ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. lxii.

An Act to alter the Line of the *Great Grimsby* Branch of the *East Lincolnshire* Railway, and to amend and enlarge the Provisions of the Acts relating to the *East Lincolnshire* Railway.

[22d *July* 1848.]

WHEREAS an Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway from* Great Grimsby, *by* Louth *and* Alford, *to* Boston *in the County of* Lincoln, *to be called* "*The* East Lincolnshire *Railway:*" And whereas Two other Acts were passed in the last Session of Parliament, intituled respectively "The *East Lincolnshire* Railway (*Louth* Navigation Purchase) Act, 1847," and "The *East Lincolnshire* Railway (Branch to *Great Grimsby and Sheffield Junction* Railway at *Grimsby*) Act, 1847:" And whereas it is expedient that the Company incorporated by the said first-mentioned Act should be empowered to alter the Line of their Branch authorized to be constructed by the last-mentioned Act, and for such Purpose to abandon the same, and in lieu thereof to construct a Branch Railway to connect the said *East Lincolnshire* Railway with that Part of the *Manchester, Sheffield, and Lincolnshire* Railway which

9 & 10 Vict. c. 88.

was heretofore called "The *Great Grimsby and Sheffield Junction* Railway:" And whereas the Tolls authorized to be taken by the first-recited Act are in some respects inconsistent and defective, and it is expedient that the same should be altered: And whereas it is expedient that some of the Provisions of the said recited Acts should be extended and enlarged; but the 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, That all the Provisions, Matters, and Things contained in the said recited Acts, except such as are altered or otherwise provided for by this Act, and all the Provisions, Matters, and Things contained in the Lands Clauses Consolidation Act, 1845, the Companies Clauses Consolidation Act, 1845, and the Railways Clauses Consolidation Act, 1845, except such of them as are by this Act or the said recited Acts repealed, altered, or otherwise provided for, shall extend to this Act, and to the several Purposes and Things hereby authorized to be done, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes and Things.

Certain Provisions of recited Acts and 8& 9 Vict. cc. 16. 18. and 20. extended to this Act.

Power to abandon Branch of Railway.

II. And be it enacted, That it shall be lawful for the Company and they are hereby required to abandon the Formation of the Branch Railway authorized to be constructed by the said *East Lincolnshire* Railway (Branch to *Great Grimsby and Sheffield Junction* Railway at *Grimsby*) Act, 1847, the same being rendered unnecessary by the new or substituted Branch Railway hereby authorized.

Power to make substituted Branch Railway according to deposited Plans.

III. And whereas Plans and Sections of the said substituted Branch Railway showing the Line and Levels thereof, and also Books of Reference thereto containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which the same is intended to pass, have been deposited with the Clerk of the Peace for the Parts of *Lindsey* in the County of *Lincoln*; be it enacted, That, subject to the Provisions in this Act and the said recited Acts and in the Acts with the recited Acts incorporated contained, it shall be lawful for the *East Lincolnshire* Railway Company to make and maintain the said substituted Branch Railway and Works 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 said Lands as shall be necessary for such Purpose.

Power to substitute new Branch.

IV. And be it enacted, That it shall be lawful for the said Company to make and maintain the substituted Branch Railway following; (that is to say,) a Branch Railway commencing from and out of the said *East Lincolnshire* Railway at or near a Field numbered 49 in the Parish of *Great Grimsby* in the Parts of *Lindsey* in the County of *Lincoln* upon the deposited Plans of the *East Lincolnshire* Railway

referred

referred to in the herein-before first-recited Act, such Branch Railway being situate solely in the said Parish of *Great Grimsby*, and terminating by a Junction or Junctions with the Main Line of the said *Manchester, Sheffield, and Lincolnshire* Railway, heretofore called the *Great Grimsby and Sheffield Junction* Railway, in the said Parish of *Great Grimsby* at or near a Field numbered 59 on the deposited Plans of the said *Great Grimsby and Sheffield Junction* Railway referred to in the Act relating to such Railway intituled "The *Great Grimsby and Sheffield Junction* Railway Act, 1845."

Compulsory Powers for Purchase of Lands limited.

V. 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 Completion of Works.

VI. And be it enacted, That the substituted Branch 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 executing such substituted Branch Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed.

Fractional Part of Sixpence for Second-class Passengers.

VII. And be it enacted, That for any fractional Part of Sixpence beyond an integral Number of Sixpences payable by any Person conveyed in a Second-class Carriage the Company shall be entitled to demand Sixpence.

So much of recited Act as to Payment of certain Tolls repealed;

VIII. And be it enacted, That so much of the first-recited Act as enacts that it shall be lawful for the Company to demand any Tolls in respect of the following Articles; *videlicet*,

For all Coal, Culm, Charcoal, and Cinders, if conveyed on the Railway a Distance of Twenty-five Miles, *per* Ton *per* Mile Three Farthings; but if conveyed a Distance of less than Twenty-five Miles, One Penny *per* Ton *per* Mile;

For all Stones, Bricks, Tiles, Slates, Clay, Sand, Ironstone, and Iron Ore, and for Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and Iron Castings, Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile not exceeding One Penny, if the same be conveyed on the said Railway a Distance exceeding Twenty-five Miles; but if the same be conveyed only Twenty-five Miles or a less Distance, then a Sum not exceeding One Penny Halfpenny *per* Ton *per* Mile;

For all Corn and other Grain, Malt, and Flour, if conveyed on the Railway a Distance of Twenty-five Miles, *per* Ton *per* Mile Five Farthings; but if conveyed a less Distance than Twenty-five Miles, Two-pence *per* Ton *per* Mile,

shall be and the same is hereby repealed.

and the following Tolls to be demanded in lieu thereof.

IX. And be it enacted, That in lieu of such Tolls it shall be lawful for the Company to demand Tolls not exceeding the following; that is to say,

For all Coal, Coke, Culm, Charcoal, and Cinders carried on such Railway, for the first Twenty-four Miles, a Sum not exceeding One

One Penny *per* Ton *per* Mile; and for every Mile beyond the first Twenty-four Miles, a Sum not exceeding Three Farthings *per* Ton *per* Mile:

For all Stones, Bricks, Tiles, Slates, Clay, Sand, Ironstone, and Iron Ore, and for Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and Iron Castings, Nails, Anvils, Vices, and Chains, carried on such Railway, for the first Twenty-four Miles, a Sum not exceeding One Penny Halfpenny *per* Ton *per* Mile; and for every Mile beyond the first Twenty-four Miles, a Sum not exceeding One Penny *per* Ton *per* Mile:

For all Corn and other Grain, Malt, and Flour, carried on such Railway, for the first Twenty-four Miles, a Sum not exceeding Two-pence *per* Ton *per* Mile; and for every Mile beyond the first Twenty-four Miles, a Sum not exceeding Five Farthings *per* Ton *per* Mile.

Certain Provisions of recited Act as to Tolls, including Use of locomotive Power, repealed.

X. And whereas by the said Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty it is provided and enacted, that in the Tolls therein specified should be included the Toll for the Use of Engines for propelling the Carriages on the said Railway, and that no further Charge than was therein-before stated should be made by the Company for the Use of such Engines, and it was also provided that nothing therein contained should be construed to prevent the Company from charging any reasonable Sum for the Use of such Engines and Carriages for Express Trains: And whereas it is expedient that the said Provisions and Enactment should be altered; be it enacted, That the said Provisions and Enactment shall be and is hereby repealed.

Tolls to include Use of locomotive Power.

XI. And be it enacted, That in the Tolls granted by the said recited Acts and this Act shall be included the Toll for the Use of Carriages and of Engines for propelling the Carriages on the said Railway, and no further Charge than is therein stated shall be made by the Company for the Use of such Carriages and Engines: Provided always, that nothing herein contained shall be construed to prevent the Company from charging any reasonable Sum for the Use of such Engines and Carriages for Extra and Special Trains.

Tolls for Express Trains.

XII. And be it enacted, That the Tolls to be taken by the Company for conveying Passengers upon the Railway in an Express Train, including the Use of the Carriage and Engine, shall not exceed the following; that is to say,

For any Person conveyed in or upon any such Carriage, being a First-class Carriage, *per* Mile not exceeding Three-pence:

For every Person conveyed in or upon a Second-class Carriage, *per* Mile not exceeding Two-pence.

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

XIII. And be it enacted, That it shall not be lawful for the Company, out of any Money by any Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or 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

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 Company to be subject to the 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. cc. 57. 105., and 11 & 12 Vict. c. 3.

XIV. 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 the 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 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 Ninth and Tenth Years of the Reign of Her said Majesty, intituled respectively *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways;* and another Act was passed in the present Session of Parliament, intituled *An Act to give further Time for making certain Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said intended substituted Branch Railway from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said intended substituted Branch Railway so far as the same shall be applicable thereto.

Railway to be subject to Provisions of future general Acts.

XV. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which may hereafter pass during the present 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 the recited Acts or this Act.

Expenses of Act.

XVI. 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.

XVII. And be it enacted, That the Term "the Company" in this Act shall mean "The *East Lincolnshire* Railway Company."

Short Title.

XVIII. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to describe it as "The *East Lincolnshire* Railway (Alteration of *Great Grimsby* Branch) Act, 1848."

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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