ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

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be amended in manner herein contained: And whereas the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Short Title.

I. In citing this Act and for all Purposes it shall be sufficient to use the Expression "The *Barrow* Harbour Amendment Act, 1855."

Sections 14, 24, and 38 of 11 & 12 Vict. c. xxxv. repealed.

II. Those Sections of "The *Barrow* Harbour Act, 1848," which are numbered respectively 14, 24, and 38 shall be and the same are hereby repealed.

Limits of Act.

III. This Act and the recited Act shall extend and be put in force for all the Purposes thereof respectively, with reference to the Harbour of *Barrow*, within the Limits following; (that is to say,) at its Northern Entrance within a Line drawn from the North-west Shore of *Sandscale Haws Farm* in the County of *Lancaster* at High-water Mark to High-water Mark on the North-west End of *Walney Island*, such Line forming a Tangent to both, and marked S.W. on a Plan deposited at the Admiralty Office, *Whitehall*, and at the Southern Entrance within a Line drawn from *Westfield Point* on the said Coast of the County of *Lancaster*, through the Centre of *Sheep Island*, in a straight Line to the Shore of the Island of *Walney*, as marked by the Letters L.M. on the Plan aforesaid, wherever the same Harbour is covered with Water at a Fourteen-Feet Tide, as shown on the Tide Gauge at *Barrow*.

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

IV. The Clerk of the Peace for the said County Palatine of *Lancaster* for the Time being shall keep the Plans and Sections deposited under the said recited Act, and shall permit all Persons to inspect all such Plans and Sections respectively at seasonable Times, and shall make out Copies of and 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 any such Plan or Section, certified by the 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.

Commissioners not bound to keep Life

V. Notwithstanding anything herein or in the said recited Act contained or referred to, the Clauses in "The Harbours, Docks, and Piers Clauses Act, 1847," with respect to Life Boats, shall not be in force,

force, under or for the Purposes of this Act, until the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or any Two of them, shall require such Clauses to be observed by the Commissioners of the Act, and at and from the Expiration of Three Calendar Months from the Time of any such Requirement the same Clauses shall be in force under and for the Purposes of this Act, and be binding upon and be observed by the Commissioners of this Act accordingly.

Boat, unless required by the Admiralty.

VI. The said Commissioners may erect Slips and Gridirons for the Repair of Vessels, and may make such Charges for the Use thereof, and such Regulations with respect to the same, as they shall think fit.

Erection of Slips and Gridirons.

VII. Immediately 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 thereof, in respect of any Ship or Vessel which shall enter the Limits of the Harbour of *Barrow* as defined by Section Three of this Act, a Sum of not more than Sixpence for every Ton Burden of such Ship or Vessel: Provided nevertheless, that the *Barrow* Harbour Commissioners shall have Jurisdiction for the Purposes of improving, maintaining, and buoying over the *Scarth Channel* beyond the Limits aforesaid to a Point where such *Scarth Channel* forms a Junction with the *Duddon Channel*, but so that no Hurt, Prejudice, Obstruction, or Injury shall be done to the *Duddon Channel*, or to the Navigation of the *Duddon River*; and such Power of Jurisdiction shall not confer on the Commissioners any Power to levy Dues or Rates beyond the Harbour Limits described in Section Three of this Act.

Rates to be taken by Commissioners.

VIII. It shall be lawful for the Commissioners from Time to Time to borrow at Interest, not exceeding Five *per Cent.*, 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 Thirty thousand Pounds, over and above the Amount authorized to be borrowed by the said recited Act, 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 at any One Time on the Security aforesaid any more than the aforesaid Principal Sum of Thirty thousand Pounds, exclusive of any Money borrowed under the said recited Act; and for securing the Repayment of the Money so borrowed, with Interest, the Commissioners may assign over the said Rates, Tolls,

Power to borrow on Mortgage.

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.

Existing Mortgages to have Priority.

IX. Provided always, That all Mortgages and other Charges on the said Rates and Tolls which, at the Time of the passing of this Act, are in force, shall during the Continuance thereof have Priority over all Mortgages granted thereon respectively under this Act.

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

X. It shall be lawful for the Directors of the *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 Thirty thousand Pounds, out of the Corporate Funds of the said *Furness* Railway Company, such Sum of Thirty thousand Pounds to be in addition to any Sum which the said Company has advanced or is authorized to advance by virtue of the said recited Act.

Sinking Fund.

XI. So long as the Principal Money borrowed on Mortgage under and by virtue of this and the recited Act shall remain unpaid, the Commissioners, in order to discharge the same, shall every Year appropriate and set apart a Sum equal to not less than Two Pounds *per Centum* on the Amount of the Principal Money so borrowed by them, and shall apply such Sums from Time to Time as a Sinking Fund in paying off, so far as the same will extend, the Principal Moneys so borrowed, or shall from Time to Time cause such Sinking Fund to be invested in the Purchase of Exchequer Bills or other Government Securities, and to be increased by Accumulation in the way of Compound Interest or otherwise until the same respectively shall be of sufficient Amount to pay off the Principal Debts to the Payment of which such Sinking Fund shall be applicable, or some Part thereof which the Commissioners shall think ought then to be paid off, at which Times such accumulated Moneys or an adequate Part thereof shall be so applied in paying off such Principal Debts in the Manner mentioned in "The Commissioners Clauses Act, 1847:" Provided always, that after repaying Moneys out of such Sinking Fund it shall not be lawful for the Commissioners to reborrow the same or any Part thereof.

Application of Moneys.

XII. All Moneys which may arise or be received by or from the Rates, Tolls, or Duties hereby granted, and all Moneys which may be borrowed on the Credit or received by virtue of any of the Provisions of

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 Moneys borrowed under the Provisions of this and the recited Act; thirdly, in providing (but not out of Money borrowed) the Sinking Fund in manner in this Act required for repaying Moneys borrowed on the Security of the said Tolls, Rates, and Duties; fourthly, in defraying the Expenses of maintaining and regulating the Harbour of *Barrow*, and generally of carrying this and the recited Act into execution; and, fifthly, in the further Improvement of the said Harbour.

Saving Rights of the Furness Railway Company.

XIII. Save as by this Act 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 *Furness* Railway Company under or by virtue of any Act of Parliament relating to the said Company heretofore passed or which may pass in the present Session of Parliament.

Saving Right of the Duke of Buccleuch and Earl of Burlington.

XIV. 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 Most Noble *Walter Francis* Duke of *Buccleuch and Queensbury* and the Right Honorable *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.

9 & 10 Vict. c. cccl xxxvi.

Saving Rights of the Crown.

XV. Nothing contained in this Act or in the Acts herein recited or referred to shall extend to authorize the said Commissioners to purchase, use, or otherwise interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of the Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, first had and obtained for that Purpose, and which such Commissioner or Commissioners is and are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities which now are or hereafter may be vested in or enjoyed by Her Majesty, Her Heirs or Successors, in right of Her Crown or of the Duchy or County Palatine of *Lancaster*.

Crown Land reclaimed by Works of Commissioners not to be taken without Consent of Commissioners of Woods, &c.

XVI. If in the course or by means of the Execution of any of the Works of the said Commissioners any Part of the Shores or Bed of the said Harbour, or of the Sea beyond the Mouth thereof, belonging to Her Majesty in right of Her Crown, shall be inned, gained, or reclaimed from the Water, the said Commissioners shall not have or exercise any Right upon the same or in respect thereof, but such Inning, Gaining, or Reclamation shall enure absolutely for the Benefit of Her Majesty the Queen, Her Heirs and Successors, and it shall not at any Time afterwards be lawful for the said Commissioners to take, enter upon, or interfere with the Lands so inned, gained, or reclaimed, for any Purpose whatsoever, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them.

Any Land reclaimed by the Works not to belong to the Commissioners.

XVII. If, after and in consequence of the Execution of any of the Works of the said Commissioners, any Part of the Shores or Bed of the said Harbour, or of the Sea beyond the Mouth thereof, shall be inned, gained, or reclaimed from the Water, the Land so inned, gained, or reclaimed shall not become the Property of the said Commissioners, and they shall not have or exercise any Right upon the same Land or in respect thereof.

Authorizing Sale of Lands belonging to the Duchy of Lancaster, and providing for Application of Purchase Money.

XVIII. And whereas Part of the Lands which may be required for the Purposes of this Act belong to the Queen's most Excellent Majesty in right of Her Duchy of *Lancaster*: Be it enacted, That it shall be lawful for the Chancellor and Council of Her Majesty's Duchy of *Lancaster* for the Time being to agree with the said Commissioners for the absolute Sale in Fee Simple of the Lands or any Part thereof, of or belonging to Her said Majesty in right of Her said Duchy, which shall be required for the Purposes of this Act, at or for such Price or Compensation in Money and upon such Terms and Conditions as shall be settled and agreed upon between the said Chancellor and Council and the said Commissioners, and upon Payment of such Price or Compensation, by any Deed or Writing under the Seal of the Duchy, in the Name of Her said Majesty, Her Heirs and Successors, to convey the same Lands, and the Fee Simple and Inheritance thereof, to the said Commissioners for the Time being, for the Purposes of this Act; and the Purchase Money or Consideration for the same Lands shall be paid into the Hands of the Receiver General of the Revenues of the said Duchy, and Receipts and Acquittances shall be given by him for the same, and the same either shall and may be invested in the Purchase of Bank Annuities, according to the Powers and Provisions contained or referred to in an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to improve the Land Revenue of the Crown*

48 G. 3. c. 73.

Crown in England, *and also of His Majesty's Duchy of* Lancaster, with respect to the Purchase Money to be paid for Property belonging to the Crown within the Survey and Receipt of the said Duchy under the therein-recited Acts; or the same or any Part thereof may, either without any previous Investment or after such, and either alone or together with any other Moneys which shall for the Time being have arisen or shall hereafter arise from the Sale of Lands and Hereditaments, Part of the Possessions of the said Duchy, be laid out according to the Provisions of an Act passed in the Fifty-seventh Year of His said Majesty King *George* the Third, intituled *An Act for ratifying Articles of Agreement entered into by the Right Honourable* Henry Hale *Viscount* Gage *and the Commissioners of His Majesty's Woods and Forests and Land Revenues, and for the better Management and Improvement of the Land Revenues of the Crown;* or the said Moneys, and also any such other Moneys, whether previously invested or not, or any Part thereof respectively, may be laid out in the Purchase of Lands which in the Judgment of the said Chancellor and Council shall be deemed convenient to be held with any Possession of the said Duchy, as the Chancellor and Council for the Time being of the said Duchy shall direct, by any Order or Orders in that Behalf; and the said Chancellor and Council shall for the Purposes of this Act have and be entitled to all such Powers and Provisions in reference to the Moneys (if any) so invested in Bank Annuities, and so to be laid out and invested as aforesaid, as under or by virtue of the said recited Act of the Fifty-seventh Year of King *George* the Third they are entitled to concerning any Sums or Funds of or belonging to the Duchy of *Lancaster* in the same Act particularly mentioned or referred to; and the Lands and Hereditaments (if any) so purchased on behalf of the said Duchy as aforesaid shall be conveyed and assured to the Use of Her Majesty, Her Heirs and Successors, in right of Her said Duchy of *Lancaster;* and every such Conveyance to the Use of Her Majesty, Her Heirs and Successors, may be in the Form marked X. in the Schedule to this Act annexed, or as near thereto as may be. 57 G. 3. c. 97.

For the Conveyance of Waste Lands belonging to the Duchy of Lancaster.

XIX. And whereas Part of the Lands which may be required for the Purposes of this Act are Waste or Common Lands, the Right to the Soil whereof belongs to the Queen's most Excellent Majesty in right of Her Duchy of *Lancaster* (subject to Rights of Common or other Rights or Easements): Be it enacted, That it shall be lawful for the Chancellor and Council for the Time being of Her Majesty's Duchy of *Lancaster* to agree with the Commissioners for the absolute Sale in Fee Simple of the Estate, Right, and Interest of Her said Majesty in the Soil of the said Waste or Common Lands which may be so required for the Purposes of this Act, at or for such Price or Compensation,

Compensation, and upon such Terms and Conditions, as shall be agreed upon between the said Chancellor and Council and the said Commissioners, and upon Payment of such Price or Compensation, by any Deed or Writing under the Seal of the Duchy, in the Name of Her said Majesty, Her Heirs and Successors, to convey such Estate, Right, and Interest to the said Commissioners, their Successors and Assigns, for the Purposes of this Act; and the Purchase or Compensation Money for the same shall be paid into the Hands of the Receiver General of the Revenues of the said Duchy, and Receipts and Acquittances shall be given by him for the same, and the same shall be by him applied and disposed of in the like Manner and for the like Intents and Purposes as are in and by this Act directed and provided of and concerning any other Monies which shall come to his Hands by virtue of this Act.

For Enrolment of all Deeds of Conveyance of Land belonging to the Duchy of Lancaster.

XX. Every Deed or Writing whereby any Lands, Hereditaments, Estate, Right, or Interest shall be conveyed or assured by the said Chancellor and Council of Her said Majesty's Duchy of *Lancaster*, by virtue of the Powers of this Act, being enrolled in the Court of the Duchy Chamber of *Lancaster* within Six Calendar Months from the Date thereof, shall be effectual to vest in the said Commissioners the Lands, Hereditaments, and Premises thereby expressed to be granted, conveyed, or assured; anything contained in the Act passed in the First Year of Her Majesty Queen *Anne*, intituled *An Act for the better Support of Her Majesty's Household, and the Honour and Dignity of the Crown*, or in any other Act, to the contrary in anywise notwithstanding.

13 W. 3. & 1 Anne c. 7.

Commissioners not exempt from Provisions of Merchant Shipping Acts and General Acts.

XXI. Nothing in this Act shall exempt the Commissioners, or the Port, Harbour, Lands, and Works under their Jurisdiction, from the Provisions of "The Merchant Shipping Law Amendment Act, 1853," "The Merchant Shipping Act, 1854," or any General Act relating to Docks, Harbours, or Dues on Shipping or on Goods carried in Shipping, now in force or which shall be passed during the present or any future Session of Parliament, or from any future Revision and Alteration under the Authority of Parliament of the Tolls or Duties by this Act authorized, or of the Limits of this Act with respect to such Tolls or Duties.

Board of Trade may appoint an Auditor to examine Accounts.

XXII. If, upon Complaint made to the Board of Trade by any Person interested, in Writing under his Hand, it appear to the Board of Trade that there is reasonable Ground for believing that the Accounts of the Commissioners have not been duly kept, or that any Tolls, Duties, Dues, or Rates have been improperly or unfairly levied by them, or have not been applied in accordance with the Directions

of

of this Act, the Board of Trade may appoint an Auditor to examine the Accounts of the Commissioners, and examine into the Matters so complained of, and to report to them thereon; and the Commissioners shall, upon Demand, produce to such Auditor all or any of their Accounts, Books, Deeds, Papers, Writings, and other Documents, to afford to him all reasonable Facilities for examining and comparing the same; and in case any Matter complained of be found to be true, the reasonable Expenses of such Auditor shall be paid by the Commissioners out of the Tolls, Duties, Dues, or Rates received by them, and in case it shall not be so found, then by the Complainant, and in either Case such Expenses may be recovered, with Costs of Suit, as a Debt due to the Crown.

Saving Rights of Lords of Manors.

XXIII. 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.

Expenses of Act.

XXIV. All Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act shall be paid by the said Commissioners.

SCHEDULE to which the foregoing Act refers.

X.

Form of Conveyance to Her Majesty in right of Her Duchy of Lancaster.

THESE are to witness, That in consideration of the Sum of paid to *A.B.* of by *C.D.* the Receiver General of the Revenues of the Duchy of Lancaster, on behalf of Her Majesty, he the said *A.B.* doth by these Presents grant, convey, and assure unto the said *C.D.* his Heirs and Assigns, all that to have and to hold the same unto the said *C.D.* his Heirs and Assigns, to the Use of Her said Majesty, Her Heirs and Successors, in right of Her said Duchy.

In witness, *&c.*

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