ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

Cap. lxxxix.

An Act to enable the *Furness* Railway Company to make a Branch Railway to *Hawcoat Quarry;* to vest in the said Company the Undertaking of the *Ulverstone* Canal Navigation; and to enable them to raise additional Capital; and for other Purposes. [30th *June* 1862.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of King *George* the Third, intituled *An Act for* 33 G. 3.
making and maintaining a navigable Cut or Canal from a c. 105.
Place called Hammerside Hill, *in the Parish of* Ulverstone *in the County Palatine of* Lancaster, *to a Place called* Weint End, *near the Town of* Ulverstone *aforesaid,* and by such Act a Body Corporate was created, by the Name of "The Company of Proprietors of the *Ulverstone* Canal Navigation:" And whereas an Act was passed in the Nineteenth Year of the Reign of Her Majesty (herein-after referred to as "The *Furness* 18 & 19 Vict.
Railway Act, 1855"), intituled *An Act to repeal and consolidate the several* c. clxxiii.
Acts relating to the Furness *Railway Company, to enable the said Company to raise a further Sum of Money, to give further Powers to the said Company, and for other Purposes:* And whereas it is expedient that the said *Furness* Railway Company (herein-after called "the Company") should

be

be enabled to make a Branch Railway from the Line of the said Company, in the Township of *Hawcoat* in the County of *Lancaster*, to a certain Stone Quarry called *Hawcoat Quarry*, and to raise additional Capital for the Purpose; and it is also expedient that the Undertaking of the said Company of Proprietors of the *Ulverstone* Canal Navigation (herein-after called "the Canal Company") should be transferred unto and vested in the Company; and that Powers should be given to the Company to enable them to purchase and hold Steam Vessels in the Manner and for the Purposes herein-after mentioned: And whereas the Company require further Sums of Money for the general Purposes of their Undertaking, and for other the Purposes herein-after mentioned, and it is expedient that they should be empowered to raise the same, as herein-after provided, and that such further Provisions with respect to the Company should be made as are herein-after contained: And

20 & 21 Vict. c. cx.

whereas by "The *Coniston* Railway Act, 1857," the *Coniston* Railway Company (herein-after called "the *Coniston* Company") were incorporated, and were authorized to make a Railway from *Broughton*, in the Parish of *Kirkby Ireleth* in the County Palatine of *Lancaster*, to *Coniston* in the Parish of *Ulverstone* in the same County: And whereas by a Bill now pending in Parliament it is proposed that the Company and the *Coniston* Company should be united so as to form One Company: And whereas it is expedient that, if the said Companies should be united as aforesaid, the Company should be empowered to raise, in manner herein-after mentioned, a Sum of Money not exceeding Thirty thousand Pounds, for the Purpose of liquidating or otherwise satisfying the Debts and Liabilities of the *Coniston* Company: And whereas the several Objects 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, as follows; (that is to say,)

Short Title.

1. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Furness* Railway Act, 1862."

8 & 9 Vict. cc. 16. 18. & 20. and 23 & 24 Vict. c. 106. incorporated.

2. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," shall, so far as they are not expressly varied by this Act, be incorporated with and form Part of this Act.

New Branch to be made according to deposited Plans.

3. And whereas Plans and Sections of the proposed Branch Railway and Works, showing the Lines and Levels thereof respectively, and also a Book of Reference thereto, containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same is intended to pass or which may be required

required to be taken for the Purposes thereof, have been deposited with the Clerk of the Peace of the County Palatine of *Lancaster*: Therefore, subject to the Provisions and Powers of Deviation in this Act and the Acts incorporated contained, the Company may from Time to Time make and maintain the said Branch Railway and Works in the Line and upon the Lands delineated upon the said Plans and described in the said Books of Reference, and according to the Levels described on the said Sections; and it shall be lawful for the Company from Time to Time to enter upon, take, and use such of the said Lands as shall be necessary for the Purposes thereof.

Powers for compulsory Purchases limited.

4. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of One Year from the passing of this Act.

Description of Branch Railway.

5. The Branch Railway and Works by this Act authorized are as follows,—

A Branch Railway, with all proper Works, Approaches, Stations, and Conveniences connected therewith, commencing by a Junction with the Line of the *Furness* Railway, in the Township of *Hawcoat* in the Parish of *Dalton-in-Furness* in the County of *Lancaster*, and terminating at or near the Stone Quarry called *Hawcoat Quarry* in the said Township and Parish.

Company to make Footways, &c. as required by Admiralty.

6. Where the Branch Railway skirts the Sea Shore, and cuts off or will cut off Access between the Land and Water, the Company shall, during the Formation of the Line of Branch Railway and from Time to Time thereafter, make and for ever maintain and allow to be used by all Persons and at all Times, free of Toll or other Charge, all such Footways and Carriageways over, under, or across the Branch Railway or on a Level therewith, as the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, shall at any Time or from Time to Time require, such Requirement to be signified in Writing under the Hand of the Secretary of the Admiralty: Provided always, that the Company shall not be required to make such Footways or Carriageways in such a Manner as would prevent or obstruct the working or using of the Branch Railway, nor to make any such Footways or Carriageways over any Lands for the Use of Owners and Occupiers who shall have agreed to receive and shall have been paid Compensation for the Severance of such Lands from the Shore; provided also, that the Expense of making and maintaining such Footways or Carriageways shall be defrayed by the Body or Persons interested in the Shore for whose Benefit or Convenience such Crossing shall be required, and if any such Carriageway be made across the Branch Railway on the Level, then the Manner of making and watching such level Crossing shall be subject to the Approval of the Board of Trade,

and

and all Expenses attending the watching of such level Crossing shall in like Manner be paid by the Body or Persons interested in the Shore for whose Benefit or Convenience such level Crossing shall have been made.

Admiralty may order local Survey at Expense of Company.

7. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Company in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Company shall defray the Costs of every 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.

Works affecting tidal Waters abandoned may be removed by Admiralty at Expense of Company.

8. If any Work to be constructed by the Company in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any Work which affects or may affect any such Water or River or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, 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 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.

Limiting Time for Completion.

9. After the Expiration of Two Years from the passing of this Act, all the Powers hereby granted to the Company for making the Branch Railway hereby authorized, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed.

Dividends suspended if Railway not opened within Time limited.

10. After the Expiration of Two Years from the passing of this Act it shall not be lawful for the Company to pay any Dividend upon any Shares in the Capital of the Company (not being Shares upon which any fixed, guaranteed, or Preference Dividend may be payable), unless and until the said Branch Railway shall be opened for the Purposes of public Traffic.

Tolls.

11. The Company may lawfully demand for the Use of the Branch Railway hereby authorized to be made such Tolls, Fares, Rates, and other

other Charges as they would be authorized to charge by virtue of "The *Furness* Railway Act, 1855," if the said Branch had formed Part of the Railways to which such last-mentioned Act related at the Time of the passing thereof, and the said Branch Railway shall be deemed for all Purposes Part of those Railways.

Transfer of Ulverstone Canal to Furness Railway Company.

12. From and after the passing of this Act, and on the Execution by the Canal Company of a Deed of Conveyance to the Company, in which the Consideration, namely the Sum of Twenty-two thousand Pounds herein-after mentioned as the Sum to be paid in respect of the Transfer herein-after directed, and also the several Mortgages, Charges, and Incumbrances affecting the same or the Canal Company in respect thereof, shall be fully and truly stated and set forth, and such Deed of Conveyance being duly stamped for denoting the proper *ad valorem* Stamp Duty in respect of such Considerations respectively, the *Ulverstone* Canal and all Towing-paths, Reservoirs, Aqueducts, Messuages, Lands, Wharfs, Buildings, Works, Conveniences, and Hereditaments thereto belonging or connected therewith, and all the Boats, Barges, Engines, Machinery, Implements, Ropes, Chains, Chattels, and other Personal Estate and Effects of the Canal Company, with the Appurtenances, shall be by virtue of such Conveyance and this Act transferred to and vested in the Company, but subject to all such Mortgages, Charges, Incumbrances, Claims, and Demands whatsoever at the Time of the passing of this Act affecting the same or the Canal Company in respect thereof.

Saving Monies due to Canal Company.

13. Provided always, That all Monies at the Time of the passing of this Act belonging or due or accruing to the Canal Company, and the Interest (if any) thereon, shall, notwithstanding such Transfer, remain and be Part of the Assets of the Canal Company.

Powers of Canal Company to be exercised accordingly.

14. From and after the passing of this Act, all the Powers, Authorities, Discretions, Rights, and Privileges whatsoever of the Canal Company, under and by virtue of the recited Act of the Thirty-third Year of King *George* the Third, relating to the *Ulverstone* Canal and Premises, and the Maintenance, Conduct, Regulation, Management, and User thereof, and to the Tolls, Rates, Duties, and Charges to be from Time to Time demanded and taken or received in respect of the same, or otherwise howsoever relating to the Undertaking of the Canal Company or any Part thereof, are by this Act vested in the Company, and may be had, exercised, and enjoyed by the Company and its Directors, Officers, and Servants accordingly, and all such Tolls, Rates, Duties, and Charges respectively may be demanded, taken, and received by the Company.

Payment by the Company to

15. In consideration of the Transfer by this Act of the *Ulverstone* Canal to the Company, the Company shall forthwith, after the passing of this

Canal Company.

this Act, pay to the Canal Company the Sum of Twenty-two thousand Pounds.

Canal Company to be wound up and dissolved.

16. After Payment by the Company to the Canal Company of the said Sum of Twenty-two thousand Pounds as aforesaid, and subject to the Provisions of this Act, the Affairs of the Canal Company shall be wound up, and thereupon the Canal Company shall be dissolved and cease to exist.

Appointment of Managers to wind up Affairs.

17. In order to the winding up of the Affairs of the Canal Company, the Right Honourable *Frederick Charles Cavendish*, commonly called Lord *Frederick Charles Cavendish*, *Frederick Iltid Nicholl* Esquire, and *James Ramsden* Esquire, and the Survivors or Survivor of them, or the Executors or Administrators of such Survivors, shall have and may exercise the like Powers as the Committee of Management under the recited Act of the Thirty-third Year of King *George* the Third, and as if they were the Committee of Management under that Act, and all such other Powers, Discretions, and Authorities as are necessary for winding up the Affairs of that Company, and any other Purposes incidental thereto.

Distribution of Assets.

18. Forthwith, after Payment by the Company to the Canal Company of the said Sum of Twenty-two thousand Pounds, the Managers shall, subject to such Deductions thereout as may be necessary by reason of any outstanding or other Claims against the Canal Company, and any Costs or Expenses which they may have incurred or become liable to pay in winding up the Affairs of the Canal Company, or incident thereto, distribute the same and the other Assets, if any, of the Canal Company among the Shareholders rateably in proportion to their respective Shares therein.

As to Notices by Advertisements.

19. Forthwith, after the Payment of the said Sum of Twenty-two thousand Pounds by the Company to the Canal Company, the Managers shall publish in each of Three successive Weeks, in the *London Gazette* and in One or more of the Newspapers circulated in the County of *Lancaster*, a Notice referring to this Act, and expressing the Intention of the Managers, pursuant to the Provisions of the Act, forthwith to distribute the net Assets of the Canal Company among the Shareholders thereof, and requiring all Persons claiming to be entitled to Shares in the Canal Company to procure themselves to be registered as Shareholders, in order to their being entitled to participate in such Distribution of Assets.

Repetition of Advertisements.

20. If at the Expiration of Six Calendar Months after the Payment of the said Sum of Twenty-two thousand Pounds any Part of the Assets of the Canal Company remain undistributed, by reason of any Share thereof not having been duly claimed, the Managers shall publish in Two successive

successive Weeks, in the *London Gazette* and in One or more of the Newspapers circulated in the County of *Lancaster*, a Notice containing the Names in Alphabetical Order of the Persons appearing by the Books of the Canal Company to be Shareholders therein, who have not claimed their Shares of the Assets to be distributed, and stating that if they or their Representatives do not make and substantiate their Claims thereto within Twelve Months after the Day on which such Payment was made by the Company, their respective Shares of the Assets to be distributed will be paid into the Court of Chancery, as by this Act provided.

Circulars to be sent in addition to Advertisements.

21. In addition to such Notice by Advertisement, the Managers shall also give or send by Post unto or leave at the usual or last known Place of Abode in *England* of every Person appearing by the Books of the Canal Company to be the last Holder of any Share in respect of which a Proportion of the distributable Assets of the Canal Company is not claimed a Copy of such Notice: Provided always, that if the usual or last known Place of Abode of any such Shareholder cannot, on reasonable Inquiry, be ascertained by the Managers, it shall not be requisite for them so to give or leave to or for him a Copy of such Notice, but the Notice so published shall be sufficient Notice to him of all Matters expressed therein.

Cases in which undistributed Assets may be paid into Court.

22. If at the Expiration of Twelve Calendar Months after the Payment of the said Sum of Twenty-two thousand Pounds by the Company to the Canal Company any Part of the net Assets of the Canal Company then distributable remain undistributed, for any of the Reasons herein-after mentioned, then the Amount so undistributed shall be paid by the Managers into the Court of Chancery as by this Act provided. The Reasons above referred to are as follows,—

First, by Reason of the same not having been claimed by any Person entitled thereto:

Secondly, by Reason of any Person claiming the same not having shown to the Satisfaction of the Managers a sufficient Title thereto:

Thirdly, by Reason of the Persons claiming the same being under any Disability or Incapacity, and no Person competent to give an effectual Receipt for the same having claimed the same on behalf of such Persons:

Fourthly, by Reason of Two or more Persons entitled to receive one and the same Sum of Money not agreeing as to the Person or Persons to whom or the Manner in which the same is to be paid, or otherwise disputing the Title thereto.

Payment into Court of undistributed Assets.

23. All Monies to be from Time to Time paid into the Court of Chancery under this Act by the Managers shall be paid into such Court, according to the Provisions of the Act of the Session of the Tenth and Eleventh

Eleventh Years of Her present Majesty, Chapter Ninety-six, or any other Act from Time to Time in force for the Relief of Trustees, to an Account *ex parte* "The *Ulverstone* Canal Company," but the Managers may deduct out of every Sum of Money which they shall pay into Court, under the Directions of this Act, all such Costs, Damages, and Expenses as they shall incur in relation to such Payment and any Applications to the Court for that Purpose, and the Court may order all such Costs as shall be incurred by the Managers in appearing upon any Application to the Court by any Persons claiming the Monies which, under the Provisions of this Act, are paid into Court to be paid them out of such Monies.

Receipts for Assets.

24. The Receipt of any Shareholder in the Canal Company, or of any Committee or Guardian of any such Shareholder, shall be a sufficient and effectual Discharge to the Managers for the Money paid in respect of the Share or Shares of any Shareholder in the Canal Company from all Liability, Claims, and Demands in respect thereof, and the Canal Company or the Managers shall not be liable to see to the Application of any Money paid on such Receipt, notwithstanding they or any of them may have had Notice of any Trust affecting such Money or any Part thereof.

Expenses of Canal Company to be paid by the Company.

25. The Company shall bear and pay all the Costs, Charges, and Expenses of the Canal Company and the Managers of and attending and incident to the obtaining of this Act, such Costs, Charges, and Expenses, in case of Difference, to be from Time to Time taked and certified according to the Provisions for the Taxation of Costs of Conveyances contained in Section Eighty-three of "The Lands Clauses Consolidation Act, 1845," and when so taxed and certified may, if not duly paid, be recovered by the Canal Company from the Company, with full Costs of Suit, in any Court of competent Jurisdiction.

The Company to represent Canal Company;

26. From and after the passing of this Act, and except as is by this Act otherwise provided, the Company shall, with respect to the *Ulverstone* Canal and the Undertaking of the Canal Company, represent the Canal Company as if the Company had been the original Undertakers of the Canal.

and to perform Duties.

27. From and after the passing of this Act, and except as is by this Act otherwise provided, the Company shall satisfy all such Claims, Demands, and Liabilities, and shall perform all such Duties and Obligations as the Canal Company immediately before the passing of this Act were or but for this Act would have been liable to satisfy and perform, and shall indemnify the Canal Company and their Officers and Servants against all such Claims, Demands, Liabilities, Duties, and Obligations, and all Costs, Damages, and Expenses in relation thereto.

28. Not-

Saving of Rights under Canal Act.

28. Notwithstanding the vesting in the Company of the *Ulverstone* Canal and the Dissolution of the Canal Company, and except only as is by this Act otherwise provided, everything before the Commencement of this Act done and suffered and confirmed respectively, under the recited Act of the Thirty-third Year of King *George* the Third, shall be as valid as if this Act were not passed, and such vesting and Dissolution and this Act respectively shall accordingly be subject and without Prejudice to everything so done, suffered, and confirmed respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if such vesting and Dissolution had not happened and this Act had not been passed would be incident to and consequent on any and everything so done, suffered, and confirmed respectively, and with respect to all such Things so done, suffered, and confirmed respectively, and all such Rights, Liabilities, Claims, and Demands, the Company shall to all Intents represent the Canal Company: Provided always, that the Generality of this Provision shall not be restricted by any other Clauses and Provisions of this Act.

Provisions of Canal Act continued.

29. Notwithstanding such vesting and Dissolution, all the Provisions of the Act of Parliament relating to the Canal Company and their Officers and Servants respectively, and on the Commencement of this Act in force, shall be of the like Force as if such vesting and Dissolution had not happened, and may be exercised, enforced, and enjoyed by and against the Company and by and against their respective Officers and Servants accordingly, in as full and beneficial a Manner to all Intents as the same respectively might have been exercised, enforced, and enjoyed by and against the Canal Company and their Officers and Servants respectively if this Act had not been passed.

Contracts, &c. preserved.

30. Notwithstanding such vesting and Dissolution, all Purchases, Sales, Securities, and Contracts before the passing of this Act made by, to, or with the Canal Company with reference to the Purposes of their Undertaking shall be as effectual to all Intents for, against, and with respect to the Company as if the same had been made by, to, or with respect to the Company instead of the Canal Company, and may be proceeded on and enforced in like Manner to all Intents as if the Company had been Party or privy thereto or referred to therein, instead of the Party actually Party or privy thereto or referred to therein.

Actions not to abate.

31. Notwithstanding such vesting, any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Canal Company before the passing of this Act shall not abate or be discontinued or prejudicially affected by this Act, but on the contrary shall continue and take effect either in favour of or against the Canal Company in the same Manner to all Intents as if this Act had not been passed.

Debts to be paid.

32. Notwithstanding such vesting, all Persons who immediately before the passing of this Act owed any Money to the Canal Company, or to any Person on their Behalf, shall pay the same with all Interest (if any) due and payable or accruing for the same to the Canal Company, and all Monies which immediately before the passing of this Act were owing by or recoverable from the Canal Company or for the Payment of which they were or but for this Act would be liable shall be paid, with all Interest (if any) due and payable or accruing for the same, by or be recoverable from the Canal Company.

Byelaws continued.

33. Notwithstanding such vesting and Dissolution, all Byelaws of the Canal Company made before the passing of this Act with respect to the Canal shall for the Purposes of this Act, but not (unless sooner remade under this Act) for any longer Period than Six Months after the passing of this Act, continue of full Force as if this Act had not been passed, and such Byelaws may be enforced and all Proceedings thereon may be continued or taken and all Penalties thereunder may be recovered accordingly.

Books, &c. continued as Evidence.

34. Notwithstanding such vesting and Dissolution, all Documents, Books, and Writings by the said Act of the Thirty-third Year of King *George* the Third directed or authorized to be kept, and which if this Act had not been passed would have been receivable in Evidence, shall be admitted as Evidence in all Courts of Law and Equity and elsewhere accordingly.

Officers continued.

35. Notwithstanding such vesting, every Officer and Servant appointed by virtue of or acting under the said Act of the Thirty-third Year of King *George* the Third, or employed in or about the Management, working, or User of the Canal, shall hold and enjoy his Office and Employment in that Behalf, with the Salary thereto annexed, and be deemed an Officer and Servant of the Company until he be removed from such Office and Employment, and he shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, and to the like Rules, Regulations, Pains, and Penalties as if he had been appointed by the Company under this Act.

Power to purchase and hold Steam Vessels.

36. It shall be lawful for the Directors of the Company from Time to Time, or at any One Time, with the Authority of any General or Special General Meeting of the Company, to lay out any Portion of the Capital herein-after authorized to be raised, or any Funds for the Time being belonging to the Company, not exceeding in the whole the Capital Sum of Twenty-five thousand Pounds, in the Purchase of One or more Steam Vessel or Steam Vessels, and also from Time to Time to expend and apply out of the general Revenues of the Company such annual Sum as may be necessary for the Expenses of the Maintenance of the Steam

Vessels

Vessels now belonging to the Company or which shall be so purchased, and from Time to Time, with such Authority as aforesaid, to sell such Steam Vessels and purchase others in the Place of the Vessels which may be so sold, and also from Time to Time to expend and apply out of the general Revenues of the Company any Sum which may be authorized to be expended and applied by any General or Special General Meeting in chartering or hiring any Steam Vessel or Steam Vessels: Provided always, that such Steam Vessel or Steam Vessels shall not be employed by the Company in plying between any other Ports or Places than between *Barrow*, *Piel Pier*, and *Fleetwood*.

Certain Sections of 18 & 19 Vict. c. clxxiii. repealed.

37. The Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth, Sixty-first, Sixty-second, and Sixty-third Sections of "The *Furness* Railway Act, 1855" (except so much of the Sixty-first Section as relates to the Profits accruing in respect of *Piel Pier*), shall be and the same are hereby repealed.

Powers of Directors as to Steam Vessels.

38. The Directors shall have the same or the like Powers with respect to the Management and Superintendence of the Affairs relating to the said Steam Vessels as they have with respect to the Management and Superintendence of the Affairs of the Company generally, including Power for the Directors to demand and receive from all Persons using such Steam Vessels, whether as Passengers or for the Conveyance of Goods, Merchandise, and Minerals, or in any other Manner, such Tolls, Rates, Charges, and Payments as the Directors shall think fit.

Provisions of 17 & 18 Vict. c. 31. extended to Steamboats of Company.

39. The Provisions of the Seventeenth and Eighteenth *Victoria*, Chapter Thirty-one, shall, so far as the same are applicable, extend to the Steamboats of the Company and to the Traffic carried thereon.

For securing Equality of Payment by Passengers.

40. Such Steamboat Rates or Sums shall be at all Times charged to all Persons equally and after the same Rate *per* Mile in respect of all Passengers conveyed in a like Vessel passing between *Barrow*, *Piel Pier*, and *Fleetwood*, under the like Circumstances, and no Reduction or Advance in any such Rate shall be made in favour of or against any Person using the said Steam Vessels in consequence of such Person having travelled over the whole or any Part of the Railway, or not having travelled on any Part thereof; nor shall any Reduction or Advance be made in favour of or against any Person using the Railway in consequence of such Person using or not using the said Steam Vessels.

Provision for Cessor of Powers as to Steam Ships on Report from Board of Trade.

41. Provided always, That in the Month of *August* or *September* One thousand eight hundred and seventy-six, and in the Month of *August* or *September* in the Years One thousand eight hundred and eighty-three and One thousand eight hundred and ninety, and of each Seventh Year thereafter, or in any of those Months, the Board of Trade may, if they shall

shall be of opinion that the public Interests are injuriously affected by the Exercise of the Powers and Provisions of this Act with respect to Steam Vessels, give to the Company Notice in Writing thereof, and of the Reasons on which that Opinion is founded, and if the Company shall not, before the beginning of the then next Session of Parliament, make Provision to the Satisfaction of the Board of Trade for remedying the Injury to the public Interests, or if the same are incapable of being remedied by the Company, then the Board of Trade, at the beginning of the Session of Parliament then next following, shall report to Parliament such their Opinion, and the Reasons on which that Opinion is founded; and at the Expiration of Twelve Calendar Months after the Presentation to Parliament of any such Report those Powers and Provisions, or such of them as are specified in such Report, shall, unless Parliament in the meantime otherwise provide, cease to be exercised.

As to Profits of Steam Vessels.

42. The Profits, if any, which shall accrue in respect of the said Steam Vessels shall be considered Part of the general Profits of the Company, and shall be subject to the same Provisions, and be dealt with in the same Manner, as such general Profits.

The Company empowered to make Byelaws.

43. It shall be lawful for the Company, and they are hereby authorized, from Time to Time to make Byelaws, Orders, and Regulations in relation to Passengers, Cattle, Goods, Merchandise, and Minerals conveyed in or upon such Steamboats, and as to the Embarkation and Disembarkation thereof respectively, and to enforce the Observance of the same by Penalties, in the same Manner as they are authorized with respect to Passengers, Cattle, and Goods landing or embarking at their Pier called "*Piel* Pier," or conveyed upon their Railways, such Byelaws, Orders, and Regulations being previously sanctioned and authenticated in the same Manner as is required with respect to their Railway, and such Byelaws, Orders, and Regulations, and all Penalties and Forfeitures in respect of the Breach thereof, shall be enforced and recovered in the same Manner as by the said "*Furness* Railway Act, 1855," is provided with respect to Offences committed upon the Railway, and all Offences committed on board the Steamboats shall be considered to be committed within the County Palatine of *Lancaster* aforesaid and be cognizable by any Justice thereof.

Rates and Byelaws to be published.

44. A List of Charges from Time to Time appointed to be taken for the Conveyance of Passengers, Cattle, and Goods in the Steamboats of the Company, and the Substance of all such Byelaws, Orders, and Regulations as shall be made by the Company in relation to such Passengers, Cattle, and Goods shall be affixed, in manner provided by the Acts relating to the Railway, in the Stations of the Company, and also in the Cabins appropriated to Passengers in the several Steam Vessels used by the Company.

45. For

Power for the Company to raise Money by new Shares.

45. For the Purposes of this Act, the Company from Time to Time may raise, by the Creation and Issue of new Shares in their Undertaking, any additional Capital not exceeding One hundred and sixty thousand Pounds: Provided always, that Thirty thousand Pounds (Parcel of the said Sum of One hundred and sixty thousand Pounds) shall not be raised by the Company unless the *Coniston* Company shall, by an Act passed in the present Session of Parliament, be amalgamated with and form Part of the Undertaking of the Company; and it shall not be lawful for the Company to raise such Sum of Thirty thousand Pounds, or any Part thereof, except by the Creation and Issue of new Shares having a fixed or preferential Dividend not exceeding the Rate hereinafter mentioned, and such Sum of Thirty thousand Pounds, or so much thereof as shall be raised under the Provisions of this Act, may and shall be applied exclusively for the Purposes of liquidating or otherwise satisfying the Debts and Liabilities of the *Coniston* Company.

New Shares may be of different Classes, &c.

46. The new Shares which the Company may issue under this Act, may be issued with the Sanction of at least Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at a General Meeting especially convened for the Purpose, and in such Manner as the Company from Time to Time may think fit, either of One Class and with like Privileges or Restrictions, or of several Classes and with different Privileges or Restrictions, and of the same or different Amounts, and with any Option or subject to any Condition for the Exchange thereof for ordinary or other Shares, and with any fixed, fluctuating, contingent, preferential, perpetual, terminable, or other Dividend, and either redeemable or irredeemable, as the Company shall think fit, and the Company may, as they from Time to Time shall think fit, fix the Amounts and Times of Payments of the Calls on the new Shares.

Certificates of Preference Shares to express Conditions of Issue.

47. The Terms and Conditions to which any Preference Shares created and issued under this Act are subjected shall be clearly stated on the Certificate of any such Preference Shares.

Restriction as to new Shares.

48. No new Shares issued under this Act shall have any fixed or preferential Dividend beyond the Rate of Five Pounds *per Centum per Annum* on the Amount from Time to Time actually paid thereon, and all the Shares of the same Class shall be of the same Amount, and all the Shares of the same Class shall bear the like Dividend, and confer and be subject to the like Privileges, Restrictions, and Conditions.

Payments of preferential Dividend.

49. The preferential Dividend (if any) on any new Shares of any Class respectively, created under the Authority of this Act, shall be payable half-yearly out of the Profits of every Year applicable for the Payment of Dividends, and in Priority to the Dividend on the ordinary Shares, and on the other Shares (if any) subject to the Preference of the respective new Shares; but if and whenever the Profits of any Year ending the Thirty-first Day of *December*, applicable for the Payment of

Dividend on the new Shares, are insufficient for the Payment in full of the preferential Dividend thereon for that Year, the Deficiency shall not be paid or payable wholly or in part out of the Profits of any subsequent Year, or out of any other Funds of the Company.

Saving for existing Preference Shares.

50. Any Preference or Priority in the Payment of Dividend which may be granted in respect of any new Shares in pursuance of this Act shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares which may have been granted by the Company by or in pursuance of or which may have been confirmed by any Act of Parliament passed before the passing of this Act, or which may otherwise be lawfully subsisting.

Cancelling unissued new Shares, and Issue of new Shares instead.

51. If, after having created any Class of new Shares, the Company determine not to issue the whole of the Shares of the Class, they may cancel the unissued Shares, and may from Time to Time thereafter create and issue in lieu thereof other new Shares of an aggregate Amount not exceeding the aggregate Amount of the new Shares so cancelled.

If ordinary Shares at a Premium, new Shares to be apportioned among ordinary Shareholders.

52. If at the Time of issuing any new Shares under this Act the then ordinary Shares of the Company are at a Premium, the new Shares to be then issued shall (except so far as a General Meeting of the Company specially convened for the Purpose shall, by a Majority of Three Fifths of the Votes of the Shareholders present, in Person or by Proxy, thereat otherwise determine) be of such Amount as will conveniently allow them to be apportioned among the then Holders of the ordinary Shares in proportion to the ordinary Shares held by them respectively, and shall be offered to them at Par in that Proportion.

Offer of new Shares by Letter.

53. Every Offer of new Shares shall be made by Letter under the Hand of the Secretary of the Company, or by printed Circular given to every ordinary Shareholder, or sent by Post addressed to him, according to his Address in the Shareholders Address Book, or left for him at his usual or last known Place of Abode in *England*, and every such Offer made by Letter sent by Post shall be considered as made on the Day on which the Letter in due Course of Delivery ought to reach the Place to which it is addressed.

New Shares to vest in accepting Shareholders.

54. The new Shares so offered shall vest in and belong to the Shareholders who accept them.

Disposal of unaccepted new Shares.

55. If any Shareholder fail for One Month after the Offer of new Shares to accept them, the Company may dispose of the unaccepted new Shares to any other Persons.

Directors may extend Time for accepting new Shares.

56. The Directors, if they think proper but not otherwise, may permit any Shareholder who, from Absence abroad or other Cause satisfactory to the Directors, omits to signify within the Time by this Act

Act limited his Acceptance of the new Shares offered to him to accept them, notwithstanding the limited Time may have elapsed.

General Disposal of new Shares.

57. Except as is by this Act provided with respect to offering new Shares to existing ordinary Shareholders, the Company from Time to Time may dispose of the new Shares to such Persons and on such Terms and Conditions as the Company think fit.

Additional Capital to be Part of general Capital.

58. Except as is by this Act otherwise provided, the additional Capital by this Act authorized shall be Part of the general Capital of the Company.

Exchange of new Shares for ordinary Shares.

59. The Company from Time to Time, with the Sanction of Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at a General Meeting of the Company specially convened for the Purpose, may accept from the Holder of any new Share created under this Act, and not being an ordinary Share, a Surrender thereof, and may issue to him in lieu thereof a new ordinary Share of the same nominal Amount as the nominal Amount of the new Share so surrendered, and thereupon the new Share so surrendered shall be cancelled, and every new Share so cancelled, and all Rights and Liabilities in respect thereof shall, on the Cancellation thereof, be absolutely extinguished.

Dividends on new Shares.

60. Every Person who becomes entitled to any new Share issued under this Act, of any Class, shall in respect of the same be a Shareholder, and, unless before the Time of the Issue thereof it otherwise be resolved by the Company, shall be entitled to the like Dividend and the like Rights of Voting and Qualification and Privileges as the Holders of the other ordinary Shares of the Company, proportioned to the whole Amount from Time to Time actually paid on the new Share.

Power to borrow on Mortgage.

61. The Company may borrow on Mortgage in respect of the Sum of One hundred and thirty thousand Pounds, Part of the additional Capital of One hundred and sixty thousand Pounds by this Act authorized, any Sums not exceeding in the whole the Sum of Forty thousand Pounds, but no Part of the said Sum of Forty thousand Pounds shall be borrowed until the whole of the said Sum of One hundred and thirty thousand Pounds shall have been subscribed for or taken, and One Half Part thereof shall have been actually paid up, and until the Company shall prove to the Justice who is to certify under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all such Capital of One hundred and thirty thousand Pounds has been subscribed for or taken *bonâ fide*, and is held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable.

Priority of existing Mortgages.

62. All Mortgages or Bonds legally granted by the Company before the passing of this Act shall, while respectively in force, have Priority over all Mortgages granted under this Act.

63. The

Receiver for the Mortgagees.

63. The Mortgagees under this Act may enforce the Payment of the Arrears of Principal and Interest due to them by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver shall be Five thousand Pounds.

Application of Monies.

64. All and every Part of the Money raised under the Authority of this Act (other than the Sum of Thirty thousand Pounds, Part of the additional Capital of One hundred and sixty thousand Pounds) shall be applied only to the Purposes by "The *Furness* Railway Act, 1855," and this Act respectively authorized.

Interest not to be paid on Calls.

65. The Company shall not, out of any Money by this Act authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as is in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845."

Deposit not to be made out of Capital of Company.

66. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament from Time to Time in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to make any other Railway or execute any other Work or Undertaking.

Railway not exempt from Provisions of present and future General Acts.

67. This Act or anything therein shall not exempt the Railway from the Provisions of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, and of the Rates for small Parcels, by the recited Acts and this Act authorized.

Saving Rights of the Crown and the Duchy of Lancaster.

68. Provided always, 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*.

Expenses of Act.

69. All the Costs, Charges, and Expenses of and incident to the applying for, obtaining, and passing of this Act shall be paid by the Company.

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