

ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. cxlv.

An Act for altering and extending the Line of the *Barnsley* Branch of the *Manchester, Sheffield, and Lincolnshire* Railway Company; for extending the Time for the Completion of certain Works at *Sheffield;* for amending the Acts relating to the said Company; and for other Purposes.

[4th *August* 1853.]

WHEREAS by "The *Manchester, Sheffield, and Lincolnshire* Railway Act, 1849," the *Manchester, Sheffield, and Lincolnshire* Railway Company was dissolved and re-incorporated, and the Powers and Authorities conferred upon such Company by divers Acts previously passed were consolidated in such first-mentioned Act: And whereas the said Act was amended by "The *Manchester, Sheffield, and Lincolnshire* Railway Act, 1850," and by certain Acts passed in the last Session of Parliament: And whereas by "The *Manchester, Sheffield, and Lincolnshire* Railway (*Barnsley Junction* and Branches) Act, 1848," the *Manchester, Sheffield,*

12 & 13 Vict. c. lxxxi.

13 & 14 Vict. c. xciv.

11 & 12 Vict. c. lxiii.

The Manchester, Sheffield, and Lincolnshire Railway (Barnsley Branch Extension) Act, 1853.

Sheffield, and Lincolnshire Railway Company, as then incorporated, were authorized to make and maintain a Railway commencing by a Junction with the Main Line of the *Manchester, Sheffield, and Lincolnshire* Railway in the Township of *Oxspring* in the Parish of *Penistone* in the West Riding of the County of *York*, and terminating at *Barnsley* by a Junction with the *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway in the Township of *Barnsley* in the Parish of *Silkstone* in the West Riding of the County of *York*: And whereas by "The *Manchester, Sheffield, and Lincolnshire* Railways (Station at *Sheffield* and Branch to the *Sheffield* Canal) Act, 1848," the said *Manchester, Sheffield, and Lincolnshire* Railway Company, as then incorporated, were authorized to construct an additional or enlarged Station in the Township and Parish of *Sheffield* in the West Riding of the County of *York*: And whereas the Powers given by such Acts were continued by the said recited Act, intituled "The *Manchester, Sheffield, and Lincolnshire* Railway Act, 1849," and consolidated with other Powers relating to the Company: And whereas it is expedient to extend the Period limited by the said last-mentioned Act for the Completion of the Works originally authorized by the said "*Manchester, Sheffield, and Lincolnshire* Railway (Station at *Sheffield* and Branches to the *Sheffield* Canal) Act, 1848:" And whereas it is expedient that the said Company should be authorized to make and maintain a Line of Railway in substitution of a Portion of the said *Barnsley* Branch as at present authorized, and in extension of the said Branch Railway as herein-after mentioned: And whereas it is expedient to enable the said *Manchester, Sheffield, and Lincolnshire* Railway Company to form a Junction with the Line of Railway belonging to or under the Control of the *Lancashire and Yorkshire* Railway Company, at or near or in the Town of *Barnsley*, and to use the Station of the said Company, subject to such Terms and Conditions as are herein-after expressed: And whereas it is expedient to amend some of the Provisions of the said Acts relative to the said *Manchester, Sheffield, and Lincolnshire* Railway Company: And whereas the several Purposes aforesaid 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,)

11 & 12 Vict. c. xciii.

Interpretation of Terms.

I. That the Term "the Company," or the "said Company," shall mean the *Manchester, Sheffield, and Lincolnshire* Railway Company; and the Expression "the *Barnsley* Branch" shall mean the Railway from

The Manchester, Sheffield, and Lincolnshire Railway (Barnsley Branch Extension) Act, 1853.

from the *Manchester, Sheffield, and Lincolnshire* Railway to *Barnsley* by the recited Acts and this Act authorized to be made.

Short Title.

II. That in citing this Act for any Purpose it shall be sufficient to use the Expression "The *Manchester, Sheffield, and Lincolnshire* Railway (*Barnsley* Branch Extension) Act, 1853."

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

III. That "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Power to construct Works according to deposited Plans.

IV. And whereas Plans and Sections of the proposed new or substituted Line of Railway by this Act authorized, showing the Line and Levels thereof, and also Books of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which such intended new or substituted Line of Railway is intended to pass, have been deposited with the Clerk of the Peace for the West Riding of the County of *York*: Be it enacted, That, subject to the Provisions of this and the incorporated Acts, and to the Powers of Deviation contained in "The Railways Clauses Consolidation Act, 1845," it shall be lawful for the Company to make or maintain the new or substituted Line of Railway herein-after particularly described, with all proper Works, Stations, Approaches, and Conveniences connected therewith, in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the Lands as shall be necessary for such Purposes.

Describing new Line of Railway.

V. That the said new or substituted Line of Railway shall commence by a Junction with and proceed from and out of the said *Barnsley* Branch of the *Manchester, Sheffield, and Lincolnshire* Railway, as now in course of Construction at or near the *Doncaster* and *Saltersbrook* Turnpike Road in the Township of *Dodworth* in the Parish of *Silkstone* in the West Riding of the County of *York*, and shall terminate at or near to the *Barnsley* Station of the said *Lancashire and Yorkshire* Railway in the Township of *Barnsley* in the said Parish of *Silkstone*, by a Junction with such last-mentioned Railway.

Power to abandon certain Parts of Railway.

VI. That it shall be lawful for the said Company, and they are hereby required, to abandon so much of the *Barnsley* Branch Railway as is herein-after described; (that is to say,) so much and such Portion of

of the authorized Line of such *Barnsley* Branch as is situate between the Commencement of the Line hereby authorized to be constructed and the Termination of the said *Barnsley* Branch Railway, at or near *Barnsley*, as authorized by the said Acts.

Compensation to be made where Contracts have been entered into or Notices given.

VII. That in any Case where before the passing of this Act any Contract has been entered into or Notice given by the Company for purchasing any Lands which the Company were empowered to purchase for the Purpose of constructing the Portion of Railway so to be abandoned as aforesaid, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties, by reason of such Purchase not being completed pursuant to such Contract or Notice, and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided also, that the Authority hereby given for abandoning the Formation of the aforesaid Portion of the said *Barnsley* Branch Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of Railway, pursuant to the Provisions for that Purpose in the said Lands Clauses Consolidation Act contained.

Compulsory Purchase of Land limited.

VIII. That the Powers of the said Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for Completion of Works.

IX. That the Railway hereby authorized shall be completed within Four Years from the passing of this Act; and on the Expiration of such Period the Powers by this Act granted to the Company for executing the said Railway shall cease to be exercised, except as to so much of the said Railway as shall be then completed.

Regulating Inclination of Road.

X. That in carrying under the Railway the Road numbered on the Plans deposited as aforesaid 11 in the Township of *Dodworth*, it shall be lawful for the Company to alter the Inclination of the said Road, but so that the same shall not be steeper than One Foot in Ten Feet.

XI. That

Application of existing Capital.

XI. That the Company may apply to the Purposes by this Act authorized so much of the Monies raised or authorized to be raised under the Powers of the several Acts relating to the Company, or any of them, as were applicable to the Construction of the Part of the Branch Railway by this Act authorized to be relinquished.

Power to use Barnsley Station

XII. That it shall be lawful for the *Manchester, Sheffield, and Lincolnshire* Railway Company to use with their Engines and Carriages the said *Barnsley* Station and the Railway into the same from the Junction by this Act authorized, on such Terms and Conditions as, failing an Agreement between the Companies, may be settled by the principal Engineers thereof, or, in case of their Difference, by an Umpire to be appointed by the Board of Trade; and all reasonable Accommodation shall be provided and Facilities afforded by the *Lancashire and Yorkshire* Railway Company at their said Station at *Barnsley* for the booking of Passengers who may be desirous of being conveyed, and of all Goods conveyed or directed to be conveyed by any of the Trains of the *Manchester, Sheffield, and Lincolnshire* Railway Company upon the *Barnsley* Branch Railway by this Act and the said recited Acts authorized to be made, in such Manner and upon such Terms and Conditions as shall be settled by such Engineers, or by the Umpire to be appointed as aforesaid.

Junctions with the Lancashire and Yorkshire Railway to be under the Direction of their Engineer.

XIII. That the Junctions of the said Railway hereby authorized with the *Lancashire and Yorkshire* Railway, and all such Openings in the Ledges or Flanges of the said Railway as may be necessary or convenient for effecting such Junction, shall be made by and at the Expense of the *Manchester, Sheffield, and Lincolnshire* Railway Company, under the Direction and Superintendence and to the Satisfaction of the Engineer for the Time of the said *Lancashire and Yorkshire* Railway Company: Provided nevertheless, that if such Engineer of the said last-mentioned Company prescribe a Mode for effecting the said Junction which the Engineer for the Time being of the *Manchester, Sheffield, and Lincolnshire* Railway Company cannot or shall not approve, then such Junction shall be effected in such Manner as shall be approved of and directed by the Board of Trade, and not otherwise: Provided also, that if within One Month after Request in Writing made to the Engineer or Secretary of the *Lancashire and Yorkshire* Railway Company for that Purpose such Engineer shall neglect or refuse to prescribe a proper Mode of effecting such Junction, then it shall be lawful for the Engineer of the said *Manchester, Sheffield, and Lincolnshire* Railway Company to effect the same in such Manner as shall be prescribed and approved by the said Board of Trade.

Certain Lands not to be taken without Consent.

XIV. That, unless with the Consent in Writing of the *Lancashire and Yorkshire* Railway Company, it shall not be lawful for the *Manchester, Sheffield, and Lincolnshire* Railway Company to purchase or take any Lands, Grounds, or Buildings of or belonging to the former Railway Company at the Time of the passing of this Act; and that it shall not be lawful for the *Manchester, Sheffield, and Lincolnshire* Railway Company to alter or vary or interfere with the said Company's Works, except so far and in such Manner as may be necessary for the Formation of the said Junction, in manner and subject to the Provisions herein-before contained: Provided nevertheless, that the said *Lancashire and Yorkshire* Railway Company shall permit and suffer the said *Manchester, Sheffield, and Lincolnshire* Railway Company to lay down and construct over and upon the Lands of the said *Lancashire and Yorkshire* Railway Company such Line or Lines of Railways and other Works, within the Limits of Deviation defined on the said Plans for forming the said Railway and the said Junction, as shall be necessary or convenient under the Provisions of this Act.

Junction not to be made with the Lancashire and Yorkshire Railway until additional Station, &c. provided.

XV. Provided that, notwithstanding anything in this Act contained, it shall not be lawful for the Company, under the Authority of this Act, to form any Junction with the Line of the *Lancashire and Yorkshire* Railway, or to use the *Barnsley* Station of the *Lancashire and Yorkshire* Railway Company and *South Yorkshire* Railway and River *Dun* Company, until the Company shall have provided, or shall, to the Satisfaction of the *Lancashire and Yorkshire* Railway Company, have made Provision for such additional Station Accommodation at *Barnsley*, including the laying of Two or more additional Lines of Railway from the Point of Junction with their Line to the said Station, as may be necessary for the Accommodation of the Traffic upon the *Barnsley* Branch Railway; and the Extent of such additional Station Accommodation and the said additional Lines of Railway shall be settled by the Engineers of the said Companies, or, in case of Dispute, by an Umpire appointed by the Board of Trade; and it shall be lawful for the Company on the one hand, and for the said *Lancashire and Yorkshire* Railway Company and *South Yorkshire* Railway and River *Dun* Company as the Owners of the said Station at *Barnsley* on the other hand, to make such Agreements and Arrangements with reference to the Use of and the Payment for the Expenses of enlarging, maintaining, and using the said Station as they may mutually find needful.

Disputes between Railway

XVI. That in case any Difference or Dispute shall arise between the Company and the *Lancashire and Yorkshire* Railway Company, in

in reference to any Lands, Grounds, or Buildings which may be required by either of the said Companies and which they have mutually Power to purchase, or as to the Mode in which such Junction shall be effected, every such Difference or Dispute shall be referred to the Board of Trade, or to an Arbitrator to be appointed by such Board, whose Award and Determination shall be binding and conclusive on both the said Companies.

Companies to be referred to the Board of Trade.

XVII. That it shall be lawful for the *South Yorkshire* Railway and River *Dun* Company to use with Engines and Carriages the Railway hereby authorized on such Conditions as, failing any Agreement between the Companies, may be settled by the principal Engineers thereof, or, in case of their Difference, by some Person to be appointed by them: Provided always, that in so using or traversing the said Railway the *South Yorkshire* Railway and River *Dun* Company shall observe the Byelaws and Regulations of the *Manchester, Sheffield, and Lincolnshire* Railway Company applicable to them; and the Eighty-eighth Section of "The Railways Clauses Consolidation Act, 1845," shall be applicable to any Contract between the Companies.

Power to South Yorkshire and River Dun Company to use Railway.

XVIII. That all reasonable Accommodation and Facility shall be afforded by the Company at their several Stations on the Railway by this Act authorized for the booking Passengers who may be desirous of being conveyed, and of all Goods conveyed or directed to be conveyed by any of the Trains of the *South Yorkshire* Railway and River *Dun* Company, which, under the Powers herein-before contained, may start from or arrive at any such Stations, and the additional Expense which the Company may incur in providing such Accommodation (whether in the Employment of Officers or otherwise) for the *South Yorkshire* Railway and River *Dun* Company shall be borne by the last-named Company, the Amount of such Expense to be from Time to Time settled and determined by Agreement between the said Companies, or if the Parties shall differ, then in the Manner herein-before provided for the Settlement of Matters in Difference or Dispute between the said Companies.

Accommodation to be provided for booking Passengers and Goods.

XIX. That in case there shall be any Dispute between the said Companies respecting any such Regulations or Byelaws, or respecting the Mode in which the *South Yorkshire* Railway and River *Dun* Company shall exercise any of the Powers or Privileges herein-before given to them, or respecting the Regulations to be adopted by the said Companies for the Convenience and Accommodation of each other,

Differences to be settled by Arbitration.

or

or for the Protection of or relating to their own Traffic respectively, or respecting any other Matter or Thing arising out of the Provisions of this Act, the same shall be decided and determined in the Manner herein-before provided: Provided always, that neither such Regulations and Byelaws as aforesaid, nor the Award thereon of the said Engineers or their Umpire, shall have any Force or Virtue, unless and until the same shall have been approved of and confirmed by the Board of Trade.

Period for Completion of Works extended.

XX. That the Time limited by the said "*Manchester, Sheffield, and Lincolnshire* Railway Act, 1849," for the Completion of the said Works authorized by "The *Manchester, Sheffield, and Lincolnshire* Railway (Station at *Sheffield*, and Branch to the *Sheffield* Canal) Act, 1848," and which Works are the Seventeenth and Eighteenth Works described in the Eighth Section of the said "*Manchester, Sheffield, and Lincolnshire* Railway Act, 1849," shall be extended until the Twenty-second Day of *July* One thousand eight hundred and fifty-five, and on the Expiration of such extended Period the Power of the recited Act and this Act granted to the Company for executing such Works shall cease to be exercised, except as to so much of such Works as shall then be completed.

If Railway not completed, &c. within a limited Period, Dividends on ordinary Shares to be suspended.

XXI. That in case the new or substituted Line of Railway by this Act authorized to be constructed shall not be completed and opened for public Traffic within the Period of Four Years from the passing of this Act, or in case the Branch Railway in respect of the Completion of which an Extension of Time is by this Act granted shall not be completed and opened for public Traffic on or before the Twenty-second Day of *July* One thousand eight hundred and fifty-five, then and from thenceforth it shall not be lawful for the Company or the Directors thereof to pay any Dividend to the Shareholders on the ordinary or unguaranteed Capital of the Company until such new or substituted Line of Railway and Branch Railway shall have been respectively completed and opened for public Traffic.

Tolls.

XXII. That it shall be lawful for the Company to demand and receive for and in respect of the Use of the Railway by this Act authorized the same Tolls and Charges as they are authorized to demand and receive under and by virtue of the said recited Act, intituled "The *Manchester, Sheffield, and Lincolnshire* Railway Act, 1849," for or in respect of the *Barnsley* Branch Railway thereby authorized.

XXIII. That

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

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

Railway to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

XXIV. And whereas an Act was passed in the Second Year of the Reign of Her Majesty, intituled *An Act to provide for the Conveyance of Mails by Railways;* and another Act was passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Session of Parliament, and for other Purposes in relation to Railways;* and another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways;* and an Act was passed in the Fourteenth and Fifteenth Years of the Reign of Her said Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the said Railway and Branch Railways or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the same Railways and Branch Railways and Companies, so far as the same are applicable thereto.

Railways not exempt from Provisions of future General Acts.

XXV. That nothing herein contained shall be deemed or construed to exempt the Railways by the said recited Acts or by this Act authorized to be made, or the said Company, from the Provisions of any General Acts relating to such Acts, or of any General Act relating 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 authorized by the said recited Acts or this Act.

The Manchester, Sheffield, and Lincolnshire Railway (Barnsley Branch Extension) Act, 1853.

Expenses of Act.

XXVI. That the Costs, Charges, and Expenses of obtaining and passing this Act and incidental thereto shall be defrayed by the Company.

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