ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. XXXV.

An Act for maintaining, regulating, and improving the Harbour of *Barrow* in the County Palatine of *Lancaster*. [30th *June* 1848.]

WHEREAS it would be of great public Advantage if the Harbour of *Barrow* in the County Palatine of *Lancaster*, within the Limits herein-after referred to, were more efficiently maintained, buoyed, regulated, lighted, and improved: And whereas the said Harbour, or some Part thereof, is situate within the Manor or Lordship of *Plain Furness*, and the Most Noble *Walter Francis* Duke of *Buccleuch and Queensberry* is Lord of the said Manor or Lordship of *Plain Furness*, and as such is or claims to be entitled to the Bed or Soil of the Sea within the said Harbour or some Part thereof, and the said Duke, as Lord of the said Manor, is or claims to be entitled to certain other Rights and Privileges within and over the said Harbour: And whereas an Act was passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for erecting and maintaining a Pier in* Piel Harbour *in the Parish of* Dalton in Furness *in the County Palatine of* Lancaster, which is herein-after called the *Piel* Pier Act, 1843, and under and by virtue of the Provisions of the said Act *John Abel Smith* Esquire has, at his own Expense, constructed and completed a Pier or Jetty at or from *Rampside* to *Roe* 6 & 7 Vict. c. 42.

Island, and from *Roe Island* into *Piel* Harbour, all in the Parish of *Dalton in Furness* aforesaid, with Quays, Wharfs, Landing Places, Cranes, Weighing Machines, and other Erections, Buildings, and Works attached thereto or connected therewith: And whereas an Act was passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act for extending and enlarging a certain Pier in* Piel Harbour *in the Parish of* Dalton in Furness *in the County Palatine of* Lancaster, *and to alter the Act relating thereto*, which is herein-after called the *Piel* Pier Act, 1847, and the said *John Abel Smith* was thereby authorized and empowered, at his own Expense, to construct and complete an additional Pier or Piers, Jetty or Jetties, on the North and East Sides of *Roe Island* aforesaid into the Harbour of *Piel*, and an additional Pier, Stage, or Jetty on the South Side of the said Pier so authorized to be constructed and completed by the said *Piel* Pier Act, 1843, as aforesaid, between the Pier Head or cross Piece in *Pikestone Bed Hollow* and *Roe Island* aforesaid, all in the Parish of *Dalton in Furness* aforesaid, with Quays, Wharfs, Landing Places, Cranes, Weighing Machines, and other Erections, Buildings, and Works attached thereto or connected therewith: And whereas the said *John Abel Smith* has, at his own Expense, constructed and completed the said additional Pier, Stage, or Jetty on the South Side of the said Pier authorized to be constructed and completed by the said *Piel* Pier Act, 1843; but he has not yet constructed the said additional Pier or Piers, Jetty or Jetties, which he is by the said *Piel* Pier Act, 1847, authorized to construct and complete on the North and East Sides of *Roe Island* aforesaid: And whereas the said *John Abel Smith* is greatly interested in maintaining the present Depth of Water around the said several Piers and Works so authorized to be constructed by him as aforesaid, or such of them as have been already or shall be hereafter constructed, and in preventing any Injury to *Piel* Harbour aforesaid, or to the *Barrow Channel* or *Piel Channel*, or the other Entrances or Approaches to such Harbour: And whereas the said Piers and other Works and *Piel* Harbour aforesaid, and the said *Barrow Channel* and *Piel Channel*, and the other Entrances and Approaches to such Harbour, and the Depth of Water in and around the same respectively, are likely to be affected by any Works which shall interfere with the Water in the said Harbour of *Barrow*, or which shall disturb or affect the Soil or Bottom of such Harbour, and the said *John Abel Smith* is therefore greatly interested in all such Works, and in the Mode of conducting and carrying on the same: And whereas an Act was passed in the Seventh Year of the Reign of Her present Majesty, intituled *An Act for making a Railway from* Rampside *and* Barrow *to* Dalton, Lindale, *and* Kirkby Ireleth *in the County Palatine of* Lancaster, *to be called the* Furness *Railway*, and under and by virtue of the Provisions thereof the *Furness* Railway Company thereby incorporated have completed the Lines of Railway thereby authorized to be made, except a small Portion thereof which by the *Furness* Railway Extensions Act, 1846, the said Company were empowered to abandon, and one of the said Lines of Railway terminates at *Barrow* aforesaid, and the said *Furness* Railway Company are greatly interested in the proper Regulation of the Ships and Vessels resorting to *Barrow* aforesaid, and generally in the Maintenance, Improvement, and good Management of the said Harbour of

10 & 11 Vict. c. 6.

7 & 8 Vict. c. 22.

Barrow: And whereas, in order to provide the requisite Funds for effecting the Purposes aforesaid, it is expedient that the Commissioners herein-after named, and to be appointed in pursuance of this Act, should be empowered to levy Tolls, Rates, and Duties upon all Vessels using the said Harbour of *Barrow*: And whereas 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 the Lord of the Manor of *Plain Furness* for the Time being, the Chairman of the said *Furness* Railway Company for the Time being, *Charles Dickson Archibald*, *William Gale*, *Montague Ainslie*, *Thomas Ainsworth*, *Stephen Eddy*, *Robert Wheatley Lumley*, *Thomas Yeats Parker Michaelson*, and their Successors, and such Person as the said *John Abel Smith*, his Heirs or Assigns, or other the Person or Persons who shall for the Time being be entitled to an Estate of Freehold or Inheritance in possession of and in the Pier and other Works which have been already or which shall be hereafter constructed under or by virtue of the said *Piel* Pier Act, 1843, and the said *Piel* Pier Act, 1847, or either of them, shall from Time to Time appoint for that Purpose in manner herein-after mentioned, shall be and they are hereby appointed perpetual Commissioners for carrying this Act into execution.

Appointment of Commissioners.

II. And be it enacted, That the said *John Abel Smith*, or other the Person or Persons who shall for the Time being be entitled to an Estate of Freehold or Inheritance in possession of and in the Pier and other Works which have been already or which shall be hereafter constructed under or by virtue of the said *Piel* Pier Act, 1843, and the said *Piel* Pier Act, 1847, or either of them, and the Guardian or Guardians of any such Person or Persons during his or their Minority, shall be entitled from Time to Time to appoint One Commissioner for carrying this Act into execution, in addition to the Commissioners hereby appointed, or to be nominated, elected, or appointed under the Provisions herein-after contained, provided that every such Appointment shall be signified in Writing under the Hand or Hands of the said *John Abel Smith* or other the Person or Persons for the Time being entitled as aforesaid, or such Guardian or Guardians as aforesaid; and it shall be lawful for the said *John Abel Smith*, or other the Person or Persons for the Time being entitled as aforesaid, or such Guardian or Guardians as aforesaid, from Time to Time, by Writing under his or their Hand or Hands, to remove from the Office of Commissioner any Person who shall have been appointed to be such Commissioner as aforesaid under the Power herein-before or the Power next herein-after contained.

Power for the Owner of Piel Pier to appoint a Commissioner;

III. And be it enacted, That when and so often as any Person who shall have been appointed to be such Commissioner as aforesaid, under the Power herein-before contained or under the present Power, shall die, or resign, or shall be removed from his Office, under the Power for that Purpose herein-before contained, it shall be lawful for the said *John Abel Smith*, or other the Person or Persons for the Time being

and to fill up Vacancies from Time to Time.

being entitled as aforesaid, or such Guardian or Guardians as aforesaid, by Writing under his or their Hand or Hands, to appoint some other Person to be such Commissioner as aforesaid in the Place of the Commissioner so dying or resigning, or so removed as aforesaid.

Acts of Commissioners to be valid notwithstanding Vacancies.

IV. Provided always, and be it enacted, That all Acts of the Commissioners for the Time being acting under and in accordance with the Provisions of this Act shall be valid, although the said *John Abel Smith*, or other the Person or Persons for the Time being entitled as aforesaid, or such Guardian or Guardians as aforesaid, may not have made such Appointment of Commissioner as aforesaid.

For supplying Vacancies in the Commissioners.

V. And be it enacted, That in the event of any of the said Commissioners hereby appointed declining to accept the Duties of the said Office of Commissioner, or becoming incapacitated to act in the said Office, or in the event of the Office of any One of the said Commissioners, other than the said Lord of the Manor of *Plain Furness* and the said Chairman of the *Furness* Railway Company for the Time being, becoming vacant by Death, Resignation, or otherwise, it shall be lawful for the surviving or continuing Commissioners present at any Meeting to be convened for that Purpose, or the Majority of them, by Writing under their Hands to nominate, elect, and appoint such other Person or Persons as they shall think fit to be a Commissioner or Commissioners in the Room or Stead of any such Commissioner or Commissioners so declining or becoming incapacitated, dying, or ceasing to be a Commissioner as aforesaid, and so from Time to Time as often as any Vacancy shall occur in the Number of the said Commissioners; and every such Commissioner or Commissioners who shall be so nominated, elected, and appointed shall have the like Power and Authority in the Execution of this Act as if he or they had been hereby nominated and appointed for the Purpose.

10 & 11 Vict. cc. 16. 27. incorporated with this Act.

VI. And be it enacted, That "The Commissioners Clauses Act, 1847," (excepting the Clauses with respect to the Qualification of Commissioners, and to the Election and Rotation of the Commissioners,) and "The Harbours, Docks, and Piers Clauses Act, 1847," shall (save so far as the said Acts are altered or are inconsistent with this Act, and save so far as is otherwise provided by this Act,) be incorporated with and form Part of this Act.

Land may be purchased by Agreement.

VII. Provided always, and be it enacted, That nothing in this Act or the said Acts incorporated herewith contained shall empower the Commissioners to purchase or take Lands for the Purposes of the said Harbour of *Barrow*, except by Agreement with the Owners thereof or other Parties interested therein.

Short Title of Act.

VIII. And be it enacted, That in citing this Act in other Acts of Parliament, and in any legal Instruments or Proceedings, it shall be sufficient to use the Expression "The *Barrow* Harbour Act, 1848."

First Meeting of the

IX. And be it enacted, That the Commissioners shall hold their First Meeting at such Place in *London* or *Westminster* or in the County of

of *Lancaster* and at such Time as shall be decided upon amongst themselves. Commissioners.

X. And be it enacted, That the said Commissioners shall hold an annual Meeting in the Month of *August* in every Year at a Place to be appointed by the Commissioners, and the first of such annual Meetings shall be held in the Year next after the passing of this Act, and they shall also hold such other Meetings for the Transaction of ordinary Business as they shall from Time to Time appoint, and when any such Appointment is made the Clerk shall give Notice thereof to each of the Commissioners, and such annual and other Meetings may be adjourned from Time to Time in manner prescribed by "The Commissioners Clauses Act, 1847," with reference to the annual and monthly Meetings thereby provided for. Annual and other Meetings of Commissioners.

XI. And be it enacted, That all Powers vested in the Commissioners under this Act, or any Act incorporated or partly incorporated herewith, may be exercised by any Three of them, and any Three of them may require a Special Meeting to be held. Quorum of the Commissioners.

XII. And be it enacted, That *John Spofforth Dixon* of *Chancery Lane, London*, Banker, shall be the Auditor of the Accounts of the Commissioners, and that in the event of the said *John Spofforth Dixon*, or any other Person to be appointed as herein-after is provided, dying, or neglecting or refusing or becoming incapable to act as such Auditor, it shall be lawful for the Commissioners from Time to Time, by Writing under the Hands of any Two of them acting for and on behalf of the Commissioners or the Majority of them, to appoint any other Person to be Auditor of the Accounts aforesaid in the Place of the Person so dying, or neglecting or refusing or becoming incapable as aforesaid. Appointment of Auditor.

XIII. And be it enacted, That the Newspapers in which Advertisements may be published under the Provisions of this Act, or any Act incorporated or partly incorporated herewith, shall be any Newspaper published in the County of *Lancaster*. Newspaper for Advertisements.

XIV. And be it enacted, That this Act shall be put in force for improving the said Harbour of *Barrow* within the Limits following, (that is to say,) between a Line to be drawn from the Northernmost Point of the Island of *Walney* in a Direction due East to the Coast of the County of *Lancaster* and a Line to be drawn from *Westfield Point* on the said Coast of the County of *Lancaster* through the Centre of *Sheep Island* to the Coast of the Island of *Walney* aforesaid, wherever the same Harbour is covered with Water at a Fourteen Feet Tide, as shown on the Tide Gauge at *Barrow*, and which Limits are more particularly delineated and defined on a Plan of the said Harbour which has been deposited with the Clerk of the Peace for the County Palatine of *Lancaster*; and within the Limits aforesaid it shall be lawful for the Commissioners from Time to Time to maintain, buoy, light, regulate, and to cause the said Harbour to be improved, cleansed, and deepened in such Manner and to such Extent as they shall deem expedient. Limits of Harbour.

Providing against Injury to Piel and Barrow Channels.

XV. And be it enacted, That the Commissioners shall from Time to Time to remove every Obstruction which may in the Opinion of the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral be caused by any of the Works of the Commissioners acting in the Execution of this Act in the *Barrow* and *Piel* Channels, or either of them, or in any Channel or Channels leading thereto, and shall keep and maintain the *Barrow* and *Piel* Channels and the said other Channels at all Times hereafter from all Injury or Detriment which in the same Opinion may be caused or be likely to arise by reason or in consequence of any of the Works of the Commissioners acting in the Execution of this Act; and in case such Commissioners shall neglect or refuse to remove any such Obstruction, or shall not keep and maintain all such Channels in manner aforesaid, then the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral are to be at liberty and they are hereby authorized and empowered to do or cause to be done, at any Time and from Time to Time, all and every such Act and Acts as he or they may consider necessary to remove all and every such Obstructions or Obstruction, and to keep and maintain such Channels as aforesaid, at the Costs of the Commissioners acting in the Execution of this Act, and the Amount of the Expenses so incurred shall be and shall be deemed and considered to be a Debt due from the Commissioners acting in the Execution of this Act, to be repaid to the said Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral for the Time being, with Interest for the same after the Rate of Five Pounds *per Centum per Annum* until Payment, and shall be a Charge upon all the Monies which may be borrowed on the Credit or received by virtue of any of the Provisions of this Act, subject to any Mortgage or Mortgages then subsisting.

Providing against Injury to Piel Harbour.

XVI. And whereas Doubts are entertained whether the Depth of Water over the Bar at the Entrance of *Piel* Harbour may not be diminished, or the said Harbour of *Piel* be prejudicially affected by the proposed Works, and it is desirable that Provision should be made to avoid any such Interference with the said Harbour of *Piel* or the Bar at the Entrance thereof; be it therefore enacted, That it shall be lawful for the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral for the Time being, from Time to Time, upon Representation in Writing being made to him or them that a Diminution of Water on the said Bar, or an Injury to the said Harbour of *Piel*, has been caused by the said Works hereby authorized, by Writing under the Hand of the Secretary of the Admiralty for the Time being, to direct or cause Inquiry to be made whether or not by reason of such Works any Diminution of Water on the said Bar has taken place, or any Injury has been caused to the Harbour of *Piel*; and if it shall appear to the said Lord High Admiral or the said Commissioners for the Time being that any such Diminution of Water or any other Injury to the said Harbour of *Piel* has been caused by the said Works, it shall be lawful for the said Lord High Admiral or the said Commissioners for the Time being, by Writing under the Hand of the Secretary of the Admiralty for the Time being, to require the said

said Commissioners acting in the Execution of this Act to abate and remove any Obstruction to the Water on the said Bar or in the said Harbour of *Piel*, and to restore the said Bar and Harbour of *Piel* respectively to their present Condition; and if the Commissioners acting in the Execution of this Act shall neglect or refuse to do so it shall be lawful for the said Lord High Admiral or the said Commissioners for the Time being to take all such Measures as he or they may deem necessary or expedient for restoring the said Bar and Harbour of *Piel* respectively to their present Condition, and, if necessary, to abate and remove the said Works, and to take such Measures as he or they may deem proper or expedient for preventing any such Obstruction to the Water on the said Bar or in the said Harbour of *Piel* for the future; and the Amount of the Costs and Charges to be incurred or sustained by the said Lord High Admiral or the said Commissioners for the Time being, as the Case may be, shall be and shall be deemed and considered to be a Debt due from the Commissioners acting in the Execution of this Act, to be repaid to the said Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral for the Time being, with Interest for the same after the Rate of Five Pounds *per Centum per Annum* until Payment, and shall be a Charge upon all the Monies which may be borrowed on the Credit or received by virtue of any of the Provisions of this Act, subject to any Mortgage or Mortgages then subsisting.

Plan and Sections deposited with the Clerk of the Peace to remain there, and to be open for Inspection.

XVII. And whereas a Plan and Sections, signed respectively by *John Robinson Maclean* Esquire on the Part of the Commissioners acting in the Execution of this Act, and by *Samuel Parker Bidder* Esquire on the Part of the said *John Abel Smith*, describing the Depth of Water at or near to the said Pier and other Works which have been constructed by the said *John Abel Smith*, have been deposited with the Clerk of the Peace for the said County Palatine of *Lancaster*; be it enacted, That the Clerk of the Peace for the said County Palatine of *Lancaster* for the Time being shall keep the said Plan and Sections, and shall permit all Persons to inspect the same at seasonable Times, and shall make out Copies of or Extracts from the same for all Persons requiring such Copies or Extracts, on being paid One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of any such Copy or Extract; and a Copy or Extract from such Plan or Sections, certified by the said Clerk of the Peace for the Time being, shall be received in Evidence in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Providing against Injury to Piel Pier.

XVIII. And whereas Doubts are entertained whether Injury may not be occasioned by the Works of the Commissioners acting in the Execution of this Act to the said Pier or other Works which have been lately erected by the said *John Abel Smith* under the Powers of the said *Piel* Pier Act, 1843, or the said *Piel* Pier Act, 1847, or which may be hereafter erected under the Powers of the said *Piel* Pier Act, 1847, and whether the Depth of Water at or near to the said Pier may not be reduced by the said Works to a Depth less than the present Depth, as described by the said Plan and Sections; and it is

is expedient that Provision should be made for protecting the said Pier and other Works so erected or hereafter to be erected from any such Injury, and for preserving the same Depth of Water at or near to the said Pier as aforesaid; be it therefore enacted, That, upon Representation being made to the said Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral for the Time being, by or on behalf of the said *John Abel Smith* or other the Person or Persons who shall for the Time being be entitled to an Estate of Freehold or Inheritance in possession of and in the said Pier and other Works, that Injury has been caused to the said Pier or other Works, or that the Depth of Water at or near to the said Pier so ascertained as aforesaid has been in any degree diminished by the Works of the Commissioners acting in the Execution of this Act, it shall be lawful for the said Lord High Admiral or the said Commissioners for the Time being from Time to Time to make Inquiries or to cause Inquiries to be made as to the Cause of any such Injury or Diminution in Depth of Water as aforesaid; and if it shall appear to the said Lord High Admiral or the said Commissioners for the Time being that such Injury has been caused either wholly or in part, or such Diminution in Depth of Water at or near to the said Pier has been occasioned, by the Works of the Commissioners acting in the Execution of this Act, it shall be lawful for the said Lord High Admiral or the said Commissioners for the Time being to take all such Measures as he or they may deem necessary or expedient for abating and removing all Obstructions occasioned by the Works of the Commissioners acting in the Execution of this Act, and for reinstating the said Pier and other Works which shall so have been injured to their former Condition, and for restoring and preserving the same Depth of Water at or near to the said Pier as aforesaid, in like Manner in all respects as is herein-before provided in case of any Injury or Obstruction to the said Bar and Harbour of *Piel*, and to take all such Measures as he or they may deem proper or expedient for preventing for the future any such Injury to the said Pier and other Works, and any such Diminution in Depth of Water at or near to the said Pier as aforesaid; and the Amount of the Costs and Charges to be incurred or sustained by the said Lord High Admiral or the said Commissioners for the Time being, as the Case may be, shall be and shall be deemed and considered to be a Debt due from the Commissioners acting in the Execution of this Act, to be repaid to the said Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral for the Time being, with Interest for the same after the Rate of Five Pounds *per Centum per Annum* until Payment, and shall be a Charge upon all the Monies which may be borrowed upon the Credit or received by virtue of any of the Provisions of this Act, subject to any Mortgage or Mortgages then subsisting.

Power to Commissioners to sell Materials, &c.

XIX. And be it enacted, That it shall be lawful for the Commissioners to use and dispose of in such Manner as they shall think proper, or to sell the Mud, Sand, and other Materials which shall be dug out of or removed from the Harbour of *Barrow* in execution of the Powers of this Act.

XX. And

Power to provide Beacons, &c.

XX. And be it enacted, That, subject to the Provisions of this Act, and of the Acts incorporated or partly incorporated herewith, it shall be lawful for the Commissioners to provide, fix, and maintain such Lights, Beacons, Buoys, Mooring Posts, and other Conveniences as they shall judge expedient for the Guidance and Use of Vessels resorting to the Harbour of *Barrow*.

Harbour Master to be appointed.

XXI. And be it enacted, That, notwithstanding any thing in this Act, or in the Harbours, Docks, and Piers Clauses Act, 1847, contained, the Commissioners under this Act are hereby required to appoint a proper Harbour Master for the said Harbour of *Barrow*, to superintend the Navigation thereof, to the Satisfaction of the Lord High Admiral of the United Kingdom or the Commissioners for executing the Office of Lord High Admiral, but such Harbour Master shall not exercise any Power or Authority in or over such Harbour or any Part thereof until he shall have been approved of by the said Lord High Admiral or the said Commissioners, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty.

Power to appoint Meters and Weighers, and to appoint Pilots.

XXII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to appoint and license such Meters and Weighers as they shall think proper, and from Time to Time, at their Discretion, to remove such Meters and Weighers, and appoint and license others in their Stead; and it shall also be lawful for the said Commissioners from Time to Time to appoint and license such Pilots as they shall think proper to act within the Limits of the said Harbour of *Barrow*, and from Time to Time, at their Discretion, to remove such Pilots, and appoint and license others in their Stead; and it shall not be lawful for any Person or Persons to act as Pilots within the Limits of the said Harbour of *Barrow* other than such Person or Persons as may be appointed and licensed by the said Commissioners under the Power for this Purpose herein contained: Provided always, that no such Person or Persons shall be licensed to act as such Pilot or Pilots until he or they shall have been duly examined by and received a Certificate from Three Masters of Vessels trading to the said Harbour of *Barrow*, and well acquainted with the Coast, of his or their Fitness and Capacity to be such Pilot or Pilots.

Power to purchase Vessels for towing, &c.

XXIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to purchase, hire, or provide Vessels, to to be propelled by Steam or otherwise, for the Purposes of this Act, or of towing or hauling Vessels into or out of the Harbour of *Barrow*; and any Person requiring the Assistance of such Towing Vessel shall pay to the Commissioners such reasonable Compensation for the Use thereof as the Commissioners shall require.

Rates to be taken by Commissioners.

XXIV. And be it enacted, That after the Expiration of Three Calendar Months next after the passing of this Act it shall be lawful for the Commissioners and they are hereby authorized and empowered to demand and receive, of and from the Master or Owner or other

Person having the Command of any Ship or Vessel entering the said Harbour of *Barrow*, any Sum not exceeding Three-pence *per* Ton for every Ton Burden of such Ship or Vessel.

Power to borrow Money.

XXV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to borrow at Interest on the Credit of the several Rates and Tolls by this Act granted, and of any Property which may be vested in the Commissioners by virtue of this Act, any Sum of Money which shall not exceed the Sum of Five thousand Pounds, and in the event of any Part of such Sum of Money being repaid by the Commissioners to reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security aforesaid any more than the aforesaid Principal of Five thousand Pounds in the whole at any One Time; and for securing the Repayment of the Money so borrowed, with Interest, the Commissioners, or any Three of them, may assign over the said Rates, Tolls, and Property, or any Part thereof, to the Persons who shall advance or lend such Money, or their Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Power for the Furness Railway Company to advance Money out of their Corporate Funds.

XXVI. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Directors of the said *Furness* Railway Company from Time to Time, with the Authority of any General Meeting of the Company, to advance by way of Loan to the said Commissioners for the Purposes of this Act any Sum or Sums of Money not exceeding in the whole the Sum of Five thousand Pounds, out of the Corporate Funds of the said *Furness* Railway Company.

Power to Mortgagees to appoint a receiver.

XXVII. And be it enacted, That it shall be lawful for the Mortgagees of the Commissioners to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Monies not being duly paid, the Amount owing to the Mortgagees to whom Application for such Receiver shall be made shall not be less than One thousand Pounds in the whole.

Application of Monies.

XXVIII. And be it enacted, That all Monies which may arise or be received by or from the Rates, Tolls, or Duties hereby granted, and all Monies which may be borrowed on the Credit or received by virtue of any of the Provisions of this Act, shall be applied by the said Commissioners in the Manner following; that is to say, in the first place, in paying and defraying the Costs, Charges, and Expenses which shall be incident to and attending the soliciting, obtaining, and passing of this Act; secondly, in paying the Interest of the Monies to be borrowed under the Provisions of this Act; thirdly, in defraying the Expenses of maintaining and regulating the Harbour of *Barrow*, and generally of carrying this Act into execution; and, fourthly, in the further Improvement of the said Harbour, and for no other Purpose whatsoever: Provided that nothing herein contained shall prevent the said Commissioners from paying and discharging from Time to Time all such Sums of Money as they may deem right on account of the

the Principal Monies to be borrowed on the Credit and for the Purposes of this Act.

Commissioners may enter into Contracts for the Execution of Works.

XXIX. And be it enacted, That it shall be lawful for the Commissioners executing this Act, and they are hereby required, to enter into Contracts with some Person for the Execution of any Works directed or authorized by this Act to be done by the said Commissioners, and for furnishing any Materials for the same, or which may be required by the Commissioners; and every such Contract shall be in Writing, and shall specify the Works to be done and the Materials to be furnished, the Prices to be paid, and the Term within which the Contract is to be performed, and the Penalties for the Nonperformance thereof, and such other Things as the said Commissioners may think proper; and the said Commissioners may take such Security for the Performance of such Contract or Contracts as to them shall seem necessary, and shall cause an Entry to be made of such Contract or Contracts in a Book to be kept by the said Commissioners.

Lords of the Admiralty may order local Survey of Works.

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

If Works abandoned, Lords of the Admiralty may cause same to be removed.

XXXI. And be it enacted, That if any Works to be constructed by the Commissioners for executing this Act in or across any tidal Water or navigable River, or if any Portion of the Work which affects any such Water or River, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay by the same Commissioners, 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 Commissioners for executing this Act; and the Amount thereof shall be a Debt due from the same Commissioners to the Crown, and be recoverable accordingly, with Costs of Suit.

Commissioners not personally liable for Penalties, &c.

XXXII. And be it enacted, That, in addition to the Provisions for the Indemnity of the said Commissioners contained in the hereinbefore mentioned Acts or any of them, the said Commissioners shall not be personally responsible for any Debt, Costs, Charges, Expenses, Interest, or Penalty whatsoever hereby made payable to the Crown, or to the Lord High Admiral, or to the Commissioners for executing the Office of Lord High Admiral.

XXXIII. And

Annual account to be transmitted to the Clerk of the Peace.

XXXIII. And be it enacted, That the said Commissioners under this Act shall cause an annual Account in Abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied under this Act for the past Year up to the Thirty-first Day of *December* under the several distinct Heads of Receipts and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Auditor appointed under this Act, and shall cause a Copy of such Account to be published in some Newspaper published and circulating in the County of *Lancaster*, and to be transmitted free of Charge to the Clerk of the Peace for the said County of *Lancaster* on or before the First Day of *March* in each Year; and such Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection; and if the said Commissioners for executing this Act shall omit to prepare and transmit such Account in manner aforesaid they shall forfeit and pay for every such Omission the Sum of Twenty Pounds.

Power to lease Rates.

XXXIV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time by Lease, to take effect in possession within Three Months from the making thereof, to let by Auction, or private Contract in case there shall not be a Bidder, or they shall not be satisfied with the Sum offered at such Auction, and upon such Terms and Conditions as they shall consider reasonable, the Rates by this Act authorized to be taken and made, or any of them, or any Part thereof, to any Party, for any Period not exceeding Three Years from the Time of such Lease taking effect in possession: Provided always, that no such Letting shall take place unless public Notice of the Intention in that Behalf shall have been given by the Commissioners by Advertisement in Two Newspapers published at least Fourteen Days prior to the Auction or Meeting at which it shall be intended to let such Rates.

Lessees to be deemed Collectors.

XXXV. And be it enacted, That during the Continuance of any such Lease the respective Lessees named therein, and also all Persons appointed by them to collect the Rates so let, shall be deemed Collectors of the Rates so let, and they shall have the same Powers to collect and recover such Rates, and be subject to the same Rules, Duties, and Penalties in reference thereto, as the Commissioners and the Collectors appointed by them.

For the Protection of the Isle of Barrow.

XXXVI. Provided always, and be it enacted, That nothing in this Act contained shall alter, prejudice, diminish, take away, or interfere with, or authorize the Commissioners hereby appointed, or their Successors, to alter, prejudice, diminish, take away, or interfere with, all or any the Lands or Property now belonging to or held or enjoyed by the Owner of the *Isle of Barrow* commonly called *Old Barrow Island*, of which *Thomas Yeats Parker Michaelson* Esquire is or claims to be the Owner, without the Consent in Writing of the Owner for the Time being of the *Isle of Barrow* first had and obtained.

For Protection of Road

XXXVII. Provided also, and be it enacted, That if the present Road across the Sands from the Main Land to the said *Isle of Barrow* shall

shall be required to be interfered with by the Works authorized by this Act, the said Commissioners shall, previous to the Interference with such Road, substitute a Road equally good and convenient, and available during the same Period of Tide. across the Sands.

XXXVIII. Provided always, and be it enacted, That nothing in this Act contained shall prejudice or in any Manner interfere with any of the Rights, Powers, or Privileges conferred upon or vested in the said *John Abel Smith*, his Heirs or Assigns, under and by virtue of the said *Piel* Pier Act, 1843, and the said *Piel* Pier Act 1847, or either of them, or under or by virtue of an Act of Parliament passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act for reclaiming from the Sea, embanking and improving, the* Salthouse Sands *in the Manor of* Plain Furness *in the County Palatine of* Lancaster. Saving Rights of J. A. Smith, Esq. 9 & 10 Vict. c. 386.

XXXIX. Provided always, and be it enacted, That, save as by this Act is expressly provided, nothing in this Act contained shall prejudice or in any Manner interfere with any of the Rights, Powers, or Privileges conferred upon or vested in the said *Furness* Railway Company under and by virtue of the said recited Act of the Seventh Year of the Reign of Her present Majesty, or of the "*Furness* Railway Extensions Act, 1846." Saving Rights of the Furness Railway Company.

XL. Provided always, and be it enacted, That nothing in this Act contained shall prejudice or in any Manner interfere with any of the Rights, Powers, or Privileges conferred upon or vested in the said *Walter Francis* Duke of *Buccleuch and Queensberry* and the Right Honourable *William* Earl of *Burlington*, their several and respective Heirs and Assigns, under and by virtue of an Act of Parliament passed in the Tenth Year of the Reign of Her present Majesty intituled *An Act for reclaiming from the Sea, embanking and improving, the* Salthouse Sands *in the Manor of* Plain Furness *in the County Palatine of* Lancaster. Saving Rights of the Duke of Buccleuch and the Earl of Burlington under Salthouse Embankment Act.

XLI. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Queen's most Excellent Majesty, Her Heirs and Successors, as well in right of Her Crown as in right of Her Duchy of *Lancaster*, nor any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the said Corporation of *Trinity House of Deptford Strond*. Saving Rights of the Crown and the Duchy of Lancaster, and Trinity House.

XLII. Provided always, and be it enacted, That, save as by this Act is expressly provided, nothing herein contained shall take away, diminish, alter, or prejudice any Estate, Right, Jurisdiction, Liberty, Franchise, Royalty, Easement, Interest, or Privilege of any Corporation, or of any Lord of any Manor, or of any other Person, but the same respectively shall, save as aforesaid, be preserved and continued and may be exercised and enjoyed as if this Act had not been passed. Saving Rights of Lords of Manors, &c.

Public Act.

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

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