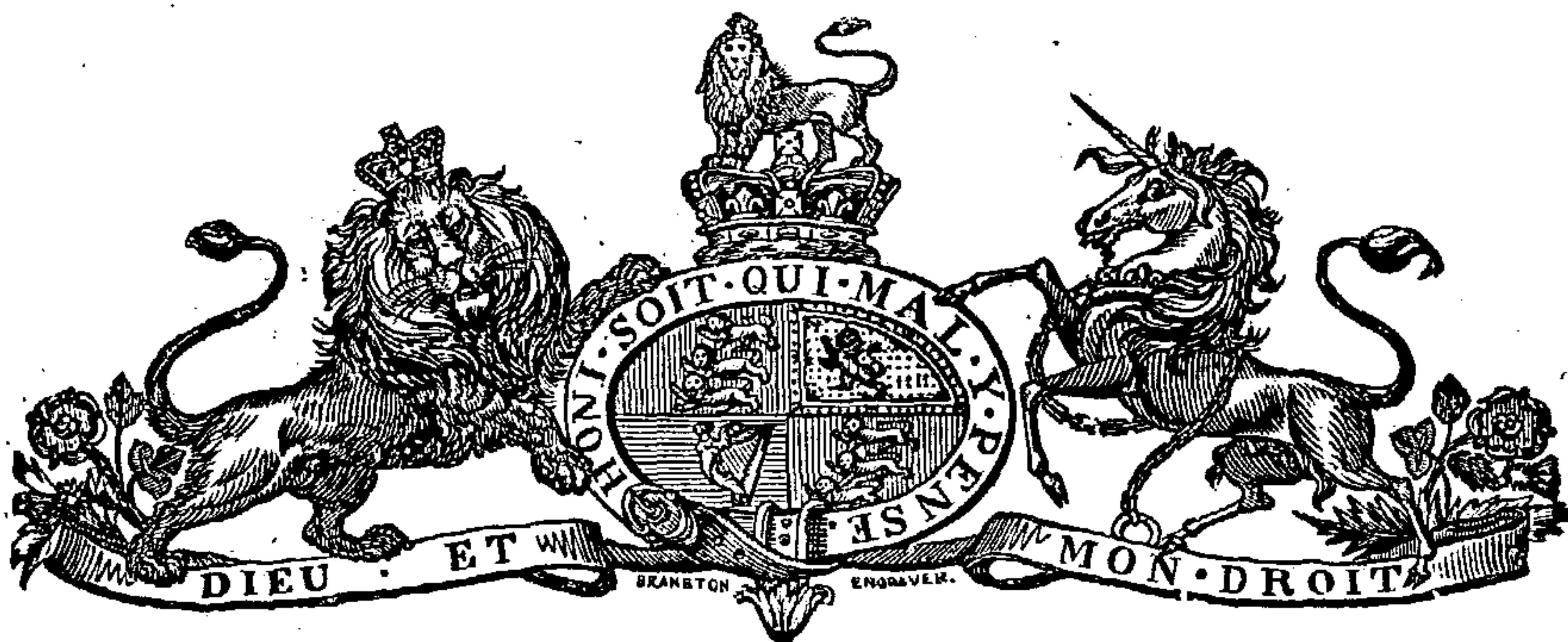




ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. xcii.

An Act for improving the Steam Communication across the River *Humber* belonging to the *Manchester, Sheffield, and Lincolnshire* Railway Company; for erecting a Pier at *Kingston-upon-Hull*, and enlarging the Works at *New Holland*; for making a connecting Line near *Habrough* in the County of *Lincoln*; for regulating the Pilotage of the Port of *Great Grimsby*; and for amending the Acts relating to the *Manchester, Sheffield, and Lincolnshire* Railway Company.

[22d July 1848.]

WHEREAS an Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to amalgamate the Sheffield, Ashton-under-Lyne, and Manchester Railway Company, the Sheffield and Lincolnshire Junction, the Sheffield and Lincolnshire Extension, and the Great Grimsby and Sheffield Junction Railway Companies, and the Grimsby Dock Company*: And whereas by divers Acts of Parliament

9 & 10 Vict.
c. 268.

[Local.]

12 C

relating

9 & 10 Vict.
c. 101.

relating to the said Undertakings, and also to the *Manchester, Sheffield, and Lincolnshire* Railway, Powers have been conferred upon the *Manchester, Sheffield, and Lincolnshire* Railway Company: And whereas by an Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for establishing a Steam Communication across the River Humber in connexion with the Great Grimsby and Sheffield Junction Railway*, the *Manchester, Sheffield, and Lincolnshire* Railway Company are empowered to construct a Pier and other Works at *New Holland* in the Parish of *Barrow-upon-Humber* in the Parts of *Lindsey* in the County of *Lincoln*, and are also empowered to provide and maintain a Steam Communication therefrom across the *River Humber* to the Town of *Kingston-upon-Hull*: And whereas it is expedient that the *Manchester, Sheffield, and Lincolnshire* Railway Company should be empowered to improve their Steam Communication across the *River Humber* from *New Holland* to *Kingston-upon-Hull*, and for such Purpose to alter and improve the Works which they are at present authorized to construct at *New Holland* aforesaid, and also to construct a Pier or Jetty and other Works at or near a certain Place called *Limekiln Creek* on the West Side of the Entrance to the Docks at *Kingston-upon-Hull* aforesaid, for the convenient landing of Passengers and Goods carried or conveyed across the said *River Humber*, and also to form a Depôt or Station near to the said last-mentioned Pier: And whereas it is expedient that the said Company should also be authorized to make and maintain a connecting Line at or near the Village of *Habrough* in the Parts of *Lindsey* in the County of *Lincoln*: And whereas in the *Grimsby Docks Act*, 1845, certain Provisions are contained relating to the Appointment of Pilots to be stationed at *Great Grimsby*; but such Provisions have been found defective, and it is expedient that further Provision should be made relative thereto: And whereas it is also expedient that other Powers should be conferred upon the *Manchester, Sheffield, and Lincolnshire* Railway Company, and that some of the Provisions of the Acts relating thereto should be amended and enlarged; but 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, That all the Provisions, Matters, and Things contained in the said Acts, except such as are altered or otherwise provided for by this Act, and by the *Lands Clauses Consolidation Act* and *Railway Clauses Consolidation Act*, and all the Provisions, Matters, and Things contained in the *Companies Clauses Consolidation Act*, 1845, the *Lands Clauses Consolidation Act*, 1845, and the *Railway Clauses Consolidation Act*, 1845, 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.

8 & 9 Vict.
cc. 16. 18.
and 20. ex-
tended to this
Act.

Certain Pro-
visions of
9 & 10 Vict.
c. 101. as to

II. And be it enacted, That so much of the said Act of the Ninth and Tenth Years of the Reign of Her present Majesty, for establishing a Steam Communication across the *River Humber*, as enacts that

that as regards the Foreshore of the said River *Humber* the said Company should not take or use any greater Quantity of Foreshore than is necessary for the Construction of the Piers and Works as shown on the Plan referred to in the said Act, and as provides and enacts, that as regards the Foreshore of the said River *Humber* situate in or opposite to the said Parish of *Barrow-upon-Humber* nothing in that Act, or in any of the Acts therein recited or referred to, contained, should authorize or empower the said Company to enter upon, or take, hold, or use, for any Purpose whatsoever, any further or other Portion of such Foreshore than such as is or may be situate within the Limits of Two hundred and twenty Yards, measured Westwards from the Centre of the Haven or Creek of *New Holland* aforesaid, anything shown upon the said Plans or mentioned in the said Book of Reference to the contrary notwithstanding, shall be and the same is hereby repealed.

limits of
Foreshore
repealed.

III. And whereas Plans of the said Improvements and Pier, and Plans and Sections of the said connecting 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 are intended to pass, have been deposited with the Clerk of the Peace for the Parts of *Lindsey* in the County of *Lincoln*, with the Clerk of the Peace for the Town and County of the Town of *Kingston-upon-Hull*, and with the Clerk of the Peace for the East Riding of the County of *York*: Be it enacted, That, subject to the Provisions in this Act, and the Lands Clauses Consolidation Act, 1845, and the Railway Clauses Consolidation Act, 1845, contained, and to the Powers of Deviation contained in the said last-mentioned Act, it shall be lawful for the Company to make and maintain the said Improvements, Piers, connecting Railway, and Works connected therewith, and which are herein-after particularly described, 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
make Im-
provements
and Works
according to
deposited
Plans.

IV. And be it enacted, That it shall be lawful for the Company to make and maintain the following Works; (that is to say,)

Description
of Works.

Additional Piers, Wharfs, and also a Basin, in and adjoining to *New Holland Creek* in the Parish of *Barrow-upon-Humber* in the Parts of *Lindsey* in the County of *Lincoln*:

A Pier or Jetty and other Works at or near a certain Place called *Limekiln Creek* on the West Side of the Entrance of the Docks at *Kingston-upon-Hull* in the Parish of *Holy Trinity* in the Town and County of the Town of *Kingston-upon-Hull*, and also a Depôt or Station and other Works near to the said intended Piers, all in the said Parish of *Holy Trinity*:

A connecting Line of Railway commencing from and out of the Railway authorized to be constructed by "The *Great Grimsby and Sheffield Junction* Railway Act, 1845," at or near to the Village of *Habrough* in the Parish of *Habrough*, passing from,
in,

in, through, or into the several Parishes, Townships, and extra-parochial Places of *Habrough*, *Newsham*, and *Killingholme*, all in the said Parts of *Lindsey*, and terminating in the said Parish of *Killingholme* by a Junction with the *New Holland* Branch authorized to be constructed by the said last-mentioned Act.

Period for
Completion
of Works.

V. And be it enacted, That the said Improvements, Pier, and connecting Railway shall be completed within Seven 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 Improvements, Pier, and connecting Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Improvements, Pier, and connecting Railway as shall then be completed.

Pier not to
project be-
yond certain
Line.

VI. And be it enacted, That, notwithstanding anything in this Act contained, neither the said Pier nor any other permanent Work at *Kingston-upon-Hull* shall project into the Stream beyond a Line starting from the South-west Corner of the present West Pier of the Dock Basin there, and drawn Westward to the Bend in the Shore at High-water Mark at Spring Tides on the South Edge of the *Hull and Selby* Railway Embankment at *Dairy Coats* Brick Field.

Width and
Height of
Openings.

VII. And be it enacted, That the said Pier shall be constructed on Piles, with Openings of not less than Forty Feet each, and with a clear Headway of not less than Six Feet between the Soffit of the Platform and the Surface of the Water at High-water of ordinary Spring Tides, and without Struts.

Lights to be
put up during
Construction
of certain
Works.

VIII. And be it enacted, That during the Construction of the Works below High-water Mark by the Company, and until the same be completed, and also from and after the Completion thereof, the Company shall cause to be hung out or exhibited on such Part of the said Works as the said Lord High Admiral or the said Commissioners shall direct, every Night, from Sunset to Sunrise, and by Day during foggy Weather, a good and sufficient Light or Lights, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels, and which Light or Lights shall be from Time to Time altered by the said Company in such Manner, and be of such Description, and be so used as the said Lord High Admiral or the said Commissioners shall by Writing under the Hand of the Secretary of the Admiralty direct and approve of; and in case the said Company shall neglect to exhibit and keep such Light burning as aforesaid they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

Admiralty
may order a
local Inspec-
tion.

IX. And be it enacted, That if after working Drawings of the Works hereby authorized shall have been submitted to the Lord High Admiral of the United Kingdom, or to the Commissioners for executing the Office of Lord High Admiral, it shall be deemed expedient by him or them to order a local Survey and Examination of

of such Works, or of the intended Site thereof, the Company shall defray the Costs of such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid, upon Demand, may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

X. And be it enacted, That if any Pier, Jetty, Wharf, or other Work to be constructed by the Company in or across any tidal Water or navigable River, or if any Portion of the said Piers, Jetty, Wharf, or other Work which affects any such Water or River, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay by the Company, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Works across tidal Waters abandoned may be removed by Admiralty.

XI. And be it enacted, That for the Purpose of securing for Vessels Access to the Pier at all Times of the Tide, it shall be lawful for the Company from Time to Time to dredge the Part of the said River *Humber* contiguous to the said Pier at *Kingston-upon-Hull*, in such Manner as they shall think proper, subject to the Directions and Control of the Lords Commissioners of the Admiralty.

Power to dredge contiguous to the Pier.

XII. And be it enacted, That it shall be lawful for the Company to appoint a proper Person to be the Superintendent of the Pier, Wharfs, and Stations at *Kingston-upon-Hull*, and to suspend and remove such Person at their Pleasure; and such Superintendent shall have full Power and Authority to direct the Use of the said Pier, Wharfs, and Stations, and the mooring, unmooring, moving, or removing of all Steamboats and other Vessels coming to the said Pier and Wharfs, or lying within Fifty Yards from the Head of the Pier in such a Situation as to obstruct the Approach of Vessels thereto, and to appoint and direct the Time or Times and Manner of such Steamboats and Vessels coming to and leaving the said Pier and Wharfs, and the Situations and Berths of such Steamboats and other Vessels to land or deliver, lade or take in their respective Passengers and Goods, and to direct the Places at which such Goods shall be placed, or to which they shall be removed; and if the Master or Commander of any Steamboat or other Vessel, or any other Person having the Charge of any Goods, shall act contrary to the Directions or refuse or neglect to obey the Directions of such Superintendent, such Master, Commander, or other such Person offending shall be liable to a Penalty not exceeding Five Pounds.

Power to appoint Superintendent of Pier.

XIII. And be it enacted, That if any Superintendent, without reasonable Cause, or in an unreasonable or unfair Manner, exercise any of the Powers or Authorities vested in him by this Act, he shall

Penalty on Superintendent for Misbehaviour.

[Local.]

12 D

for

for every such Offence be liable to a Penalty not exceeding Five Pounds.

Power to
raise addi-
tional Money
by Creation
of new
Shares.

XIV. And whereas the estimated Expense of making the said Improvements, Pier, and connecting Railway, and Works, is Eighty-four thousand Pounds: Be it enacted, That it shall be lawful for the Company to raise, by the Creation of new Shares in the said Company, in addition to the Sum of Money which they are at the Time of the passing of the Act authorized to raise, any further Sum of Money not exceeding in the whole Eighty-four thousand Pounds: Provided always, that all and every Part of such Sum of Money so to be raised shall be applicable only to the Objects and Purposes by this Act authorized.

New Shares
to be con-
sidered same
as original
Shares.

XV. And be it enacted, That the said Sum of Eighty-four thousand Pounds may be raised by the Creation of new Shares, of such Amount as shall be directed by any Ordinary or Extraordinary Meeting of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Amount of such Shares, and the Times of making Calls for such additional Capital, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company from Time to Time to fix as they shall think fit: Provided always, that the greatest Amount of any One Call which the Company may make on such new Shares shall not exceed the Rate of Ten Pounds *per Centum* upon the Amount of such Shares, and that there shall be an Interval of Two Calendar Months at least between the Time fixed for the Payment of One Call and the Time fixed for the Payment of the next succeeding Call.

Power to
borrow
Money on
Mortgage.

XVI. And be it enacted, That after the whole of the Capital by this and the recited Acts authorized to be created shall have been subscribed for, and One Half thereof shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Twenty-eight thousand Pounds: Provided always, that all and every Part of such Sum of Money so to be borrowed shall be applicable only to the Objects and Purposes by this Act authorized.

Priority of
former Mort-
gages.

XVII. And be it enacted, That all Mortgages or Bonds for Money raised by virtue of the recited Acts, or of any Act passed previously to this Act, shall take Priority over any Mortgage or Bond by this Act authorized to be granted.

Mortgages
and Trans-
fers to be
stamped.

XVIII. And be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Share, Stock, Mortgage, Bond, or other Security for Money, to be granted or made by virtue of the said Acts or this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be truly stated,
anything

anything herein or in the said Acts contained to the contrary notwithstanding.

XIX. And be it enacted, That all the Piers, Wharfs, Basins, and Works by this Act authorized to be constructed or improved shall be free to all Persons upon Payment of the Rates, Tolls, and Duties granted by the Act of the Ninth and Tenth Years of the Reign of Her present Majesty, for establishing the Steam Communication across the River *Humber*; and it shall be lawful for the Company to take the same Rates, Tolls, and Duties upon the Piers and other Works hereby authorized to be made as they are by the said Act authorized to take upon the Piers and other Works mentioned in such Act.

Tolls on
Piers, &c.

XX. And be it enacted, That nothing in this Act contained, or in the Acts of the Ninth and Tenth Years of the Reign of Her present Majesty, herein referred to, shall extend to charge with Rates or Duties, or to regulate or subject to any Control, any Vessel belonging to or employed in the Service of Her Majesty, Her Heirs and Successors, or any Member of the Royal Family, or in the Service of the Customs or Excise, or of the Corporation of *Trinity House of Deptford Strond*, or the Commissioners of Northern Lights, using the Piers, Wharfs, Basin, Jetty, and Works hereby authorized to be constructed in connexion therewith, and not conveying Goods for Hire, or any Packet Boat or Post Office Packet, being a Packet Boat or Post Office Packet as defined under the Provisions of any Act relating to the Post Office, or any Post Office Bag of Letters conveyed by any such Packet Boat or Packet, or by any other Vessel whatsoever, or any of the Officers or Persons employed in the Service of the Admiralty, Ordnance, Customs, Excise, or Post Office, or their Baggage, or any Vessel or Goods being under Seizure by the Officers of the Revenue, or any Naval, Victualling, or Ordnance Stores, or other Stores or Goods for the Service of or being the Property of Her Majesty, or any Troops landed upon or delivered or disembarked from any of the Works hereby authorized to be constructed, or their Baggage; but all such Vessels, Officers, or Persons as aforesaid shall have the free Use of the Piers, Wharfs, Basin, Jetty, and Works hereby authorized to be constructed, without any Charge or Rate being made for using the same: Provided always, that if any Person claim and take the Benefit of any such Exemption as aforesaid, without being entitled thereto, he shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Exemption
of certain
Vessels from
Rates and
Duties.

XXI. And be it enacted, That it shall be lawful for the Company, except as herein-after specified, to demand and receive, for and in respect of the said connecting Railway, the same Tolls and Charges as they are by the said first-recited Act authorized to demand and receive for and in respect of the Railway and Branch Railways by such Act authorized to be constructed or maintained by the said Company.

Same Tolls
to be taken
as on Main
Line.

XXII. Provided always, and be it enacted, That the maximum Tolls and Charges to be made by the Company in respect of the said

Maximum
Charges.

said connecting Railway shall in no Case exceed the maximum Tolls and Charges authorized by the said first-recited Act.

Clause in
Grimsby
Docks Act,
1845, as to
Trinity
House of
Hull licens-
ing Pilots
for Great
Grimsby
repealed.

XXIII. And whereas in and by the *Grimsby Docks Act*, 1845, after reciting the said Act passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for better regulating the Pilotage of the Port of Kingston-upon-Hull and of the River Humber, and for other Purposes relating thereto*, and that by virtue of such Act the Guild or Brotherhood of Masters and Pilots Seamen of the *Trinity House* in *Kingston-upon-Hull* commonly called "*The Corporation of the Trinity House in Kingston-upon-Hull*," granted Licences under their Common Seal to such Persons as they approved of and thought properly qualified to be Pilots for conducting Vessels and Ships into and out of the Port of *Kingston-upon-Hull* and of the Port of *Great Grimsby* and other Places, and such Persons so licensed were for the Purposes of such Act called "*Humber Pilots*," and that it would tend to the Convenience of the Trade of the said Port of *Great Grimsby* if a certain Number of *Humber Pilots* were stationed at such Port, it was enacted that the said Corporation should license such and so many *Humber Pilots* as may be necessary for the Accommodation of the Trade of the Port of *Great Grimsby*, and such Pilots should be stationed at *Great Grimsby*, and should have and exercise the same Powers and Authorities, and should be subject to the same Regulations, Restrictions, Pains, and Penalties, as other *Humber Pilots* were by virtue of the recited Act possessed of or subject to, and the Master, Owner, Agent, or Consignee, or other Person taking upon himself or herself the Charge or Consignment of any Ship or Vessel trading or sailing to or from the said Port of *Grimsby*, should be subject to the like Payments, Obligations, and Penalties, and entitled to the same Powers of retaining Monies for Payment of Pilotage, Remuneration, and Expenses, as the Master, Owner, Agent, or Consignee, or other Person taking upon himself or herself the Charge or Consignment of any Ship or Vessel trading or sailing to or from the said Port of *Kingston-upon-Hull*: And whereas it is expedient that the said Enactment should be repealed: Be it enacted, That the said Enactment shall be and the same is hereby repealed.

Trinity
House to
appoint Pilots
for Great
Grimsby.

XXIV. And be it enacted, That the said Corporation of the *Trinity House* at *Kingston-upon-Hull* shall license such and so many *Humber Pilots* as may be necessary for the Accommodation of the Trade of the Port of *Great Grimsby*, and such Pilots shall be resident and stationed at *Great Grimsby*, and shall have and exercise the same Powers and Authorities, and shall be subject to the same Regulations, Restrictions, Pains, and Penalties, as other *Humber Pilots* are by virtue of the recited Act relating to Pilotage possessed of or subject to; and the Master, Owner, Agent, or Consignee or other Person taking upon himself or herself the Charge or Consignment of any Ship or Vessel trading or sailing to or from the said Port of *Grimsby* shall be subject to the Payments herein-after mentioned, and all other Payments in the said Act mentioned which such Master, Agent, or Consignee, or other Person taking upon himself or herself such Charge or Consignment, are by the said Act subject or liable to; and such

such Master, Owner, Agent, or Consignee, or other Person as aforesaid, shall be subject to the Obligations and Penalties, and be entitled to the same Powers of retaining Monies for Payment of Pilotage, Remuneration, and Expenses, as the Master, Owner, Agent, or Consignee, or other Person taking upon himself or herself the Charge or Consignment of any Ship or Vessel trading or sailing to or from the said Port of *Kingston-upon-Hull*.

XXV. And be it enacted, That the Rates to be demanded or taken by any *Humber* Pilot for the piloting or conducting any Ship or Vessel to or from the Docks at *Great Grimsby* shall be from Time to Time ascertained, fixed, and settled by the Commissioners acting under the Provisions of the Act passed in the Third Year of the Reign of His said late Majesty King *William* the Fourth relating to Pilotage; provided nevertheless, that the Rates so to be ascertained, fixed, and settled by the said Commissioners shall never exceed the highest or be lower than the lowest Rates mentioned in the Schedule to this Act annexed for each Foot of Water such Ship or Vessel shall draw.

Rates of
Pilotage to
and from
Grimsby.

XXVI. And be it enacted, That if any Complaint shall be preferred by any Person residing or trading at *Great Grimsby* against any *Humber* Pilot before the Commissioners of Pilotage at *Kingston-upon-Hull*, in pursuance of the Provisions of the said last-mentioned Act, such Commissioners shall, if the Complaint be proved to their Satisfaction, allow to the Person making such Complaint such reasonable Sum for the Expenses of his Journey to and from *Hull* and *Grimsby*, and other Expenses, as the Commissioners may think proper, and shall order and direct such Expenses to be paid by the Offender; and in case of Nonpayment thereof it shall be lawful for the said Commissioners to deduct and retain the Amount of such Expenses from any Monies then due or thereafter to become due to such Offender under the Provisions of the said last-mentioned Act or this Act.

Commis-
sioners of
Pilotage may
award Ex-
penses to
Persons re-
siding at
Grimsby.

XXVII. And be it enacted, That nothing in this Act contained shall extend to take away, prejudice, diminish, or alter any Grants, Liberties, Franchises, Powers, Authorities, or Immunities granted, given, or allowed by any Act of Parliament, Grant, or Charter to the Guild or Brotherhood of Masters and Pilots Seamen of the *Trinity House* in *Kingston-upon-Hull* aforesaid, in Matters of Pilotage or otherwise, which they might have used, exercised, or enjoyed by virtue of any Act or Acts of Parliament, or of any Charters, Letters Patent, ancient Usage, or Title whatsoever, in case this Act had not been made, otherwise than as the same are by this Act expressly extended, varied, or restrained.

Saving Rights
of Trinity
House at
Kingston-
upon-Hull.

XXVIII. And whereas the *Manchester, Sheffield, and Lincolnshire* Railway Company are by an Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for enabling the Great Grimsby and Sheffield Junction Railway Company to make an Extension from the Market Rasen Branch of the Great Grimsby and Sheffield Junction Railway, to communicate with the*

Rectifying
Mistake in
Description
of Market
Rasen Line
in 9 & 10 Vict
c. 99.

[Local.]

12 E

City

City of Lincoln, and also a Branch to the Town of Barton-upon-Humber, and other Works connected therewith, authorized to construct an Extension Railway from *Market Rasen* to *Lincoln* upon the Lands delineated upon the deposited Plans referred to in the said Act: And whereas a Part of a certain Garden, Number 18, and described as in the Parish of *Saint Mark* in the City and County of *Lincoln*, is situate within the Limits of lateral Deviation, and is required for the Construction of the said Railway: And whereas since the passing of the said Act it has been ascertained that a small undivided Part of the said Garden containing about Three hundred and twenty-five Square Yards is in the Parish of *Saint Peter at Gowts* in the said City and County, and not in the said Parish of *Saint Mark*, and in consequence of such Mistake Application has been made by the said Company to Two Justices of the Peace, in pursuance of the Powers in that Behalf contained in the Railway Clauses Consolidation Act, 1845, and such Justices, upon hearing both Parties, have granted their Certificate that such Mis-statement proceeded from Mistake; but inasmuch as in the said Act the Parishes through which the said Extension Railway is to pass are mentioned, but the Parish of *Saint Peter at Gowts* is not specified, Doubts may arise whether the Company can construct their said Extension Railway through the said Parish of *Saint Peter at Gowts*, notwithstanding the Lands are described on the said deposited Plans, and the Names of the Owner and Occupier thereof are contained in the Book of Reference, and notwithstanding the Mistake in describing the said Garden as wholly in the Parish of *Saint Mark*, instead of partly in the Parish of *Saint Mark* and partly in the Parish of *Saint Peter at Gowts*, has been corrected by the said Justices: Be it therefore enacted, That the said recited Act shall be construed as if in the Description of the Parishes through which the said Extension Railway from *Market Rasen* to *Lincoln* is intended to be made the Parish of *Saint Peter at Gowts* in the City and County of the City of *Lincoln* had been inserted therein; and it shall be lawful for the Company to construct the said Extension Railway through the said Garden Ground in the said Parish of *Saint Peter at Gowts* within the Limits of the lateral Deviation authorized by the said Act, and defined upon the deposited Plans referred to in the said Act, in the same Manner as if such Parish had been originally named in the said Act.

Witham
Navigation
Company
may consent
to Alteration
in the Con-
struction of
a certain
Bridge.

XXIX. And whereas in and by the last-recited Act it is enacted, that in carrying the Railway over the River *Witham* the Company should and they were thereby required, at their own Expense, to erect, and for ever maintain and keep in perfect Repair, a good, firm, and substantial Timber Bridge, supported by Wooden Piles, over the said River *Witham*, with proper retaining Walls and Approaches thereto, upon which Bridge the said Railway should be made, and the said Bridge should be constructed in such a Manner as to leave not less than the same sectional Area of Waterway as then existed at the Site thereof, excepting only the Space required for the Piles to support the same, such Waterway to be comprised in not more than Five Openings or Arches, each to be not less than Ten Feet clear above the Level of the Water as shown on the Sections of the said Railway, and as much higher as the Level of the Railway where it crossed

crossed the River *Witham* would admit of, and One of such Openings adjoining the South Bank of the said River to be crossed by a Lift or Swing Bridge not less than Thirty Feet in Width in the Square, for the convenient Passage of Steamers and other Vessels navigating the said River; and there should be a good and sufficient Haling Path under such Lift or Swing Bridge of not less than Five Feet in Width, with a clear Headway thereto, with a proper and sufficient Handrail or Balustrade thereon, which Haling Path should be made on the South Side of the Abutment of the said Bridge, and should extend for the Space of Sixty Yards on each Side thereof, and such Haling Path and Railing or Balustrade should be at all Times supported and maintained by and at the Expense of the said Railway Company, and the Leaf or Leaves of the said Lift or Swing Bridge should at all Times, when required by the Company of Proprietors of the *Witham* Navigation, or any of their Servants or Officers, or any Person on board of or having the Care of any Steam or other Vessel navigating the said River, be opened by some Person or Persons appointed expressly for that Purpose, by and at the Expense of the said Railway Company, in such Manner that Steamers and other Vessels might be as little interrupted as possible in passing the said Bridge, and that from Sunset to Sunrise a sufficient Light should be hung out or exhibited and kept burning at the Railway Company's Expense in a conspicuous Situation on each Side of the opening Arch of the said Bridge, in such Places and in such Manner as the several Engineers of the said Railway Company and Company of Proprietors, or their Umpire, should find to be most convenient and best adapted for guiding Vessels through the said opening Arch, and indicating when the said Bridge should be open and when shut, and for ensuring the safe and convenient Passage of Vessels on the said River; and the said Bridge, and the Arches and Openings thereof, should be made of such Construction and Form as afford the greatest clear Way and Space for the Passage of Water and Vessels that might be consistently with the Stability of the Bridge, which should be erected with perpendicular Foundations, and without any Projections under Water; and for the better effecting the intended Object the Railway Company, or their Engineer, should, Twenty-one Days at least before the Erection of the said Bridge over the River *Witham* should be commenced, deliver to the said Company of Proprietors or to their Engineer accurate Plans and Sections of the said Bridge and Abutments thereof; and if the said Company of Proprietors or their Engineer should within Twenty-one Days after the Receipt of such Plans and Sections object thereto, or to the proposed Form or Construction of the said Bridge, as not being in conformity with the Specifications in the said recited Act contained, and the Railway Company or their Engineer should not consent to alter the same in such a Way as might be required by the said Company of Proprietors or their Engineer, the Matter in difference should be referred to some Third Engineer, to be mutually agreed upon by the respective Engineers of the Railway Company and the said Company of Proprietors, and the Decision and Determination of such Third Engineer should be binding and conclusive upon all Parties touching the Matters so referred to him; provided nevertheless that he should not be authorized to lessen or diminish the Space of the said Arches,

or

or the Height thereof, as therein provided for: And whereas it has been ascertained that Variations may be advantageously made in the Construction of the said Bridge, without any Prejudice to the Works or Navigation of the said Company of Proprietors: Be it therefore enacted, That it shall be lawful for the said Company of Proprietors, or the Company in whom the said Navigation may be or become vested, by Writing under the Hand of their Clerk or Secretary for the Time being, to give their Consent in Writing to such Alterations being made in the Construction of the said Bridge as they may think proper; and that on such Consent being given as aforesaid it shall be lawful for the said Railway Company to construct the said Bridge according to such Alterations as shall be so consented to.

Interest not
to be paid on
Calls paid up.

XXX. And be it enacted, 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 Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest 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.

Deposits for
future Bills
not to be
paid out of
the Com-
pany's
Capital.

XXXI. And be it enacted, 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 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 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 to
be subject
to the Pro-
visions of
1 & 2 Vict.
c. 98.,
3 & 4 Vict.
c. 97.,
5 & 6 Vict.
c. 55.,
7 & 8 Vict.
c. 85., and
9 & 10 Vict.
cc. 57. 105.
and
11 & 12 Vict.
c. 3.

XXXII. 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*

Time for making certain Railways: Be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force with respect to the said Railway and Company so far as the same shall be applicable thereto.

XXXIII. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the said Railway by this Act 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.

Railway not exempt from Provisions of future general Acts.

XXXIV. And be it enacted, That nothing contained in this Act or in the Acts herein recited or referred to shall extend to authorize the said Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners or any Two of them are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Saving the Rights of the Crown.

XXXV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to take away, impeach, diminish, injure, lessen, change, affect, alter, or destroy any of the Rights, Dues, Titles, Estates, Interests, Powers, Privileges, and Immunities now vested in the Dock Company at *Kingston upon Hull*, or to which they are or shall or may be entitled, but they shall have, use, and exercise the same as fully and freely in all things as they could or might have done had this Act not been passed, except so far as the same may have been expressly taken away by the Terms of this Act.

Saving the Rights of the Dock Company.

XXXVI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to take away, impeach, diminish, injure, lessen, change, affect alter, or destroy any of the Rights, Dues, Titles, Estates, Interests, Powers, Privileges, and Immunities now vested in the Mayor, Aldermen, and Burgesses of the Borough of *Kingston-upon-Hull*, or to which they are or shall or may be entitled, but they shall have, use, and exercise the same as fully and freely in all things as they could or might have done had this Act not been passed, except so far as the same may have been expressly taken away by the Terms of this Act.

Saving the Rights of the Corporation of Hull.

[*Local.*]

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XXXVII. And

Expenses of
Act.

XXXVII. 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.

Interpreta-
tion of Act.

XXXVIII. And be it enacted, That the Term "the Company" in this Act shall mean the *Manchester, Sheffield, and Lincolnshire Railway Company*.

Short Title.

XXXIX. 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 Manchester, Sheffield, and Lincolnshire Railway (Humber Ferries Improvement) Act, 1848.*"

Public Act.

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

The SCHEDULE referred to in this Act.

From or to	To or from	Not exceeding	Not less than
The Distance at Sea where the North Ness of Dimlington bears West-south-west to the Northward of Kilnsea North Cliff.	Grimsby Docks	3s. 6d. per Foot	2s. 4d. per Foot.
The Distance at Sea where Kilnsea North Cliff bears West-north-west to the Northward of the New Sand Buoy or the Floating Light Vessel at the Entrance of the River Humber.	Grimsby Docks	2s. 6d. per Foot	2s. per Foot
The said New Sand Buoy or the Floating Light Vessel at the Entrance of the River Humber to the Eastward of the Point where the Spurn High Lighthouse bears North-east.	Grimsby Docks	2s. 2d. per Foot	1s. 10d. per Foot.
The Spurn High Lighthouse bearing North-east.	Grimsby Docks	2s. 2d. per Foot	1s. 8d. per Foot.

Ships and Vessels belonging to Aliens are to pay One Fourth more than Ships and Vessels having British Registers, or being owned by Subjects of the Queen of Great Britain, except when such first-mentioned Ships shall, by any Order of Her Majesty's Most Honourable Privy Council, be privileged to enter the Ports of the Kingdom of England upon paying the same Duties of Tonnage or Rates of Pilotage as are paid by British Ships, in which Case such Ships and Vessels not having British Registers, or not being owned by Subjects of Her said Majesty, shall pay the like Rates of Pilotage only as are payable by Ships and Vessels having British Registers or being owned by Subjects of Her said Majesty.

For the fractional Part of a Foot, such fractional Part being not less than Half a Foot, a proportionate Rate. For intermediate Distances, a proportionate Rate. Ships and Vessels in Ballast to pay only Two Thirds of the above Rates.

Ships and Vessels employed in the Coasting Trade, whether laden or in Ballast, to pay One Half of the above Rates. Ships and Vessels drawing less than Six Feet Water to pay for Six Feet.

