ANNO DECIMO QUINTO & DECIMO SEXTO

VICTORIÆ REGINÆ.

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Cap. cxliv.

An Act to enable the *Manchester, Sheffield, and Lincolnshire* Railway Company to construct certain Branch Railways. [30th *June* 1852.]

WHEREAS by "The *Manchester, Sheffield, and Lincolnshire* Railway Act, 1849," the *Manchester, Sheffield, and Lincolnshire* Railway Company was dissolved and re-incorporated: And whereas the said Act was amended by "The *Manchester, Sheffield, and Lincolnshire* Railway Act, 1850:" And whereas the Formation by the said Company of certain Branch Railways herein-after mentioned, in connexion with their Undertaking, would be attended with public and local Convenience: And whereas Plans and Sections showing the intended Lines and Levels of the said Branch Railways, and Books of Reference containing the Names of the reputed Owners and Lessees and of the Occupiers of the Lands which may be required to be taken for the Purposes thereof, have been deposited with the Clerks of the Peace for the County of *Derby* and of the West Riding of the County of *York* respectively, and it is expedient that Powers should be conferred on

the said Company for the making of such Branch Railways according to the Plans and Sections so deposited: 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.

I. That in citing this Act in other Acts of Parliament, and in legal Instruments and Proceedings, it shall be sufficient to use the Expression "The *Manchester, Sheffield, and Lincolnshire* Railway (Coal Branches) Act, 1852."

8 & 9 Vict. cc. 61. and 20. incorporated with this Act.

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

Power to construct Railway according to deposited Plans.

III. That it shall be lawful for the said *Manchester, Sheffield, and Lincolnshire* Railway Company to make and maintain the Branch Railways herein-after specified according to the Lines and Levels thereof laid down on the Plans and Sections, and upon the Lands delineated on the said Plans and described in the Books of Reference deposited as herein-before mentioned, and to enter upon, take, and use such of the said Lands as shall be necessary for the Purposes of this Act; (that is to say,)

First, a Branch Railway from and out of the *Manchester, Sheffield, and Lincolnshire* Railway, commencing near the South-eastern Entrance of the *Outhwaite* Tunnel in the Township of *Thurgoland* in the Parish of *Silkstone* in the West Riding of the County of *York*, passing thence in or through the said Parish, and joining the Line of the *South Yorkshire* Railway now in course of Construction in or near a Field belonging or reputed to belong to *Frederick Vernon Wentworth* Esquire, and in the Occupation of *Robert Gelder*, in the Township of *Dodworth* in the said Parish:

Second, a Branch Railway from and out of the said *Manchester, Sheffield, and Lincolnshire* Railway, commencing at or near the *Darnall* Station thereon, in the Township of *Attercliffe* and Parish of *Sheffield* in the said West Riding of the County of *York*, passing in or through the said last-mentioned Parish, and terminating at or near the Colliery known as the *Manor* Colliery in the Township of *Sheffield*, and Parish last aforesaid:

Third, a Branch Railway from and out of the said *Manchester, Sheffield, and Lincolnshire* Railway, commencing at or near a certain

certain Wood called *Highfield Spring* in the Township of *Catcliff* in the Parish of *Rotherham* in the said West Riding of the County of *York*; passing in or through the said last-mentioned Parish, and terminating at or near to a certain Tramway belonging to the *Tinsley Park* Colliery in the Township of *Tinsley* and Parish last aforesaid:

Fourth, a Branch Railway from and out of the said *Manchester, Sheffield, and Lincolnshire* Railway, commencing at or near the Commencement of the Branch Railway therefrom known as the *Beighton* Branch, passing in or through the Parishes of *Beighton* in the County of *Derby* and *Handsworth* in the West Riding of the County of *York*, and terminating at or near a certain Plantation belonging or reputed to belong to the Earl of *Manvers*, in the Occupation of the said Earl, situated in the Parish of *Beighton* aforesaid.

Road may be crossed on a Level.

IV. That, subject to the Provisions in the said Railway Clauses Consolidation Act contained in reference to the crossing of Roads on a Level, it shall be lawful for the said *Manchester, Sheffield, and Lincolnshire* Railway Company, in the Construction of the several Branch Railways by this Act authorized to be made, to carry the same across and on the Level of the Highway numbered on the Plans deposited as herein-before mentioned as follows; (that is to say,)

No. 43, in the Parish of *Silkstone*.

Company to erect a Station or Lodge at Points of Crossing, and to abide by Rules, &c. of Board of Trade.

V. That for the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the Points where the Railway crosses the before-mentioned Road on the Level, and the Company shall be subject to and shall 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 Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing any such Point or Station or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every 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.

Power to Board of Trade to require a Bridge

VI. That the Board of Trade (if it shall appear for the Public Safety at any Time before or after the Railways hereby authorized to be made shall have been completed and opened for public Traffic, may

instead of level Crossing.

may require the Company, within such Time as the Board of Trade shall direct, at the Expense of the Company, to carry the hereinbefore mentioned Road either under or over the Railway, by means of a Bridge or Arch, instead of crossing the same on a Level, or 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.

Lands for extraordinary Purposes.

VII. That in addition to any Lands which the said Company are at present authorized to purchase, and in addition to the Lands by this Act authorized to be purchased, it shall be lawful for the said Company to purchase by Agreement and hold any Quantity of Land not exceeding Twenty Acres for all or any of the Purposes specified in "The Railway Clauses Consolidation Act."

Powers for 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 Three Years from the passing of this Act.

Period for Completion of Works.

IX. That the said several Branch Railways 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 executing the said Branch Railways respectively shall cease to be exercised, except as to so much of the said Branch Railways respectively as shall be then completed.

Tolls.

X. That it shall be lawful for the Company to demand and receive for and in respect of the Use of the said Branch Railways the same Tolls and Charges as they are authorized to demand and receive under and by virtue of the said recited Act, called "The *Manchester, Sheffield, and Lincolnshire* Railway Act, 1849;" provided that such Tolls and Charges shall be calculated and imposed at such Rates as if such Branch Railways had originally formed Part of the Railway authorized and described in the said Act.

Barnsley Branch to be completed before the Thurgoland Branch opened.

XI. And whereas it is expedient that the Construction of the said *Barnsley* Branch from *Penistone* to the Field of *David* and *Samuel Johnson* near a Place called *Black Horse* in the Parish of *Silkstone* should be completed before the *Thurgoland* Branch Railway hereby authorized shall be used for the Conveyance of Coal or other Traffic thereon: Be it enacted, That it shall not be lawful for the Company or any other Person by their Authority to open for the Purposes of Traffic the said *Thurgoland* Branch until they shall have constructed and opened for Traffic their said *Barnsley* Branch from their Main Line at *Penistone* to the said Field of the said *David* and *Samuel Johnson*.

XII. That

Power to raise Capital by Creation of new Shares.

XII. That for the Purpose of providing the necessary Capital for the Construction of the said Branch Railways, it shall be lawful for the Company to raise, by the Creation of new Shares or Stock, any Sum not exceeding in Amount the Sum of Eighty-three thousand and five hundred Pounds.

Power to borrow on Mortgage.

XIII. That when and so soon as the whole Capital authorized by this Act shall have been subscribed for, and One Half of the Capital by this and the said recited Acts authorized to be raised shall have been paid up, it shall be lawful for the Company to raise on Mortgage of their Undertaking, in addition to any Sums which they are now authorized to raise by Mortgage or which they may be authorized to raise under any Act of the present Session of Parliament, any Sum not exceeding Twenty-seven thousand eight hundred Pounds: Provided always, that all Mortgages granted by the Company before the passing of this Act shall, during the Continuance thereof, have Priority over any Mortgages to be created by virtue of this Act.

Application of Monies.

XIV. That all Monies raised by Shares, or on Mortgage or Bond, by virtue of this Act, shall be applied towards the Construction of the Works by this Act authorized.

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

XV. That it shall not be lawful for the said Company, out of any Money by any Act relating to the said 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.

Interest not to be paid on Calls.

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

Railways to be subject to Provisions of

XVII. And whereas an Act was passed in the Second Year of the Reign of Her Majesty, intituled *An Act to provide for the Conveyance*

The Manchester, Sheffield, and Lincolnshire Railway (Coal Branches) Act, 1852.

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.

Conveyance of Mails by Railways; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and another Act was passed in the 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 another Act was passed in the last Session of Parliament, 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 Railways or the said Company from the Provisions of the said several Acts above mentioned respectively, but that such Provisions shall be in force in respect of the same Railways and Company, so far as the same are applicable.

Railways not exempt from Provisions of future General Acts.

XVIII. 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 Acts relating to Railways, or to the better or more impartial Audits 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.

Expenses of Act.

XIX. That the Costs, Charges, and Expenses of and attending the passing of this Act, and incidental thereto, shall be defrayed by the said Company.

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