

To

**Gareth Leigh**

**Head of Energy Infrastructure Department for Business, Energy & Industrial Strategy**

**1 Victoria Street**

**London SW1H 0ET**

**Via Email: keadby3@planninginspectorate.gov.uk**

**Dear Sir,**

**North Pilfery Bridge**

1. SSE response by DWD , 7/10/2022 that: “ ..**Network Rail does not have any interest in the bridge, and no part of the air space within which it is located comprises operation land**”, untrue. Plot 30 (the land bellow the Bridge) does not belong to the Environment agency. Parliamentary Plans **HL/PO/PB/3/plan1861/S11 – is only one plan sheet covering Althorpe and Frodingham HL/ PO/PB/3/plan1866/S21 – is five plan sheets covering Thorne, Crowle & Althorpe**. It is a road or way that joins a working railway part of the infrastructure. SSE have ignored Network Rail ownership of the North Soak Drain and adjacent Road or Way on the north side of the North Soak drain from Boating Dyke Thorne to Keadby Sluice. Land Purchase by **(Stainforth and Keadb Canal Act (1793) Geo 3 Cap 117 (Document 1 (section 19))**
2. In order to justify the above claim, DWD have omitted credible, uncontroversial Conclusive legislation that it is a highway **Vic. Cap clxix. (1861), Parliamentary Railway (Document 2)**, and **Parliamentary Railway Plans HL/PO/PB/3/PLAN1861/S1. (Document 3)**. **The South Yorkshire Amendment Act. Cap clxix (1861) was an opposed Act.**
3. To make the new Railway the SYR and River Dunn purchased by conveyance of land Required by the Act **clxix. (1861)** that land the is coloured red. The road or way is shown by a double dashed lines is **Numbered 7 on the conveyance Mary Dunn and Her tenant’s (document 4)** . Therefore, it is not land purchased by the **Victorian Act\_Vic. Cap clxix. (1861)** to Build the new railway.
4. Therefore whether the road or way which exists, is a highway de facto or a highway de jure, the Secretary of State will have look at provisions of ***The Stainforth and Keadby Canal Act (1793) Geo 3. Cap 117; An Act for making and maintaining from the River Dun Navigation Cut, or near Stainforth, in the West Riding of the County of York, to join and communicate with the River Trent at or near Keadby, in the County of Lincoln; and also, a Collateral Cut from the said Canal to join the said River Dunn, in the Parish of Thorne in the said Ridding (7<sup>th</sup> June 1793) Section 53 Stainforth and Keadby Canal Act (1793).***
6. **Section L111 And it be further enacted That all Persons shall have free Liberty with**

*Horses, Cattle and Carriages to use the private Roads and Ways belonging to the said company of Proprietors (accept the Towing Path).*

7. 3602... Page 5 lines 14 – 44 ..... *And also, to make, build, and set up in or upon the said Canal and Collateral Cut. or upon the respective lands adjoining or near the same, such as many Bridges, Quays House, Warehouse, Watch houses, Landing Places, Weight Beams, Cranes, Dry Docks and other Works, Ways, Roads, and other Conveniences as an where the said Company of Proprietors shall think requisite and Convenient for the Purposes of the said Navigation and from Time to make, widen and enlarge any Bridge, Ways, Roads, Passages, Lock Sluices, and other Works of Convenience, as well for the carrying and conveying of all Manner Of Materials necessary for making and erecting, finishing, altering, repairing, amending widening, or enlarging the said Works of and belonging to the said Navigation, and also to place, lay, work, and manufacture or place any Materials on Grounds near to the place or places were the said Works or any of them shall and are intended to be made, erected, repaired or done, and to build and construct the several Locks, Bridges, Works, and erections belonging thereto, and make, maintain, repair and alter, or turn any Roads, Fences or Passages over or along the Side of the said Canal and Collateral Cuts and also to make, setup. And appoint such Towing Paths, Banks, Roads, and Ways convenient for towing, haling or drawing of Boats and other Vessels, passing through the said Canal and Collateral Cuts, with Men and Horses, or otherwise, as the said Company of Proprietors shall think convenient.....).*
8. The roads adjacent to the North and South Soak Drains were created in execution of the Acts by digging out a declining bed from Thorne Boating Dike to Keadby Trent Sluice. The dug-out soil used to make a raise level top bank, road or way (**Parliamentary Railway Plans HL/PO/PB/3/PLAN1861/S1. (Document 3)**) to maintain the undertaking at the same level from Boating Dike to Keadby Sluice, preventing flooding of the Lincolnshire Levels by the River Dunn.
9. Where the declining level of the drain was on lower lying land at North Pilferry and Keadby Commons the Level Bank Top road or way needed to higher with a longer Slope or Batter to prevent flooding of these commons.
10. The Canal Roads or Way adjacent to the North Soak Drain is not a Towing Path therefore **“All Persons “have the right to use it with Horses, Cattle and Carriages.**
11. A highway is a way over which there exists a public right of passage, that is to say a right for all his Majesty’s subjects all sessions of the year to freely pass and repass without let or Hindrance (**Halsbury’s Laws 21(1)**).

12. **In a point of law, the road cannot be dedicated or only used as a way of sufferance and permission or acquired by SSE freehold by adverse possession. The right of “all persons” granted by parliament can only be taken away by parliament.**
  
13. Therefore, if the general rule roads or ways dedicated to the public before 1835 are public roads maintained by the Parish were so, it would not have been the case here, as Parliament had directed, by terms **in S&K Canal Act section 53** “*that all Persons*” have “free liberty” to use the road and ways belonging to the Company of Proprietors. (Except the Towing Path) The term “all persons” include the public as well as the inhabitants who are also members of the public. Making this a public Road maintained by the Canal Proprietors and their Successors. Today Network Rail.
  
14. It is also a Statutory Duty of owners, Network Rail, as successors to maintain the Soak Drain depth and Height of the road or way adjacent, as the river Dunn flash Flooding has occurred regularly at Crook o’ Moor and Godnows Common Crowle, when the level of the water is lifted higher than the road on the bank.

**Private Rights.**

15. **Section 91, 92 &93 pages 3651-54** “*maintaining a Navigable Canal from the River Dunn Navigation Cut, at or near Stainforth in the West Riding of the County of York, to join and communicate with the River Trent at or near Keadby in the County of Lincoln, or any subsequent Act or Acts made and passed relating to the said to under Navigation, or in any respect to impede, obstruct, prejudice, affect, injure, or damage the said Canal , and the Soke or Side Drains thereof, or either of them: Saving always to the Proprietors or Persons interested in the Lands and Grounds hereby directed to be drained or warped, all such Right of Drainage into the said Soke or Side Drains, or either of them, as the said Proprietors or Persons interested as aforesaid are entitled to under or by virtue of the said Act of the Thirty-third Year of the Reign of His present Majesty.....*
  
16. The legislation is not an ab extra, it is duty, place on the Canal proprietor’s successor companies to maintain in perpetuity. The road or way adjacent to the North Soak Drain Bank or Batter maintenance is statutory responsibility of Network Rail as successors **in Title.**
  
17. After SSE’s successful planning application to North Lincolnshire Council for Pilferry Bridge, which is on Keadby Common, SSE did not make a application to divert the road of the way over the Hump. SSE made it without a **TCPA 247/8 1990 Application.** SSE without lawful authority blocked public use of the unlawful diversion with locked gates, and fencing.
  
18. The Secretary of State does not have the power to stop up highways retrospectively. SSE

failure to make application before they started to build the bridge means they have placed Secretary of State in a position where they cannot give permission.

[Stopping up and diversion of highways: application guidance - GOV.UK](#)

19. SSE have Copy of the sale of land Adjacent to the North Soak Drain Road at Chapel Lane to Dr. Angela Way. Numbered 71 on SSE land plans, The sale does not include the road. **(Document 6)**
20. **Parliamentary Railway Plans HL/PO/PB/3/PLAN1861/S1.** Are of a proposed new railway, which are as built, from point "A". The diverted North Soak Drain was made by digging out soil making a new elevated level road or way on land purchased from Lady of the Manor of Keadby Mary Dunn and Her Tenants. The land sold is coloured red on Conveyance Plan. (British Rail Property York, **(Document 3.)**)
21. SSE Claim to own the subsoil on Chapel Lane and its verges from on Chapel Lane crossroad to the Railway gate. Is absurd It is recorded as a public road on the Inclosure Map, **Finance Act map (Document 7.)** Tithe Map, Canal and Railway maps. Lindsey County Council Highway maps, Isle Of Axholme Highway maintenance maps record it being stoned and Tared in 1935, it is also on the List of Street maintained at Public Expense, and the National Street Gazetteer.
22. The latest Building (9/10/2022) on the Chapel Lane verge is a Smokers Hut at the Cross roads. Chapel Lane and the way from Chapel lane adjacent to the North Soke drain are not a non-maintainable highway which has no depth; and or just comprises a surface over which the public has the right of way. **(Document 8 photo )**
23. Plot 78 is Philips and Robinsons Road is a Highway, in the **Keadby Inclosure Deposited on the Lindsey Quarte Sessions reward (1862)**. The award states it is maintained the same as other Public highways. The common law of England is "once a Highway always a highway," hence once a public highway always a public highway to stop up a highway is a legal event the absence of which cannot overcome that maxim. **(Document 9)**
24. SSE Plot Number 75, 76, 80a **(Document 10)** are the road or way to maintain the North Soak Drain from the Public Maintained Highway Chapel Lane to the Syphon under the Keadby Canal, It is part of the diverted highway created by **Vic. Cap clxix. (1861) Act. .** *An Act to Authorize the Extension of the South Yorkshire Railway across the Trent, near Keadby Lincolnshire; and for granting further Powers to the South Yorkshire Railway and River Dunn Company. (22<sup>nd</sup> July 1861*

25. Chapel Lane is a public highway on the **Finance Act (1910) (document 11)** and the Inclosure Award (1861) Maps. The adjacent owners Awarded land by inclosure is bounded by the Chapel lane and Philips and Robinsons road. The new allottees had six months to challenge their Award. Their successors in title are too late to claim to the middle of Chapel Lane.
26. SSE have been in possession of the working infrastructure plans since 1999 (**Document 12,**) Withholding the Vic. Cap clxix. (1861) Act and parliamentary plan. Cannot alter the legislation as All His Majesties Subjects are presumed to know Acts of Parliament, SSE omission cannot alter the public right to use the way.

**John Carney** 

#### List of Document List

1. **Stainforth and Keadby Canal Act (1793) Geo 3 Cap 117. Geo 3.**
2. **The South Yorkshire Railway Act. Vic. Cap clxix. (1861).**
3. **Railway Plans HL/PO/PB/3/PLAN1861/S1.**
4. **Mary Dunn and Her tenant's. conveyance/absolute sale to the SYR company.**
5. **The Trent Ancholme Railway. (1861) Vic Cap clvi.**
6. **Act to wide Railway Mauds Bridge to Keadby Common Vic. Cap, lxxxvi (1866)**
7. **Muniment of title to Keadby Canal & SYR.**
8. **New Pilferry Bridge abandoned, built for Wind farm without Sec 247/8.**
9. **Railtrack Sale of land to Angela Way (2001) retaining infrastructure. Road or way.**
10. **Chapel Lane and Kings Highway stopped up, usurped by SSE Keadby companies.**
11. **Finance Act 1910 Map**
- 12 **1999 Railtrack Infrastructure ownership of North Soak and road or way coloured green**

**I do not have copy of the 1999 infrastructure Plan to hand – to follow**



# Document 2



ANNO VICESIMO QUARTO & VICESIMO QUINTO  
VICTORIÆ REGINÆ.

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## Cap. clxix.

An Act for the Extension of the *South Yorkshire Railway* across the *Trent*, near *Keadby* in *Lincolnshire*; and for granting further Powers to the *South Yorkshire Railway* and *River Dun Company*.  
[22d July 1861.]

WHEREAS the Railway of "The *South Yorkshire Railway* and *River Dun Company*" (who are herein-after referred to as "the Company") now terminates on the Left Bank of the River *Trent* in the Parish of *Keadby*: And whereas a Railway is now in course of Construction in the Parts of *Lindsey* in *Lincolnshire*, from the Right Bank of the *Trent*, and across the River *Ancholme*, to join the *Manchester, Sheffield, and Lincolnshire Railway* at *Barnetby-le-Wold*; and a Bill is pending in Parliament to authorize the said Undertaking under the Name of "The *Trent, Ancholme, and Grimsby Railway*:" And whereas it is expedient that the Company should have Power to extend the *South Yorkshire Railway* across the *Trent* to join the *Trent, Ancholme, and Grimsby Railway*, and that they should have Power to use the same Railway: And whereas the estimated Expense of the proposed Extension of the *South Yorkshire Railway* is Twenty-seven thousand five hundred Pounds: And whereas it is expedient

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that



The South Yorkshire Railway Amendment Act, 1861.

that the Company should have Power to Purchase for the Purposes of their Undertaking certain Lands in the Parishes and Townships of Doncaster, Wadley, Donley with Arkesley, Sandal, Long Sandal, Kirk Sandal, Barmby-upon-Don, Stainforth, Hatfield, and Thorne; And whereas a Plan and Section of the Railway showing the Line and Levels thereof, and a Plan showing the Lands to be taken under the Powers of this Act for the said Railway and for the general Purposes of the Undertaking of the Company, with Books of Reference to the Plans containing the Names of the Owners and Lessees or reputed Owners and Lessees, and of the Occupiers of the said Lands, have been deposited with the respective Clerks of the Peace for the Lindsey Division of Lincolnshire and for the West Riding of Yorkshire: And whereas the Capital of the Company formed as well by the original Subscriptions as by the Amalgamation of the Companies of the River Don Navigation, the Sheffield Canal, the Dearne and Dove Canal, and the Stainforth and Keadby Canal, now consists of Seven hundred and forty-one thousand and twenty Pounds Consolidated Stock and Shares, being the ordinary Share Capital of the Company; also of Four hundred and forty-eight thousand nine hundred and eighty Pounds Consolidated Stock and Shares, bearing Four per Cent. Preference Dividend; and of Five hundred thousand Pounds in Twenty Pound Shares, bearing a Five per Cent. Preference Dividend now in course of Issue; and the Company have also borrowed, under the Powers of the Company and of the Navigation and Canal Acts amalgamated therewith, and on the Thirtieth of September One thousand eight hundred and sixty stood indebted in the Sum of One million one hundred and four thousand three hundred and three Pounds Seventeen Shillings and Two pence: And whereas as well for the Purposes of this Act as for the general Purposes of the Company, it is necessary that the Company should be authorized to raise further Capital: And whereas it is expedient that the Company and the Manchester, Sheffield, and Lincolnshire Railway Company should be authorized to enter into the Arrangements herein-after contained: And whereas the Purposes aforesaid cannot be accomplished 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:

1. "The Lands Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act Amendment Act, 1860," shall be incorporated with and form Part of this Act.

2. In this Act the Words "the Railway" shall mean the Bridge across the Trent, the Railway, and the Works connected therewith respectively by this Act authorized to be constructed.

Section 3. It

The South Yorkshire Railway Amendment Act, 1861.

3. It shall be lawful for the Company, subject to the Provisions in Power to this and the incorporated Acts contained, to make and maintain the Railway herein-after described, with all proper Works, Approaches, and Stations, in the Line and upon the Lands delineated on the said Plan and described in the said Books of Reference, and according to the Levels and Section therein contained; and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

4. The Railway (which will be wholly situate in the said Lindsey Division of Lincolnshire) shall commence by a Junction with the South Yorkshire Railway in the Township of Keadby and the Parish of Athorpe, cross the River Trent, and terminate in the Township of Bramby in the Parish of Frodingham by a Junction with the said Trent, Anchove, and Grimsby Railway.

5. Provided always, That nothing in this Act contained shall authorize the Company to enter upon, take, or use all or any Portion of the Land situate in the Parish of Frodingham numbered 4, 13, 14, 15, and 20 respectively on the deposited Plans referred to in this Act, nor any Portion of the Land situate in the said Parish, numbered 2 and 3 respectively on the said Plans, which will lie on the North Side of the Line of the South Fence of Number 4 when continued to the River Trent.

6. The Company may demand and receive for every Passenger and Animal, and for every Ton of Goods, Minerals, and other Matters and Things carried across the Bridge to be constructed over the said River Trent a Sum not exceeding One Penny, and they may further demand and receive for and in respect of the Railway the same Tolls and Charges as they are now authorized to receive in respect of their existing Undertaking, and the Railway shall in all respects be deemed Part of "the South Yorkshire Railway."

7. The Company may also enter upon, take, and use for the Purposes Power to purchase other Lands described in the Books of Reference deposited as aforesaid along with the Plan, Section, and Book of Reference relating to the Railway.

8. Subject to the Provisions in this Act and in "The Railways Clauses Consolidation Act, 1845," contained, it shall be lawful for the Company in the Construction of the Railway to carry the same across and upon the Level of the public Roads in the Parish of Athorpe numbered respectively 11 and 40a on the said deposited Plan; but no more than a single Line of Railway shall be laid down at such level Crossing so long as the Undertaking of the Company consists of a single Line of Railway; and in no Case shall more than a double Line of Railway be laid down on such level Crossing.

Section 9. It



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Not to shunt  
Trains over  
level Cross-  
ing.

9. It shall not be lawful for the Company in shunting Trains to pass any Trains over such level Crossing, or to allow Trains to stand across the same.

Company to  
erect Station  
or Lodge  
where Road  
crossed on  
the Level.

10. For the greater Convenience, and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Point where the before-mentioned Road shall be crossed on the Level; and the Company shall be subject to and abide by all such Rules and Regulations with regard to the crossing of such Road on the Level, or with regard to the Speed at which Trains shall pass such Road, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect and at all Times maintain such Station or Lodge, or to appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to abide by any such Rule or Regulation as aforesaid, they shall for any such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of  
Trade may  
require  
Bridge in-  
stead of  
level Cross-  
ing.

11. The Board of Trade (if it shall appear to them necessary for the Public Safety or Convenience, at any Time either before or after the Railway shall have been completed and opened for Public Traffic,) may require the Company within such Time as the Board shall direct, and at the Expense of the Company, to carry the said Road either under or over the Railway by means of a Bridge or Arch, instead of crossing the same on a Level, and to execute such other Works as under the Circumstances of the Case shall appear to the said Board of Trade the best adapted for removing or diminishing the Danger arising from such level Crossing.

Communica-  
tion with  
Trent, An-  
cholme, and  
Grimsby  
Railway to  
be made  
under the  
Direction of  
their En-  
gineer.

12. The Communication between the Railway hereby authorized, and the *Trent, Ancholme, and Grimsby* Railway, and all such Interferences with the Works of the said Railway as may be necessary or convenient for effecting such Communication, shall be made under the Direction and Superintendence of the Engineer for the Time being of the *Trent, Ancholme, and Grimsby* Railway Company; and in case of any Difference arising as to the Mode of effecting the Communication, the same shall be determined by a Referee to be appointed at the Cost of the Company by the Board of Trade on the Application of either Company.

Not to take  
Lands or in-  
terfere with  
Works of  
the said  
Railway  
Company  
without  
Consent.

13. Excepting as is by this Act specially provided, nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company to take or enter upon any of the Lands belonging to the *Trent, Ancholme, and Grimsby* Railway Company, or to alter, vary, or interfere with their Railway, or any of the Works thereof, further or otherwise than is necessary for the convenient Junction  
and



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and Intercommunication between their said Railway and the Railway hereby authorized, without the Consent in Writing of the *Trent, Ancholme, and Grimsby* Railway Company in every Instance for that Purpose first had and obtained.

14. The *Trent, Ancholme, and Grimsby* Railway Company may from Time to Time erect such Signals and Conveniences incident to the Junction, and appoint and remove such Watchmen, Switchmen, or other Persons as may be necessary for the Prevention of Danger to or Interference with the Traffic at and near the said Junction; and the working and Management of such Signals and Conveniences, whether on the Land of the same Railway Company or on Land of the Company, shall be under the exclusive Management and Regulation of the *Trent, Ancholme, and Grimsby* Railway Company; and all the Expense of erecting and maintaining such Signals and Conveniences, and of the Wages of such Watchmen, Switchmen, and other Persons, and all incidental current Expenses, shall at the End of every Half Year be repaid by the Company, and in default of such Repayment the Amount of such Expenses and Wages may be recovered from the Company in any Court of competent Jurisdiction.

As to Expense of Signals, Watchmen, &c.

15. Nothing in this Act or in the Acts incorporated in this Act contained shall lessen, defeat, prejudice, or affect the Jurisdiction or any of the Rights, Privileges, Powers, or Authorities of the Commissioners of Sewers for the Time being of and for the Limits of the Levels in the County of *Lincoln*, City of *Lincoln*, and County of the said City, and Part of the County of *Nottingham*, acting in and for the Wapentakes of *Manley, Corringham, and Aslaoe*, in the Parts of *Lindsey* in the County of *Lincoln*; but that the same and all Estate, Franchise, Right, Title, and Interest of the said Commissioners shall continue as fully and effectually to all Intents and Purposes as if this Act had not been made; and nothing herein or in the Acts incorporated herein contained shall be construed to authorize the Company, or any of their Agents, Servants, or Workmen, to alter, divert, or obstruct the Course or Channel of any River, Stream, Sewer, Cut, Drain, or Watercourse within the Limits of the said Levels, or any other River, Stream, Sewer, Cut, Drain, or Watercourse through or by means of which the Waters of the said Levels pass to their respective Outfalls, or to destroy or injure any Banks, Bridges, Culverts, or other Works affecting the Drainage of the said Levels, without the Consent in Writing of the said Commissioners or their Clerk or Surveyor for the Time being for that Purpose first obtained; and all and singular the Works of the Company, and all Lands, Tenements, and Hereditaments which may be taken or held by the said Company, shall, so far as concerns the Drainage and Preservation of the said Levels, be subject to the Control, Survey, Order, Direction, and Management of the said Commissioners of Sewers, and

Saving Jurisdiction of Commissioners of Sewers for the Wapentakes of *Manley, Corringham, and Aslaoe*.

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shall



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shall be liable to all Drainage and other Rates, Taxes, and Impositions imposed or to be imposed by the said Commissioners, in like Manner as other Works and other Lands, Tenements, and Hereditaments, within the said Levels now are or hereafter may be under and subject and liable to the same respectively, but only on the Basis of the agricultural Value of such Lands; and it shall not be lawful for the said Company to extend any public or private Drainage within the said Limits to any Land not previously drained by such public or private Drainage: Provided also, that in carrying the Railway over the Ings Drain situated in the Parish of Frodingham, numbered 16A in the deposited Plans referred to in this Act, there shall be made under the said Railway a clear Opening of the Width of Twelve Feet, and the Bottom of the said Opening shall be on a Level with the Top of the Sill of the Sluice of the Drumbly Sewer, situate next the River Trent in the said Parish of Frodingham.

As to Bridge over Trent.

16. The Bridge over the River Trent authorized by this Act shall be constructed by the Company with Two opening Spans, each of Sixty Feet, on the Swivel Principle, and the Headway under all the Arches of the Bridge shall be Fifteen Feet above High-water Mark of ordinary Spring Tides; and the Bridge shall be constructed only on such a Line within the Limits of Deviation as the Lord High Admiral of the United Kingdom of Great Britain and Ireland or the Commissioners for executing the Office of Lord High Admiral shall previously approve of, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty: Provided always, that if the said Lord High Admiral or the said Commissioners shall require that the said Bridge shall be an opening Bridge of One hundred Feet in the Clear, then the said Bridge shall be made accordingly.

Plans to be laid before Admiralty, before commencing Works.

17. Previously to commencing the said Bridge or the Works respectively connected therewith the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the Bridge and Works connected therewith, for the Approval of the Lord High Admiral of the United Kingdom of Great Britain and Ireland or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Bridge and Works shall be constructed only in accordance with such Approval; and when any such Bridge or Works shall have been commenced or constructed it shall not be lawful for the Company at any Time to alter or extend the same without obtaining previously to making any such Alteration or Extension the like Consent or Approval; and if any such Bridge or Works shall be commenced or completed, or be altered, extended, or constructed contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral or the said Commissioners for executing the Office

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of Lord High Admiral to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly with Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

18. During the Construction of the Bridge and Works connected therewith the Company shall cause to be hung out or exhibited every Night, from Sunset to Sunrise, Lights to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of the Vessels, and for ever after the Completion of the Bridge the Company shall cause to be hung out or exhibited upon or near to the Centre of each Opening of the Bridge every Night from Sunset to Sunrise a good and sufficient Light, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels, and which Lights shall be from Time to Time altered by the Company in such Manner, and be of such Description, and be so used and placed, as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall by Writing under the Hand of the Secretary of the Admiralty approve of, and in case the Company shall neglect to exhibit and keep either or any of such Lights burning as aforesaid they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

19. Previously to commencing the said Bridge the Company shall, at their Expense, clear away and entirely remove all Deposits and Banks near the Eastern End of the said Bridge, to the Satisfaction of the said Lord High Admiral or of the said Commissioners for executing the Office of Lord High Admiral.

Company to clear away Deposits, &c. before commencing.

20. It shall not be lawful for the Company or any Person or Persons acting under them to detain any Vessel, Barge, or Boat navigating the River Trent for a longer Space of Time than may be sufficient to admit of any Carriages or Trains regularly traversing the said Railway and approaching the said Bridge to cross the said River Trent, and for opening the said Bridge to admit such Vessel, Barge, or Boat to pass; and in case the Company or any Person or Persons acting under them shall detain any such Vessel, Barge, or Boat contrary to the Provisions of this Act, or demand, take, or receive any Toll for the Passage of any Person or Persons, Vessel, Barge, or Boat, the said Company or every Person so offending shall in every such Case forfeit and pay the Sum of Ten Pounds, but nothing in this Act shall prevent any Remedy for Damages which any Party may sustain in respect of any such Detention as aforesaid.

Vessels not to be detained.



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Admiralty may order local Survey at Expense of Company.

21. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom or the Commissioners for executing the Office of Lord High Admiral to order a local Survey and Examination of any Works of the Company in, over, or affecting any tidal or navigable Water or River or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Works affecting tidal Waters abandoned may be removed by Admiralty at Expense of Company.

22. If any Work to be constructed by the Company in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any Work which affects or may affect any such Water or River, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral to abate and remove the same or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition at the Cost and Charge of the Company; and the Amount thereof shall be a Debt due from the Company to the Crown, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Reserving Powers of Warping.

23. And whereas Charles Wm Esquire is or claims to be the Owner of a Warping Drain situate in the said Parish of Frodingham near to and on the North Side of the Railway, with Works connected therewith, and it may be desirable that the said Warping Drain and Works shall hereafter be used for the Purpose of warping certain Lands and Grounds lying on the South Side of the Railway: The Company shall at all Times hereafter, on receiving Notice in Writing from the said Charles Wm or other the Owner for the Time being of the said Warping Drain, make and maintain two Openings underneath the Railway, each of the Width at the Bottom thereof of Fifty-five Feet, and to be formed with a Slope or Batter of One Foot and a Half horizontal to One Foot-perpendicular, and such Bottom to be on a Level with the Top of the Sill of the Sluice of the said Warping Drain near the River Trent, for enabling him to warp by means of the said Warping Drain and Works any Lands lying on the South Side of the said Railway.

Powers for compulsory Purchase limited.

24. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Two Years from the passing of this Act.

25. The

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25. The Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for making the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

26. If the Railway is not completed and opened for Public Traffic within the Period of Five Years from the passing of this Act, then and from thenceforth the Company or the Directors thereof shall not pay any Dividend to the Shareholders on the ordinary Capital of the Company until the Railway is completed and opened for Public Traffic.

27. The Company and all Persons and Corporations lawfully using their Railway may pass over and use with their Engines and Carriages and Servants, and for the Purposes of Traffic of all Kinds, the Trent, Anchohne, and Grimsby Railway, and the Stations, Sidings, Watering Places, Signals, Signal Posts, and other Machinery, Booking and other Offices, Buildings, Approaches, Works, and Conveniences belonging to or connected with the said Trent, Anchohne, and Grimsby Railway; and the Owners of the said Trent, Anchohne, and Grimsby Railway shall make all requisite Arrangements for that Purpose.

28. The Terms, Conditions, and Regulations to which the Company and such other Persons and Corporations as aforesaid shall be subject in respect of the said Use, and the Tolls or other Consideration to be paid by them for the same, shall, as to the Tolls and Charges to be paid in respect of such User, be a Mileage Rate for the Distance traversed upon the said Trent, Anchohne, and Grimsby Railway equal to that received by the carrying Company upon their own Railway in respect of each Passenger, Animal, Article, Matter, or Thing carried, save that in case such Mileage Rate shall not amount to the gross Sum of Fourpence for every Ton of Coals and Sixpence for every Ton of Iron Ore so carried, such gross Sums shall respectively be the Charges paid; and the other Conditions and Regulations affecting such Use shall be such as are already or may hereafter be agreed upon between the Parties from Time to Time, or such, in case of Difference, as shall be from Time to Time determined by an Arbitrator to be appointed by the Board of Trade; and the Decisions of such Arbitrator shall be binding and conclusive on all the Parties in difference, and the Costs and Expenses of such Arbitrator shall be defrayed as the Arbitrator shall direct; and either of the Companies or such other Persons or Corporations as aforesaid who shall refuse or neglect to perform, observe, and conform to any Decision given or Regulation made by any such Arbitrator in the Premises shall forfeit and pay to such Person or Company as the Arbitrator shall determine any Sum not exceeding Fifty Pounds for every such Offence, and Twenty Pounds for every Day during which such Offence shall continue.

[Local.]

27 X

29. The



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Byelaws to be observed. 29. The Company, in using or traversing the said... and Grimsby Railway, and in using the Stations and Conventicles thereof, 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 respective Undertakings so used, so far as such Byelaws shall respectively be applicable to the Company.

Company may apply their Funds towards Purposes of Act. 30. It shall be lawful for the Company to apply towards the Purposes of this Act any of the Monies which they are already authorized to raise and which may not be required by them for the Purposes of their Undertakings.

Power to raise additional Capital. 31. The Company may from Time to Time raise (in addition to the Sums of Money which they are authorized to raise) any further Sums not exceeding in the whole One hundred thousand Pounds, by the Creation of new Shares in their Undertaking, which Shares shall form Part of the general Capital of the Company, and shall be of such Amounts as will allow the same to be conveniently apportioned or disposed of according to the Resolution of any Ordinary or Extraordinary Meeting of the Company; and the Company may from Time to Time, but subject to the Provisions of this Act, fix the Amounts and Times of Payment of the Calls on Shares created under the Powers of this Act, and dispose of such Shares on such Terms and Conditions as may be so resolved upon.

If ordinary Shares at a Premium to be offered to existing Share-holders. 32. Provided always, That if at the Time of issuing any new Shares under this Act the ordinary Shares of the Company are at a Premium the new Shares issued shall be offered to the then Holders of the ordinary Shares in proportion to the ordinary Shares held by them respectively; and every such Offer shall be made by Letter under the Hand of the Treasurer or Secretary of the Company given to every such Shareholder, or sent by Post addressed to him according to his Address in the Company's Register, or left for him at his usual or last Place of Abode; and every such Offer made by Letter sent by Post shall be considered as made on the Day on which the Letter in due Course of the Post ought to be delivered at the Place to which it is addressed.

Privileges may be attached to new Shares. 33. The Company may, with the Consent of Three Fifths at least of the Votes of their Shareholders present, personally or by Proxy, at any Extraordinary Meeting convened with due Notice of the Object, attach to all or any of the Shares to be created under the Powers of this Act any preferential Dividend, with or without other Privileges, which the Company may think fit, and may attach to the said Shares a Condition that the same may be redeemed upon Conditions to be stated in the Resolutions creating the same, and for the Purpose of redeeming the same or any Part thereof the Company may create and issue from Time

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to Time fresh Shares, with or without any special Advantages; provided that any fixed or preferential Dividend to be granted by the Authority of this Act shall not exceed the Rate of Five per Centum per Annum on the Amount for the Time being paid up on such Shares; and provided that if in any Year ending the Thirty-first Day of December there shall not be Profits of the Company available for the Payment of the whole of any such preferential Dividends, the Deficiency shall not be made good out of the Profits of any subsequent Year or out of any other Funds of the Company.

34. Provided always, That any Preference or Priority in the Payment of Interest or Dividend which may be granted in respect of any new Shares created in pursuance of this Act shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares or Stock which may have been previously granted by the Company, by or in pursuance of or which may have been confirmed by any Act of Parliament passed prior to this Act or which may otherwise be lawfully subsisting.

35. The Amount of any One Call to be made upon the Shares Limit of Amount and Number of Calls. created under the Powers of this Act shall not exceed One Fourth of the Amount of such Shares, and there shall be an Interval of Two Months at least between every Two successive Calls; and not more than Three Fourths of the Amount of each Share shall be called up in any One Year.

36. Every Person who becomes entitled to any Share created under the Powers of this Act shall in respect of the same be a Shareholder in the Company, and (except as otherwise provided by or under the Powers of this Act) shall be entitled to a Dividend with the other Shareholders, proportioned to the Amount for the Time being paid up on such Shares.

37. The Proprietors of any new Shares created under the Powers of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if they had been possessed of original Shares in the Company.

38. The Company may from Time to Time, under the Powers of this Act, borrow on Mortgage beyond the Sum now borrowed by them any additional Sum of Money not exceeding Thirty-three thousand Pounds, but no Part of that Sum shall be borrowed until the whole of the additional Capital by this Act authorized to be raised by new Shares is bona fide subscribed for or taken; and One Half thereof is to be paid up, and until the Company shall prove to the Justice, who is to certify



*The South Yorkshire Railway Amendment Act, 1861.*

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

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

Railway not exempt from Provisions of present and future General Acts.

49. Nothing herein contained shall be deemed or construed to exempt the Railway or the Company from the Provisions of any General Act relative to Railways, or to the better or 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 and Alteration under the Authority of Parliament of the maximum Rates of Fares and Charges authorized to be taken by the Company, or of the Rates for small Parcels.

Not to take or use Lands, &c. of the Crown without Consent.

50. Nothing contained in this Act shall authorize the Company to take, use, or in any Manner interfere with any Foreshore belonging to the Crown, if any, or any other Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, if any, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give); neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Short Title. Expenses of Act.

51. This Act may be cited as "The South Yorkshire Railway Amendment Act, 1861," and all the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company.

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