ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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Cap. XXXV.

An Act to authorize Deviations in the Line of the *South Yorkshire, Doncaster, and Goole* Railway, the Extension of the *Elsecar* Branch of the said Railway to *Tankersley*, and the Amendment of the Acts relating to the said Railway.

[15th *July* 1850.]

WHEREAS in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty an Act was passed called "The *South Yorkshire, Doncaster, and Goole* Railway Act, 1847:" (10 & 11 Vict. c. 291.) And whereas in the Session of Parliament held in the Eleventh and Twelfth Years of the same Reign another Act was passed called "The *South Yorkshire, Doncaster, and Goole* Railway Act, 1848:" (11 & 12 Vict. c. 65.) And whereas the Company incorporated by the said first-mentioned Act have proceeded in the Execution of the Powers thereby conferred: And whereas it is expedient that the said Company should be empowered to divert their Railway as at present authorized between *Barnsley* and *Wombwell*, and also the *Worsbrough* Branch of their said Railway, and that they should have Power to extend the *Elsecar* Branch of their Railway to *Tankersley* and *Ecclesfield*, all in the West Riding of *Yorkshire*:

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And whereas it is also expedient that some of the Provisions of the recited Acts should be amended and enlarged; but these Objects cannot be attained 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the same, That all the Powers and Provisions contained in the said recited Acts, except such of them as are by this Act repealed, shall extend to this Act, and to the several Matters hereby authorized, as fully and effectually as if such Powers and Provisions were repeated and re-enacted in this Act.

Extending Powers of recited Acts to this Act.

Short Title of Act.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in all legal Instruments and other Documents and Proceedings, it shall be sufficient to describe it as "The *South Yorkshire, Doncaster, and Goole* Railway (Deviation and Extension of *Elsecar* Branch) Act, 1850."

Power to construct Works according to deposited Plans.

III. And whereas Plans and Sections of the Works by this Act authorized showing the Lines 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 of the Occupiers of the Lands through which such Works are intended to pass, have been deposited with the Clerk of the Peace for the West Riding of *Yorkshire*: Be it enacted, That it shall be lawful for the said Company to make and maintain the new or substituted Lines of Railway, and also the Extension Railway and Branch Railways herein-after particularly described, with all proper Works, Stations, Approaches, and Conveniences connected therewith, in the Lines 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 Main Line between Barnsley and Wombwell.

IV. And be it enacted, That one of the said new or substituted Lines of Railway shall commence in the Township of *Barnsley* and Parish of *Silkstone* at or near a Lane or Street numbered 1 on the Plans referred to in the said firstly-recited Act, pass thence through *Barnsley*, *Monk Bretton*, *Silkstone*, *Ardsley*, *Royston*, *Wombwell*, and *Darfield*, and terminate in the Township of *Wombwell* in the Parish of *Darfield* at or near a Field numbered 182 on the said Plans; and the other new or substituted Line of Railway shall commence by a Junction with the before-mentioned new or substituted Line of Railway at or near a Mill called *Oldham* Mill in the Township of *Wombwell*

Deviation in Worsbrough Branch.

well in the Parish of *Darfield*, pass thence through *Wombwell*, *Worsbrough*, and *Darfield*, and terminate in the Township of *Worsbrough* in the said Parish of *Darfield* at or near a Field numbered 1[c] on the said Plans.

Connecting Curve therefrom.

V. And be it enacted, That a short Curve or Branch Railway shall commence at the last-mentioned new or substituted Line of Railway in the Township of *Wombwell* in the said Parish of *Darfield* in a certain Field numbered 252 on the said Plans, and terminate by a Junction with the new or substituted Line of Railway firstly hereinbefore described in the Township of *Ardsley* in the said Parish of *Darfield* in a Field belonging to *John Mucklethwaite* Esquire; the Extension of the *Elsecar* Branch shall commence by diverging therefrom at or near *Tingle Bridge* in the Township of *Brampton Bierlow* in the Parish of *Wath-upon-Dearne*, pass thence through *Darfield*, *Brampton Bierlow*, *Nether Hoyland*, *Wath-upon-Dearne*, and *Tankersley*, and terminate at the West Side of the *Sheffield and Wakefield* Turnpike Road in the Township and Parish of *Tankersley*, in Land belonging to the Right Honourable Earl *Fitzwilliam*; and a short Curve or Branch Railway (which will be situate wholly in the said Township of *Wombwell* and Parish of *Darfield*) shall diverge from the said *Elsecar* Branch at a Field numbered 52[d] on the said Plans, and terminate by a Junction with the Main Line of Railway in a Field numbered 163 on the said Plans; all of which intended new Lines of Railway will be situate in the said West Riding of *Yorkshire*.

Extension of Elsecar Branch.

Connecting Curve from Elsecar Branch.

Company to abandon the Lines instead of which new Lines made.

VI. And be it enacted, That the Company shall abandon the Formation of such Portions of their Railways as were authorized to be constructed between the several Spots aforesaid; namely, Number 1 in the Township of *Barnsley* and Number 182 in the Township of *Wombwell*; and all the Powers, Authorities, and Privileges by the said recited Acts, or any of them, granted to the Company, for the Construction, Maintenance, or Use of such Portions of Railway so required to be abandoned, shall from and after the passing of this Act cease and determine.

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

VII. Provided always, and be it enacted, That in 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 Portions 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 b reason of such Purchase not being completed pursuant to such Contract or Notice;

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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 Portions 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 Lands Clauses Consolidation Act, 1845," contained.

Power to cross certain Roads on the Level.

VIII. And be it enacted, That it shall be lawful for the Company to construct the Railways hereby authorized across and upon the Level of the Turnpike Roads and public Roads numbered in the first-mentioned deposited Plans as follows; (that is to say,)

Numbers 1 and 45 in the Township of *Barnsley*;

Numbers 53[d], 86[b], 120, 149, and 204[a], in the Township of *Wombwell*;

Numbers 48[c], 68[c], 70[c], 103[c], 176[c], and 238[c], in the Township of *Worsbrough*;

Number 86[b] in the Township of *Ardsley*;

Numbers 20[h], 102[h], 112[h], and 141[h], in the Township of *Nether Hoyland*;

Numbers 4[h] and 167 in the Township of *Brampton Bierlow*; and

Number 5 in the Township and Parish of *Tankersley*.

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

IX. And be it enacted, 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 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 instead of level Crossings.

X. Provided always, and be it enacted, That it shall be lawful for the Commissioners of Railways, if it shall appear to them necessary for the public Safety, at any Time either before or after the Railways hereby authorized to be made, or either of them, shall have been completed and opened for public Traffic, to 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 hereinbefore 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.

Power to purchase Land for additional Stations.

XI. And be it enacted, That it shall be lawful for the Company to 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 within which Lands are to be purchased.

XII. And be it enacted, That the Powers of the 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 the Completion of the Works.

XIII. And be it enacted, That 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.

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

XIV. And be it enacted, That it shall not be lawful for the Company, out of any Money by the said recited Acts authorized to be raised for the Purposes of such Acts, 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.

Railway and Company to be subject to Provisions of 1 & 2 Vict. c. 98.,

XV. 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*

3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. 105.

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 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 said 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:

Provisions for future general Railway Acts.

XVI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made, or the said Company, 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.

Expenses of Act.

XVII. And be it enacted, That 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, in preference to all other Payments whatsoever.

Interpretation of Act.

XVIII. And be it enacted, That the Term "the Company" or "the said Company" in this Act shall mean "The *South Yorkshire* Railway and River *Dun* Company."

Public Act.

XIX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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