines and levels of the railways and other works by this Act authorised and plans showing the lands required or which may be taken for the purposes or under the powers of this Act and also books of reference to

[Ch. clxxvi.] *Retford, Rotherham, and Barnsley* [56 & 57 VICT.]  
*Railway Act, 1893.*

A.D. 1893. those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerks of the peace for the several counties within which the said railways and other works will be made and the said lands are situate and those plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference respectively :

And whereas it is expedient that the Great Northern Railway Company (in this Act called "the Great Northern Company") and the Lancashire and Yorkshire Railway Company (in this Act called "the Lancashire and Yorkshire Company") should be authorised to guarantee a dividend on the capital which the Company by the Act of 1891 the Act of 1892 and this Act are authorised to raise :

And whereas it is expedient that the Company and the other companies in this Act mentioned should be empowered to enter into and carry into effect such working and other agreements as are herein-after provided for :

And whereas it is expedient that the Company should be empowered to run over and use the railway in this Act specified and that the further powers in this Act contained should be conferred upon the Company :

And whereas it is expedient that the Company should be empowered to raise additional capital and borrow further money for the purposes of this Act and other the general purposes of their undertaking :

And whereas it is expedient that the other provisions in this Act contained should be made and that the name of the Company should be changed to the Retford Rotherham and Barnsley Railway Company :

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

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

Short title.      1. This Act may be cited as the Retford Rotherham and Barnsley Railway Act 1893.

Incorporation of general Acts,      2. The following Acts and parts of Acts are (so far as the same are applicable and except where expressly varied by or inconsistent

[56 & 57 VICT.] *Retford, Rotherham, and Barnsley* [Ch. clxxvi.]  
*Railway Act, 1893.*

with this Act) incorporated with and form part of this Act (that is to say) :— A.D. 1893.

The Lands Clauses Acts :

The Railways Clauses Consolidation Act 1845 :

Part I. (relating to the construction of a railway) Part II. (relating to extension of time) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 :

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters namely :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of the borrowed money into capital ;

The consolidation of shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested :

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) Part III (relating to debenture stock) and Part IV. (relating to change of name) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869.

**3.** In this Act—

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction :

“The Company” means the Sutton Rotherham and Barnsley Railway Company the name of which is by this Act changed to the Retford Rotherham and Barnsley Railway Company:

“The railway” or “the railways” means the railways by this Act authorised :

And for the purposes of this Act the expression “superior courts” or “court of competent jurisdiction” or any other

Interpreta-  
tion.

[Ch. clxxvi.] *Retford, Rotherham, and Barnsley* [56 & 57 VICT.]  
*Railway Act, 1893.*

A.D. 1893.

like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Power to  
make rail-  
ways.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways and works hereinafter described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose.

The railways and works herein-before referred to and authorised by this Act to be made by the Company are—

Three railways situate wholly in the West Riding of the county of York:—

(1.) A Railway No. 1 one mile three furlongs and seven chains in length commencing in the township and parish of Hooton Roberts by a junction with Railway No. 1 authorised by the Act of 1892 at a point on the west side of the road known as Denaby Lane and terminating in the township of Denaby and parish of Mexborough by a junction with the South Yorkshire Railway of the Manchester Sheffield and Lincolnshire Railway Company at the east side of the bridge carrying that railway over the River Don and situate at or near to the east end of Mexborough Station:

(2.) A Railway No. 2 seven furlongs and two chains in length commencing in the said township of Denaby and parish of Mexborough by a junction with the said Railway No. 1 authorised by the Act of 1892 and terminating in the detached portion No. 3 of the parish of Mexborough situate in the township of Swinton in a field now or late belonging or reputed to belong to the Manvers Main Colliery Company Limited and occupied jointly by that Company and Mr. Herbert Howitt:

(3.) A Railway No. 3 two furlongs and nine chains in length commencing in the said detached portion No. 3 of the parish of Mexborough at the termination of the said intended Railway No. 2 as before described and terminating in the township and parish of Adwick-upon-Deerne by a junction with the Midland Railway:

An alteration or deviation in the levels of the Company's said Railway No. 1 authorised by the Act of 1892 throughout its entire length which said intended alteration or deviation will pass from in through or into or be situate within the parishes and townships following or some of them (that is to say) Mexborough Denaby Hooton Roberts Ravenfield Thrybergh Conisbrough Braithwell Stainton Stainton - cum - Hellaby Maltby and Hooton Levitt all in the West Riding of the county of York. A.D. 1893.

5. In altering for the purposes of this Act the road next herein-after mentioned the Company may make the same of any inclination not steeper than the inclination herein-after mentioned in connexion therewith (that is to say) :— Inclination of road.

Number on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
11	Ravenfield	Public - - -	1 in 13.

6. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may enter upon and take compulsorily or by agreement for the construction of stations buildings sidings coal wharves and other the purposes of their undertaking the lands herein-after described which are delineated upon the deposited plans and described in the deposited books of reference :— Power to purchase additional lands.

- (1.) A triangular piece of land in the parishes of Sutton-cum-Lound Barnby Moor and Torworth in the county of Nottingham situate on the north-east side of and adjoining Railway No. 1 authorised by the Act of 1891 and bounded on the east by the Great Northern Railway and on the north by an imaginary line running from the Great Northern Railway where it is crossed by the boundary between the parishes of Barnby Moor and Torworth to a point on the Great North Road about two hundred and ten yards measured in a south-easterly direction along such road from the north-western corner of the house known as Torworth Grange :
- (2.) A strip of land about seventy yards wide in the said parish of Barnby Moor situate on the south-west side of and adjoining such last-mentioned Railway No. 1 commencing at the Great North Road and bounded on the south-west side by an imaginary line running from a point on the north-east side of

[Ch. clxxvi.] *Retford, Rotherham, and Barnsley* [56 & 57 Vict.]  
*Railway Act, 1893.*

A.D. 1893.

the said Great North Road five hundred and fifty-three yards or thereabouts measured in a south-easterly direction along such road from the north-western corner of the said house known as Torworth Grange to a point in a field now or late belonging or reputed to belong to His Grace the Duke of Newcastle and now occupied by Mr. William Cranfield one hundred and seventy-three yards or thereabouts measured in a south-westerly direction from the south-westerly rail of the main line of the Great Northern Railway at its junction with the said Railway No. 1 authorised by the Act of 1891.

Power to  
take ease-  
ments &c.  
by agree-  
ment.

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

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

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

If for twenty-one days after the service of notice to sell and convey any portion or portions of the said property any owner or other person shall fail to notify to the Company that he alleges that such portion or portions cannot be severed from the remainder of the

property without causing the material detriment mentioned then the Company may proceed to take such portion or portions only but if within such twenty-one days he shall by notice to the Company allege that such portion or portions cannot be severed from the remainder without causing such material detriment as aforesaid then the tribunal to whom the question of disputed compensation shall be submitted shall determine the matter of the said allegation in addition to the other questions required to be determined by them Provided always that if in the opinion of the said tribunal any such portions cannot be severed from the remainder of such property without such material detriment the Company may withdraw their notices to treat for the portion or portions of the property required by them and thereupon they shall pay to the owners of and other persons interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by them in consequence of such notice Provided also that if in the opinion of such tribunal any such portions can notwithstanding the allegation of such owner or other person be severed from the remainder without such material detriment then such tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained The provisions of this section shall be stated in every notice given thereunder by the Company to sell and convey any premises.

A.D. 1893.

9. And whereas the Railway No. 1 authorised by the Act of 1892 is shown on the deposited plans and sections as intended to be constructed in tunnel through or under the lands and hereditaments numbered on the deposited plans 4 5 6 7 8 9 10 11 and 12 in the parish of Braithwell and 1 in the parish of Stainton both in the West Riding of the county of York at a depth of forty feet and upwards below the surface of the ground The Company may purchase and acquire an easement or right of constructing and using the said railway without being obliged to purchase the lands over such railway or any houses buildings manufactories or premises thereon respectively unless the jury or the arbitrators or their umpire to whom the question of disputed compensation shall be submitted shall determine that such right or easement cannot be acquired or used by the Company without material detriment to the remainder of such lands and hereditaments Provided always that nothing in this section contained shall apply to any of the said lands and hereditaments

Power to  
acquire  
easements  
for con-  
structing  
tunnel.

[Ch. clxxvi.] *Retford, Rotherham, and Barnsley* [56 & 57 Vict.]  
*Railway Act, 1893.*

A.D. 1893.

which are situate on land at a less height than forty feet above the arch of the said tunnel as the same shall be constructed. Provided also that nothing in this section contained nor any dealing with any of the said lands and hereditaments in pursuance thereof shall relieve the Company from liability to compensation under section sixty-eight of the Lands Clauses Consolidation Act 1845 in respect of any lands or hereditaments through or under which the Company may purchase or acquire an easement or right of constructing and using such tunnel.

Period for compulsory purchase of lands.

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

Period for completion of railways.

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

Tolls.

**12.** The Company may demand and take for the use of the railways by this Act authorised such tolls as may be agreed.

Rates and charges.

**13.** The railways and works by this Act authorised shall form part of the railways of the Company and the maximum rates and charges which the Company shall be entitled to charge and make in respect of merchandise traffic including perishable merchandise conveyed by passenger train on the railways authorised by the Act of 1891 the Act of 1892 and this Act shall be the rates and charges specified in the Order confirmed by the Great Northern Railway Company (Rates and Charges) Order Confirmation Act 1891 as if the Company were named in the said Order and such rates and charges shall be substituted for the classification maximum rates and charges regulations and provisions contained in the existing Acts of the Company with respect to merchandise traffic. The maximum rate of charge which the Company shall be entitled to make for the conveyance on the railways of the Company of passengers and of parcels conveyed by passenger train shall be the rate specified in the Act of 1891.

Company may abandon portion of authorised line.

**14.** The Company shall abandon the construction of the Railway No. 3 described in section five of the Act of 1892.

Compensation for damage to land by entry &c. for purposes

**15.** The abandonment by the Company under the authority of this Act of the said Railway No. 3 shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company



on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Act of 1892.

A.D: 1893.  
of railway  
abandoned.

**16.** Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the railway authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compensa-  
tion to be  
made in  
respect of  
railway  
abandoned.

**17.** Section 12 of the Act of 1892 is hereby repealed and in constructing Railway No. 1 authorised by the Act of 1892 in accordance with the alteration or deviation in the levels thereof by this Act authorised (in this section called "the said Railway No. 1") the following provisions for the protection of the mayor aldermen and burgesses of the borough of Doncaster (in this section called "the corporation") shall apply and have effect (that is to say) :—

For the pro-  
tection of the  
corporation  
of Doncaster.

(1.) Where the said Railway No. 1 shall cross over the cast-iron pipe conduit belonging to the corporation at a point in the parish of Ravenfield in the West Riding of the county of York one mile four furlongs and six chains as shown on the deposited plans or thereabouts the Company shall provide and maintain a brick culvert of six feet internal diameter under the railway embankment and relay the pipes at the same level and of the same discharging capacity as the existing pipes :

(2.) Where the said Railway No 1 shall cross the earthenware conduit belonging to the corporation at a point in the said parish of Ravenfield one mile and five furlongs as shown on the deposited plans or thereabouts the Company shall provide

[Ch. clxxvi.] *Retford, Rotherham, and Barnsley*. [56 & 57 VICT.]  
*Railway Act, 1893.*

A.D. 1893.

and maintain a brick culvert of six feet internal diameter under the railway embankment and relay cast-iron pipes at the same level and of the same discharging capacity as the existing earthenware pipes :

- (3.) Where the said Railway No. 1 shall cross the brick conduit belonging to the corporation at a point in the said parish of Ravenfield one mile seven furlongs and three chains as shown on the deposited plans or thereabouts the Company shall provide and maintain a cast-iron syphon of four feet internal diameter under the said railway and connected with the existing brick culvert at each end with an inspection manhole at each end of the syphon and a wash-out pipe connected with the dip of the syphon for cleansing the same and with wash-out pipes of nine inches internal diameter with suitable valves laid such a distance down the hill as will enable the wash-out pipes to discharge into the brook known as Hooton Brook :
- (4.) Where the said Railway No. 1 shall cross the brick conduit belonging to the corporation at a point in the said parish of Ravenfield two miles and two and a half chains as shown on the deposited plans or thereabouts the Company shall provide and maintain a brick culvert of six feet internal diameter under the railway embankment connected with the existing brick culvert at each end with an inspection manhole :
- (5.) Where the said Railway No. 1 shall cross the brick conduit belonging to the corporation at a point in the said parish of Ravenfield two miles and one furlong as shown on the deposited plans or thereabouts the Company shall provide and maintain a brick culvert of six feet internal diameter under the railway embankment and connected with the existing brick culvert at each end with an inspection manhole :
- (6.) With the exception of the crossings referred to in subsections (1) (2) (3) (4) and (5) no part of the said Railway No. 1 or the embankment thereof shall cross or rest upon any of the pipes or conduits of the corporation and no part of such railway or embankment shall except as aforesaid be made nearer than ten feet from the centre line of such pipes or conduits :
- (7.) In carrying out the works by this Act authorised the Company shall not divert any streams or do any act whereby the water supply belonging to the corporation may in any way be diminished or damaged nor shall the right of the corporation and their servants and workmen to access to their conduits pipes watercourses or other works be impeded or diminished by the Company :

[56 & 57 VICT.] *Retford, Rotherham, and Barnsley* [Ch. clxxvi.]  
*Railway Act, 1893.*

(8.) The works necessary for carrying out the provisions of this section shall be executed by the Company at their own cost and to the reasonable satisfaction of the surveyor for the time being of the corporation and they shall in every respect be completed before the Company shall proceed to construct any part of the said Railway No. 1 which may affect the works of the corporation and in carrying out the works as herein-before specified proper temporary provision shall be made by the Company for securing an uninterrupted supply of water to the borough of Doncaster: A.D. 1893.  
---

(9.) If any difference shall arise between the corporation and the Company as to the manner in which any of the works in this section provided for are to be executed or as to the reasonableness or sufficiency thereof the same shall be settled and determined by agreement between the engineer of the Company and the surveyor for the time being of the corporation or failing agreement by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers on the application by either party and the decision of such last-named engineer shall be final and conclusive:

(10.) The Company and the corporation may enter into and carry into effect agreements for any variation in the works to be done under this section or in the mode of executing the same.

These provisions shall be supplemental to and not in substitution for the provisions of the Railways Clauses Consolidation Act 1845.

18. In constructing the railways by this Act authorised in the township of Swinton in the parish of Wath-upon-Dearne in the West Riding of the county of York the provisions for the protection of the Swinton Local Board contained in the Act of 1892 shall *mutatis mutandis* apply to such railways and be obligatory upon the Company. For the protection of the Swinton Local Board.

19. The several provisions contained in subsections (2) to (11) of section 14 (For the protection of the County Council of the West Riding of the county of York) of the Act of 1892 shall extend and apply *mutatis mutandis* to and in relation to the construction and maintenance of Railway No. 1 and the works connected therewith authorised by the Act of 1892 as proposed by this Act to be altered in level. For the protection of the County Council of the West Riding of the county of York.

20. Whereas by the Sheffield and South Yorkshire Navigation Act 1889 the Sheffield and South Yorkshire Navigation Company were incorporated and authorised among other things to purchase the For the protection of the Sheffield and South

[Ch. clxxvi.] *Retford, Rotherham, and Barnsley* [56 & 57 Vict.]  
*Railway Act, 1893.*

A.D. 1893.  
—  
Yorkshire  
Navigation  
Company.

undertaking of the navigation of the River Dun And whereas Railway No. 2 (in this section referred to as "the railway") by this Act authorised will cross over the said navigation Therefore if the said Company purchase the said undertaking the following provisions shall have effect for the protection of the said navigation:—

In this section "the Navigation Company" means the company incorporated by the said recited Act;

"The navigation" means and includes the navigation of the River Dun and the towing-paths thereof:

- (1.) The Company shall carry the railway across the navigation by a bridge (herein-after referred to as "the bridge") of one span and having throughout a width between the abutments of not less than one hundred feet and a minimum headway above the ordinary water level of the navigation where crossed by the bridge of forty feet:
- (2.) The width or span of the bridge shall be the width as measured at right angles to the centre line of the waterway where crossed by the bridge:
- (3.) The foundations of the abutments of the bridge shall be carried down to such depth below the ordinary level of the surface of the water in the navigation at the point at which it is crossed by the bridge and shall be placed in such positions as shall be reasonably fixed by the principal engineer of the Navigation Company:
- (4.) The Company as well during the construction as during any repairs of the bridge shall leave the navigable water way and towing path free and uninterrupted except so far as may be reasonably agreed between the Navigation Company and the Company:
- (5.) All works crossing or affecting the navigation shall be executed in accordance with plans sections and specifications to be previously submitted to and reasonably approved in writing by the said engineer Provided that if such engineer do not signify his approval or disapproval of the same within one month after their submission to him he shall be deemed to have approved them:
- (6.) All works crossing or affecting the navigation shall be carried on uninterruptedly when commenced and shall be completed with all reasonable despatch and all scaffolding piling and materials affecting the water way or towing path shall be removed as soon as the work for which they are required has been completed and in the meantime shall be kept in proper repair:

- (7.) All works crossing or affecting the navigation shall be constructed and maintained so that the traffic of the navigation shall not except as herein expressly provided be in anyway obstructed impeded or interfered with and such maintenance shall be effected under the superintendence and to the reasonable satisfaction of the Navigation Company but in all things at the expense of the Company :
- (8.) The Company shall bear and on demand pay to the Navigation Company the reasonable expense of the employment by the Navigation Company of a sufficient number of inspectors and watchmen to watch the navigation during the construction of the works by this Act authorised crossing or in any way affecting the navigation and for preventing (except as aforesaid) any such obstruction or interference or any danger or accident from the acts or defaults of the Company or their contractors or the servants workmen or other persons in their respective employ :
- (9.) The Company shall at all times maintain the bridge and other works for such crossing of the navigation in good and substantial repair and condition to the reasonable satisfaction of the Navigation Company and so as not to cause any obstruction to the navigation and in default thereof the Navigation Company may as well on the lands of the Company as on their own lands do all such works and things as they may think reasonably requisite in that behalf and the reasonable cost thereof shall on demand be paid by the Company to the Navigation Company and in default of such payment may be recovered by the Navigation Company from the Company with full costs in any court of competent jurisdiction :
- (10.) If by reason of the execution or maintenance of any of the works or any proceedings of the Company or any act or omission of the Company or their contractors or of any officer servant or workman or other person employed by the Company or such contractors the navigation or any of the works thereof be injured or damaged such injury or damage shall forthwith be made good by the Company at their own cost and in default thereof the Navigation Company may make good the same and recover the reasonable cost thereof with full costs from the Company in any court of competent jurisdiction :
- (11.) The Company shall indemnify the Navigation Company for any loss or damage they may suffer and for any compensation they may be required to pay for any such obstruction (except as aforesaid) interruption or interference with the traffic of the

[Ch. clxxvi.] *Retford, Rotherham, and Barnsley* [56 & 57 VICT.]  
*Railway Act, 1893.*

A.D. 1893.

- navigation or any accident which shall have been occasioned by any such act or default as in this section is mentioned :
- (12.) Nothing in this Act shall extend to prevent the Navigation Company or any owner of vessels boats keels or barges using the navigation from recovering from the Company any special damage that shall be sustained by them or him for or in consequence of any such act or default as in this section is specified :
- (13.) With respect to any lands belonging to the Navigation Company which the Company are by this Act authorised to enter upon take use or interfere with the Company shall not except by agreement with the Navigation Company purchase and take the same but the Company may purchase and take and the Navigation Company may and shall sell and grant to the Company accordingly an easement or right of using the same so far as may be necessary for the purpose of carrying the railway across the navigation :
- (14.) If any difference arise between the Company and the Navigation Company as to anything to be done or not to be done under this section or any money to be paid thereunder (except by way of compensation as in this section provided or for any such easements as aforesaid) such difference shall be determined by an engineer to be appointed (unless otherwise agreed on) on the application of either party by the President for the time being of the Institution of Civil Engineers and the costs of and incident to the reference shall be borne as he shall direct but nothing in this Act shall be deemed to enable the said arbitrator to direct that any work shall be made of less dimensions than by this section is prescribed in that behalf :
- (15.) The Company and the Navigation Company may agree for any variation or alteration of the works in this section provided for or of the manner in which the same shall be executed :
- (16.) In order the better to secure means of communication with the navigation from works which may hereafter be established for getting minerals or for other purposes and in addition to the accommodation works to which any person may be entitled under the Lands Clauses Acts it shall be lawful for the Navigation Company or the proprietor or lessee of any such works from time to time at their or his own expense to make such railways or roads upon the lands of the Navigation Company and of such proprietor or lessee and of the Company by means of bridges over or archways under the railway as may be necessary for the proper accommodation of such works and for carrying

away the minerals therefrom Provided always that such works shall be so constructed in accordance with plans and sections to be first submitted to and reasonably approved by the Company's principal engineer and so as not to interfere with the free safe and uninterrupted use of the Company's railway If any difference shall at any time arise with respect to the mode of constructing or the situation or maintenance of any such communication or the time within which the same shall be made such difference shall from time to time be determined by an engineer to be appointed by the Board of Trade upon the application of either party and the decision of such engineer shall be final and conclusive upon all parties interested and the costs of and incident to the reference shall be borne as he shall direct : A.D. 1893.

(17.) The Navigation Company shall bear and on demand pay to the Company the reasonable expense of the employment by the Company during the execution by the Navigation Company of the works affecting the railway of the Company of a sufficient number of inspectors and watchmen to be appointed by the Company for watching their railway and works with reference to and during the execution of the Navigation Company's works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Navigation Company or their contractors or any person or persons in the employ of the Navigation Company or of their contractors with reference thereto :

(18.) If by reason of the execution of any of the works or any proceedings of the Navigation Company or the failure of any such works or any act or omission of the Navigation Company or of their contractors or of any persons in the employ of the Navigation Company or of their contractors the railway of the Company or any of the works connected therewith shall be injured or damaged such injury or damage shall be forthwith made good by the Navigation Company at their own expense or in the event of their failing so to do then the Company may make good the same and recover the reasonable expense thereof with full costs against the Navigation Company in any court of competent jurisdiction and if any interruption shall be occasioned to the traffic of the Company by reason of any of the matters or causes aforesaid the Navigation Company shall pay to the Company all costs and expenses to which the Company may be put as well as full compensation for the loss

[Ch. clxxvi.] *Retford, Rotherham, and Barnsley* [56 & 57 VICT.]  
*Railway Act, 1893.*

A.D. 1893.

or damage sustained by them by reason of any such interruption such costs expenses and compensation to be recoverable with full costs by the Company from the Navigation Company in any court of competent jurisdiction :

(19.) Section 15 of the Act of 1892 is hereby repealed.

For the  
protection  
of the  
Manchester  
Sheffield  
and Lin-  
colnshire  
Railway  
Company.

21. The following provisions for the protection of the Manchester Sheffield and Lincolnshire Railway Company (herein-after called "the Sheffield Company") shall (unless otherwise agreed on in writing between the Sheffield Company and the Company) apply to and be obligatory upon the Company :—

(1.) The Company shall carry the railways by this Act authorised over the railways and navigation of the Sheffield Company at the proposed crossings thereof as shown on the deposited plans according to plans and sections to be reasonably approved by and to be executed under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Sheffield Company and in all things at the expense of the Company :

(2.) The Railway No. 2 by this Act authorised shall be carried over the Rotherham and Mexbro' branch of the Sheffield Company by means of a girder bridge having a single span of not less than fifty-two feet and a clear headway of not less than fourteen feet six inches for the entire width thereof :

(3.) The Railway No. 2 shall be carried over the Sheffield Company's River Dun Navigation by means of a girder bridge having a single span of not less than seventy feet and a clear height or headway of not less than twelve feet for the entire width thereof :

(4.) The Railway No. 2 shall be carried under the Swinton branch railway of the Sheffield Company by means of a girder bridge having a clear width between the parapets thereof of not less than fifty-two feet :

(5.) The Company may during the time required for the laying of the foundations of any bridge or bridges to be carried over the navigation contract temporarily the waterway of the navigation but so nevertheless that they shall leave an open and uninterrupted navigable waterway not less than twenty-five feet wide and with a clear headway throughout of not less than twelve feet above the high-water level of the navigation together with a sufficient towing-path not less than six feet wide along the same :

(6.) The piers or abutments of all the before-mentioned bridges shall be constructed parallel with the railway and navigation



respectively and the respective spans and widths thereof shall be measured on the square between the said piers or abutments and the respective headways shall be measured between the underside of the girders of the bridges and the level of the rails or normal water level on the navigation as the case may be :

- (7.) During the construction of the railways over and under the railways and over the navigation of the Sheffield Company the Company will bear and on demand pay to the Sheffield Company the expense of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching their said railways and navigation with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations of the Company or from the acts or defaults of the contractors or of any person or persons in their employment or otherwise :
- (8.) The Company shall at all times maintain the bridges and other works by which the railways shall be so carried over the railways and navigation of the Sheffield Company in substantial repair and good order to the reasonable satisfaction in all respects of the principal engineer of the Sheffield Company and if and whenever the Company fail so to do the Sheffield Company may make or do in and upon as well the lands of the Company as their own lands such repairs and the sum from time to time certified by such engineer to be the reasonable amount of such expenditure shall be repaid to the Sheffield Company by the Company and in default of payment may be recovered by them from the Company with full costs in any court of competent jurisdiction :
- (9.) The Company and their contractors agents servants or workmen shall not in constructing or repairing the railway works over the railways and navigation of the Sheffield Company obstruct impede or interfere except temporarily with the free and uninterrupted and safe use of the railways navigation or other works of the Sheffield Company or any traffic thereon or if any such obstruction or interference shall be caused or take place contrary to this enactment the Company shall pay to the Sheffield Company all costs and expenses to which that Company may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption such costs expenses and compensation to be recoverable with full costs by that Company in any court of competent jurisdiction :

[Ch. clxxvi.] *Retford, Rotherham, and Barnsley* [56 & 57 VICT.]  
*Railway Act, 1893.*

A.D. 1893.

(10.) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the Sheffield Company all costs losses damages and expenses which may be occasioned to that Company or to any of the works or property thereof or to the traffic thereon or otherwise by reason of the execution or failure of the railways by this Act authorised and the works in connexion therewith or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company will effectually indemnify and hold harmless the Sheffield Company from all claims and demands upon or against them by reason of such execution or failure and of any such act or omission :

(11.) The Company shall not in any case without the previous consent in writing under the common seal of the Sheffield Company take use enter upon or interfere with the railways works lands or property at any time belonging to or in the possession or under the power of the Sheffield Company except only such part or parts thereof respectively as it shall be necessary for the Company to take use enter upon or interfere with for making and maintaining the bridges and other works by which the railways are under the provisions of this Act to be carried across the railways and navigation of the Sheffield Company :

(12.) With respect to the railways navigation works lands or property of the Sheffield Company which the Company are by this Act authorised to take use enter upon or interfere with the Company shall not purchase and take the same but they may purchase and take and the Sheffield Company may and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same :

(13.) If any question or difference shall at any time arise between the Company and the Sheffield Company touching any plans prepared by the Company for the construction of any of the works herein-before provided or as to the reasonableness or sufficiency of such plans or works the same shall be settled and determined by the engineers of the Company and the Sheffield Company or failing agreement by an engineer to be appointed by the President for the time being of the Institute of Civil Engineers on the application of either party and the decision of such last-named engineer shall be final and conclusive.

22. Notwithstanding anything in this Act contained the Company shall not form a junction between Railway No. 2 and the Midland Railway without the previous consent of the Midland Railway Company under their common seal nor (if such consent shall be given) without the previous approval by the engineer of the Midland Railway Company of the position and mode of forming such junction.

A.D. 1893:

For protection of the Midland Railway Company.

23.—(1.) The Company shall not under the powers of this Act or under the powers of any former Act revived or extended by this Act purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised as the case may be were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

Restrictions on displacing persons of labouring class.

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

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

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

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

[Ch. clxxvi.] *Retford, Rotherham, and Barnsley* [56 & 57. VICT.]  
*Railway Act, 1893.*

A.D. 1893.

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

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

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

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

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

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

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of

[56 & 57 VICT.] *Retford, Rotherham, and Barnsley* [Ch. clxxvi.]  
*Railway Act, 1893.*

this Act be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

A.D. 1893.  
—

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

(8.) So much of section one hundred and fifty-seven of the Public Health Act 1875 as provides that the provisions of that section and of sections one hundred and fifty-five and one hundred and fifty-six of same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

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

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

(11.) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December next before the passing of this Act by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by

[Ch. clxxvi.] *Retford, Rotherham, and Barnsley* [56 & 57 VICT.]  
*Railway Act, 1893.*

A.D. 1893. — such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

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

Company may apply their funds towards purposes of Act and may raise additional capital.

24. The Company may apply towards the construction of the railways and works by this Act authorised and other purposes of this Act any moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised and the Company may from time to time subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to the said moneys for the purposes of this Act and for other purposes of and connected with their authorised undertaking any additional sum or sums not exceeding in the whole three hundred thousand pounds by the issue at their option of new ordinary shares or stock or partly of shares and partly of stock which shares or stock shall form part of the general capital of the Company.

Shares not to be issued until one-fifth paid.

25. The Company shall not issue any share created under the authority of this Act of less value than ten pounds nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Receipt in case of persons not sui juris.

26. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

As to votes of proprietors of new shares or stock.

27. The proprietors of any ordinary shares or stock to be issued under the authority of this Act shall subject to the provisions of this Act be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares or stock of the Company.

Power to borrow.

28. The Company may in respect of the additional capital of three hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole one hundred

[56 & 57 VICT.] *Retford, Rotherham, and Barnsley* [Ch. clxxvi.]  
*Railway Act, 1893.*

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

A.D. 1893.

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

For appointment of a receiver.

**30.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section thirteen of the Act of 1891.

Debenture stock.

**31.** All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act or for the general purposes of the Company to which capital is properly applicable and not otherwise.

Application of moneys.

**32.** Whereas pursuant to the standing orders of both Houses of Parliament and the Parliamentary Deposits Act 1846 a sum of eight thousand eight hundred and eighty pounds two and three-quarters per centum consolidated stock being five per centum on the amount by which the estimate in respect of the railways authorised by this Act will exceed the expense of the railways and works by this Act directed to be abandoned or altered in level has been transferred

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

A.D. 1893. into the name of the Paymaster General for and on behalf of the  
— Supreme Court in respect of the application to Parliament for  
this Act (which sum is in this Act referred to as "the deposit  
fund") Be it enacted that notwithstanding anything contained in  
the first-mentioned Act the deposit fund shall not be paid or trans-  
ferred to or on the application of the person or persons or the  
majority of the persons named in the warrant or order issued in  
pursuance of that Act or the survivors or survivor of them (which  
persons survivors or survivor are or is in this Act referred to as "the  
depositors") unless the Company shall previously to the expiration  
of the period limited by this Act for completion of the railways, open  
the same for the public conveyance of passengers And if the  
Company shall make default in so opening the railways the deposit  
fund shall be applicable and shall be applied as provided for by the  
next following section Provided that if within such period as  
aforesaid the Company open any portion of the railways for the  
public conveyance of passengers then on the production of a  
certificate of the Board of Trade specifying the length of the  
portion of the railways opened as aforesaid and the portion of the  
deposit fund which bears to the whole of the deposit fund the same  
proportion as the length of the railways so opened bears to the entire  
length of the railways the High Court shall on the application of the  
depositors or the majority of them order the portion of the deposit  
fund specified in the certificate to be paid or transferred to them  
or as they shall direct and the certificate of the Board of Trade  
shall be sufficient evidence of the facts therein certified and it shall  
not be necessary to produce any certificate of this Act having passed  
anything in the above mentioned Act to the contrary notwithstanding.

Application  
of deposit.

**33.** If the Company do not previously to the expiration of the  
period limited for the completion of the railways complete the same  
and open them for the public conveyance of passengers then and in  
every such case the deposit fund or so much thereof as shall not  
have been paid to the depositors shall be applicable and after due  
notice in the "London Gazette" shall be applied towards com-  
pensating any landowners or other persons whose property has been  
interfered with or otherwise rendered less valuable by the commence-  
ment construction or abandonment of the railways or any portion  
thereof or who have been subjected to injury or loss in consequence  
of the compulsory powers of taking property conferred upon the  
Company by this Act and for which injury or loss no compensation  
or inadequate compensation has been paid and shall be distributed  
in satisfaction of such compensation as aforesaid in such manner  
and in such proportions as to the High Court may seem fit and if



no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railways by this Act authorised or any part thereof have been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the depositors Provided that until the deposit fund has been re-transferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

A.D. 1893.

**34.** From and after the passing of this Act the name of the Company shall be the Retford Rotherham and Barnsley Railway Company.

Change of name.

**35.** The Company the Great Northern Company and the Lancashire and Yorkshire Company may run over and use with their engines carriages waggons and officers and servants for the purposes of traffic of every description the portion of railway following (in this Act referred to as "the portion of railway") or some part or parts thereof (that is to say):—

Running powers over certain railways.

So much of the South Yorkshire Railway of the Manchester Sheffield and Lincolnshire Railway Company as lies between the termination of Railway No. 1 and the western curve of the Sheffield and Mexborough Railway of the Manchester Sheffield and Lincolnshire Railway Company at the junction of the latter railway with the South Yorkshire Railway:

Together with the use of all stations sidings points platforms signals junctions roads water watering places and water engines sheds standing room for engines and carriages booking and other offices warehouses stacks tips hydraulic and other machinery works and conveniences connected therewith.

**36.** The terms and conditions on which the Company and such other companies and persons as aforesaid shall be entitled to run over and use the portion of railway and the works and conveniences connected therewith shall be mutatis mutandis such terms and conditions as are contained in section 34 of the Act of 1892.

Terms and conditions of such user.

**37.** The Company and such other companies and persons as aforesaid may from time to time demand and take for all passengers

Tolls on portion of railway run over.

[Ch. clxxvi.] *Retford, Rotherham, and Barnsley* [56 & 57 VICT.]  
*Railway Act, 1893.*

A.D. 1893.

animals minerals and goods conveyed by them on the portion of railway and for the use of the stations and works respectively and for carriages waggons and trucks and for locomotive engine and other power and for all services performed by them and for all other matters with respect to traffic thereon a like amount of tolls fares rates or other charges as by the several Acts relating to the portion of railway and works respectively are authorised to be demanded and taken for like traffic services and matters respectively and in like manner and with and subject to like powers and provisions and where applicable like limitation of maximum charges in all respects.

Byelaws to be observed.

**38.** The Company and such other companies as aforesaid in running over or using the portion of railway and works respectively in accordance with the provisions herein-before mentioned shall at all times observe the regulations and byelaws for the time being in force on the portion of railway and works so run over and used so far as such byelaws shall be applicable to them.

Power to enter into agreements with certain other railway companies.

**39.** The Company on the one hand and the Great Northern Company and the Lancashire and Yorkshire Company (herein-after referred to as "the two railway companies") respectively or either of those companies on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 from time to time enter into agreements with respect to the following purposes or any of them (that is to say):—

The management and maintenance of the railways of the Company or any part thereof and of the works connected therewith or any of them :

The use or working of the railways of the Company and the use of the portion of railway or any part or parts thereof respectively and the conveyance of traffic thereon :

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

The supply under any agreement for the working or use of the railways or any of the railways or the use of the portion of railway or any part or parts thereof by the two railway companies or either of them of rolling stock and machinery necessary for the purposes of any such agreement and of officers and servants for the conduct of the traffic of the railways or any of the railways or the portion of railway or any part or parts thereof as the case may be :

[56 & 57 VICT.] *Retford, Rotherham, and Barnsley* [Ch. clxxvi.]  
*Railway Act, 1893.*

The payments to be made and the conditions to be performed with respect to such working use management and maintenance : A.D. 1893.

The interchange accommodation and conveyance of traffic coming from or destined for the respective undertakings of the Company and of the two railway companies or either of them and the division and appropriation of the revenue arising from that traffic :

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

40. It shall be lawful for the Great Northern Company and the Lancashire and Yorkshire Company or either of those companies with the consent of three-fourths in value of the shareholders of the respective companies present in person or by proxy at a general meeting to guarantee an annual dividend not exceeding the rate of three pounds ten shillings per centum on the capital of the Company or any part thereof authorised to be raised by the Act of 1891 and the Act of 1892 and this Act and to enter into and carry into effect agreements with the Company for that purpose. Power to other companies to guarantee dividend on capital of Company.

41. During the exercise of the running powers herein-before given or the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railways or any part thereof as aforesaid by the two railway companies or either of them the railways of the Company and of the two railway companies or either of them shall for the purpose of short distance rates and charges be considered as one railway and in estimating the amount of rates and charges in respect of traffic conveyed partly on the railways of the Company and partly on the railways of the two railway companies or either of them for a less distance than three miles rates and charges may in respect of passengers only be charged as for three miles and for every mile or fraction of a mile beyond three miles as for one mile only and no other short distance charge shall be made for the conveyance of passengers partly on the railways of the Company and partly on the railways of the two railway companies or either of them. Rates and charges on traffic conveyed partly on the railway and partly on the railways of such other companies.

42. The powers granted to the Company by the Act of 1891 and the Act of 1892 respectively for the compulsory purchase of lands for the purposes of the railways by those Acts respectively authorised except the railway by this Act authorised to be abandoned are hereby extended and may be exercised by the Company for the period of three years from the date of the passing of this Act. Extension of time for compulsory purchase of lands under Acts of 1891 and 1892.

43. The times limited by the Act of 1891 and the Act of 1892 respectively for the completion of the railways by those Acts Extension of time for completion

[Ch. clxxvi.] *Retford, Rotherham, and Barnsley* [56 & 57 Vict.]  
*Railway Act, 1893.*

A.D. 1893.  
of railways  
authorised  
by Acts of  
1891 and  
1892.

respectively authorised except the railway by this Act authorised to be abandoned are hereby extended for the period of two years and one year respectively from the expiration of the periods by such Acts respectively authorised and those Acts shall be respectively read and construed as if the periods by this Act limited for the completion of the railways by those Acts respectively authorised had been the periods by those Acts respectively limited. If the said railways respectively be not completed within the extended periods by this Act limited for their completion then on the expiration of such periods the powers for making and completing the said railways respectively and otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

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

44. Whereas the Company have not at present raised any part of their authorised capital And whereas by the Act of 1891 the Company were empowered to pay interest at a rate not exceeding three pounds per centum per annum to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by that Act for the completion of the works thereby authorised subject to the condition that the aggregate amount to be so paid should not exceed fifty thousand pounds And whereas it is expedient that the Company be authorised to pay interest at a like rate in accordance with the provisions herein-after contained Be it enacted that section forty-three of the Act of 1892 is hereby repealed and notwithstanding anything in that Act or in this Act or in any Act or Acts incorporated therewith contained it shall be lawful for the Company out of any money by the Act of 1892 or this Act authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or the 27th day of June 1898 whichever shall first happen or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say) :—

(A.) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two-thirds at least of the share capital authorised by the Act of 1892 and this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same:

[56 & 57 VICT.] *Retford, Rotherham, and Barnsley* [Ch. clxxvi.]  
*Railway Act, 1893.*

- (B.) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear: A.D. 1893.
- (C.) The aggregate amount to be so paid for interest shall not exceed sixty thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one-third of the amount paid for interest as aforesaid:
- (D.) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares:
- (E.) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section:

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this or the Act of 1892 authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

45. Nothing in any agreement made under the authority of this Act shall affect the rights of Her Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company or any part thereof is owned or worked by the two railway companies or either of those companies as freely and fully in all respects as he was entitled to do before the making of any such agreement. Saving for  
Postmaster-  
General.

46. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application Deposits  
for future  
Bills not to  
be paid out  
of capital.

[Ch. clxxvi.] *Retford, Rotherham, and Barnsley* [56 & 57 VICT.]  
*Railway Act, 1893.*

A.D. 1893. — to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as  
to general  
Railway  
Acts.

47. Nothing in this Act contained shall exempt the Company or any other company named in this Act or the railway of any company from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels.

Costs of Act.

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

[56 & 57 VICT.] *Retford, Rotherham, and Barnsley* [Ch. clxxvi.]  
*Railway Act, 1893.*

The SCHEDULE referred to in the foregoing Act.

A.D. 1893.

Describing lands buildings and manufactories whereof portions only are  
 required to be taken by the Company.

Railway.	Township and Parish.	Number on Deposited Plans.
No. 2 - - - -	Parish of Wath-upon- Dearne.	7 9 21 22 23 24 25 26 27 28 31 32.

Printed by EYRE and SPOTTISWOODE,

FOR

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

And to be purchased, either directly or through any Bookseller, from  
 EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or  
 JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and  
 90, WEST NILE STREET, GLASGOW; or  
 HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.

