ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

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Cap. xlvi.

An Act to authorize Deviations of the *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield,* and *Goole* Railway between *Sheffield* and *Barnsley;* and to amend the Acts relating to the said Railway. [3d *July* 1851.]

WHEREAS the *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway Company were incorporated by an Act passed in the Year 1846, called "The *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway Act, 1845," and by that Act were authorized to construct a Railway from the Neighbourhood of *Sheffield* on the South, through *Barnsley,* to *Wakefield* on the North, together with a Branch to *Dodworth,* and were empowered to raise for that Purpose a Capital of Eight hundred thousand Pounds by Shares, and of Two hundred and sixty-six thousand Pounds by Bond or Mortgage: And whereas the Seventy-seventh and Seventy-eighth Sections of that Act enable the said Company either to lease or to sell to the *Manchester and Leeds* Railway Company (which is now called the *Lancashire and Yorkshire* Railway Company) so much of their Undertaking as is situate to the North of the Station in the Town of *Barnsley:* And 9 & 10 Vict. c. 354.

10 & 11 Vict. c. 291.

whereas by the Fifty-third Section of "The *South Yorkshire, Doncaster, and Goole* Railway Act, 1847," the Company by that Act incorporated were authorized to purchase (after Proof of certain Matters specified in the Fifty-fifth Section of the same Act) so much of the first-mentioned Railway as lies between the Centre of the intended Station at *Barnsley* and the Southern Terminus of the same Railway near *Sheffield*, and by the Fifty-sixth Section of the same Act it is recited, that in contemplation of that Sale and Transfer Four hundred and fifty thousand Pounds, Part of the said Capital of Eight hundred thousand Pounds, had been subscribed for, and had been appropriated especially to the Construction of the Portion of the Railway so authorized to be transferred to the *South Yorkshire, Doncaster, and Goole* Railway Company, and the same Section then directs that upon the Completion of such Sale and Transfer every Share in the said *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway Company created with respect to the said Sum of Four hundred and fifty thousand Pounds shall be exchanged for Shares in the said *South Yorkshire, Doncaster, and Goole* Railway Company (now called the *South Yorkshire* Railway and River *Dun* Company), at the Rate of One of such last-mentioned Shares for every Twenty Pounds so subscribed towards the Construction of such Southern Portion of the Railway: And whereas the Company have completed that Part of their Railway which extends Northward from the Centre of the Station at *Barnsley*, and the same is now open to the Public, and is worked by the *Lancashire and Yorkshire* Railway Company by virtue of a Lease granted under the Powers aforesaid; but no Portion of the said Railway South of the Centre of the said Station at *Barnsley* has yet been executed, nor have the Powers and Authorities contained in the first-recited Act for the Construction of the said Portion of Railway been yet transferred: And whereas about Seventy thousand Pounds have been already paid up on the said Sum of Four hundred and fifty thousand Pounds: And whereas the Construction of the said Southern Portion of the Railway in the precise Line at present authorized would be attended with a great and needless Expense, and a considerable Saving of Money will be effected, and the peculiar Traffic of the District and the public Convenience will be adequately accommodated, if the Deviations herein-after described from the Line now authorized are made; but the same 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:

Provisions of firstly-recited Act

I. All the Powers and Provisions contained in ths first-mentioned Act, and in "The Lands Clauses Consolidation Act, 1845," and "The Railways

Railways Clauses Consolidation Act, 1845," except such of those Powers and Provisions as are by this Act repealed, altered, or otherwise provided for, shall apply to this Act, and to the Matters hereby authorized, as fully as if those Powers and Provisions were repeated and re-enacted in this Act. and of 8 & 9 Vict. cc. 18. & 20. extended to this Act.

II. The Powers and Provisions (touching the Transfer of the said Portion of Railway and Works South of the Centre of the intended Station at *Barnsley*) which are contained in Sections 53, 54, 55, 56, 57, 58, and 59 of "The *South Yorkshire, Doncaster, and Goole* Railway Act, 1847," unless so far as the same are by this Act altered or repealed, shall extend and apply to the Works by this Act authorized, and to the Capital of the Company as by this Act reduced, as fully and effectually as though those Powers and Provisions were repeated and re-enacted in this Act with reference to those Works and Capital. Certain Clauses of South Yorkshire, Doncaster, and Goole Railway Act, 1847, extended to this Act.

III. Where the Words "the Company" or "the said Company" are used in this Act, the same shall mean "The *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway Company." Interpretation of Terms.

IV. The Company may make and maintain the new or substituted Line of Railway herein-after particularly described (with all proper Works, Stations, Approaches, and Conveniences connected therewith,) in the Lines and upon the Lands delineated on the Plans of the said Railway and described in the Books of Reference deposited in the Month of *November* last with the Clerk of the Peace for the West Riding of *Yorkshire*, and according to the Levels defined on the Sections deposited with those Plans, and may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes. Railway to be made according to deposited Plans.

V. The said new or substituted Line of Railway, which will be wholly situate in the West Riding of *Yorkshire*, shall commence in the Township and Parish of *Ecclesfield* in a Field numbered 5 upon the deposited Plans referred to in the said first-mentioned Act, pass through *Ecclesfield, Rotherham, Tankersley, Darfield, Wath-upon-Dearne, Royston*, and *Silkstone*, and terminate in the Township of *Barnsley* and Parish of *Silkstone* at a Road numbered 191 upon those Plans. New Line of Railway.

VI. Provided always, That, notwithstanding anything herein, or in the Acts herein-before recited or referred to, or any of such Acts, contained, it shall not be lawful for the said Company, without the Consent in Writing of the Most Noble *Henry Charles* Duke of *Norfolk*, his Heirs or Assigns, first obtained, to enter upon, take, or use Certain Lands of Duke of Norfolk not to be used without Consent.

use any Lands of the said Duke, except those defined in a certain Schedule dated the Twenty-fifth Day of *March* One thousand eight hundred and fifty-one, and sealed with the Common Seal of the said Company, and in the Plan in such Schedule referred to.

As to Construction of Railway near Powder Works of Messrs. Shortridge and Wright.

VII. The Company shall not construct the Railway at any Point nearer than Four hundred Yards from the Magazine or from the Charge-house at the Powder Manufactory of Messrs. *Shortridge* and *Wright* in the Parish of *Darfield*, except in such Manner as shall have been previously approved and sanctioned by the Commissioners of Railways; and the said Company shall further execute such Works and shall obey such Directions as the Commissioners of Railways may prescribe for the Protection of the said Manufactory and of the Public.

Company to abandon a certain Portion of intended Line of Railway.

VIII. The Company shall abandon the Formation of so much of the Railway as was intended to be constructed between the said Field numbered 5 and the said Road numbered 191, and all the Powers, Authorities, and Privileges by the said first-mentioned Act granted to the Company for the Construction, Maintenance, or Use of such Portion of Railway so required to be abandoned shall from and after the passing of this Act cease and determine.

Saving Rights under subsisting Contracts.

IX. Provided always, That the Abandonment of the said Portion of the Company's intended Railway shall in no way prejudice or affect any Proceedings at Law or in Equity which at the passing of this Act may be pending or may thereafter be instituted against the Company, for Debt or Damages, under or in respect of any subsisting Contract already entered into for the Construction or Maintenance of the said Portion of Railway or any Part thereof.

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

X. In any Case where before the passing of this Act any Contract has been entered into or Notice given by the Company for purchasing or using any Lands which the Company were empowered to purchase for the Purpose of constructing the Portion of Railway so required 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 such 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 said 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 the Railway, pursuant to the Provisions for that Purpose in the said "Lands Clauses Consolidation Act" contained.

Power to cross certain Roads on the Level.

XI. The Company may construct the said Railway across and upon the Level of the Turnpike Roads and public Roads numbered in the Plan of the Railway deposited as aforesaid in the Month of *November* last as follows; (that is to say,)

Number 8 in the Parish of *Rotherham*:

Numbers 116 and 129 in the Parish of *Wath-upon-Dearne*.

Company to erect Stations or Lodges where Roads cross on the Level, and abide by Rules, &c. of Commissioners of Railways.

XII. 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 before-mentioned Roads shall be crossed on a Level; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; 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 at 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.

Commissioners of Railways may require Bridges to be erected instead of level Crossings.

XIII. The Commissioners of Railways may, if it shall appear to them necessary for the Public Safety, at any Time, either before or after the Railway hereby authorized to be made shall have been completed and opened for public Traffic, require the Company, within such Time as the said Commissioners shall direct, and at the Expense of the Company, to carry any or either of the before-mentioned Roads 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 Commissioners the best adapted for removing or diminishing the Danger arising from any such level Crossing.

As to Turnpike Road in Ecclesfield.

XIV. The Company in crossing the Turnpike Road leading from *Rotherham* to the *Fore Lane Ends* near *Wortley* numbered 89 in the Parish

Parish of *Ecclesfield* shall so construct their permanent Works as not to increase the Inclination or Gradient of the said Turnpike Road, or render the Surface of the said Road steeper than it now is.

Land for extraordinary Purposes.

XV. The Company may purchase any Quantity of Land for extraordinary Purposes not exceeding Twenty Acres, in addition to the Land which they are at present authorized to take for such Purposes.

Period for the Completion of the Works.

XVI. The Works hereby authorized 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 such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Tolls in respect of the Railway.

XVII. The Company may demand and receive for and in respect of the Railways hereby authorized the same Tolls and Charges as they are now authorized to demand and receive for and in respect of the Railways by the said first-mentioned Act authorized to be constructed.

Maximum Charges.

XVIII. The maximum Tolls and Charges to be made by the Company in respect of the said Railway shall in no Case exceed the maximum Tolls and Charges authorized by the said first-mentioned Act.

Capital of Company.

XIX. And whereas there will be a Saving to the Company of One hundred and seventy thousand Pounds by the Substitution of the Works by this Act authorized for the Works originally authorized, and the present Capital of the Company may therefore be reduced: Be it enacted, That the Capital of the said Company shall be Six hundred and thirty thousand Pounds, instead of Eight hundred thousand Pounds as prescribed by the said first-mentioned Act, and the Powers of borrowing given to the Company by that Act shall be reduced from Two hundred and sixty-six thousand Pounds to Two hundred and ten thousand Pounds.

As to the Reduction to be made in the Capital.

XX. The Reduction of the said Capital, both as to Shares and Loan, shall be made in that Portion of it which has been set apart as before mentioned for the Purpose of constructing the Part of the said Railway South of *Barnsley*.

To facilitate the Distribution of

XXI. The Directors may, by the Authority of a General Meeting of the Company, divide the said reduced Capital into Shares of such an

Capital when reduced.

an Amount as may be convenient for the Distribution of them among the several Shareholders in proportion to the Amount subscribed by them towards the said Sum of Four hundred and fifty thousand Pounds: Provided always, that if any of the said Shareholders having Residences or Lands adjoining the Line of Railway herein-before authorized to be abandoned, and not also adjoining the substituted Line of Railway hereby authorized, shall, within Two Months after the passing of this Act, declare in Writing to the Directors of the Company that they subscribed to the Undertaking with a view to the Benefit which would be derived therefrom to their particular Property, such Shareholders shall, upon their Request in Writing, be relieved from all further Payment towards the Undertaking, and their Shares shall be reduced in Amount to the Sum already paid thereon.

Shares forfeited may in certain Cases be cancelled.

XXII. In any Case in which it shall happen that the Market Price of Shares which may be forfeited for Nonpayment of Calls shall be such as to render it impossible for the Company to sell the same so as to realize a Sum equal to the Arrears of Calls due upon the same, it shall be lawful for the Company to cancel the same Shares, and any such cancelling of forfeited Shares and Issue of new Shares heretofore made in accordance with this Provision are hereby confirmed.

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

XXIII. It shall not be lawful for the Company, out of any Money by the first-mentioned Act authorized to be raised for the Purposes of that 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 said Company to construct any other Railway or execute any other Work or Undertaking.

No Interest or Dividend to be paid on Calls.

XXIV. It shall not be lawful for the Company to pay any Interest or Dividend in respect of Calls under this Act (except the Interest by way of Discount on Subscriptions prepaid agreeably to the 24th Section of the 8th Vict. c. 16.) out of any Capital which the Company have been authorized to raise either by means of Calls or of any Powers which they have or may have of borrowing.

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

XXV. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another

7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

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 Two Acts were passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, the One intituled *An Act for regulating the Gauge of Railways*, and the other intituled *An Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the Company or their Railways from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways, so far as the same shall be applicable thereto.

Nothing to exempt Railways from Provisions of future General Acts.

XXVI. Nothing herein contained shall be deemed or construed to exempt the Railways by this or the said first-mentioned Act authorized to be made from the Provisions of any General Act relating to such Acts, or of any General Act relating to Railways, or to 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act or the said first-mentioned Act.

Expenses of Act.

XXVII. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged out of the Funds of the Company.

Certain Clause in 9 & 10 Vict. c. 354. as to Short Title of Act repealed.

XXVIII. Whereas by the Second Section of the said first-mentioned Act it is in error enacted, that in citing that Act it shall be sufficient to use the Expression "The *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway Act, 1845:" And whereas that Act was passed in 1846: The said Enactment is hereby repealed.

Short Title of the Act of 1846 and of this Act.

XXIX. In citing that Act hereafter for any Purpose it shall be sufficient to use the Expression "The *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway Act, 1846;" and in citing this Act for any Purpose it shall be sufficient to use the Expression "The *Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole* Railway Deviation and Amendment Act, 1851."

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