CHAPTER cxlvi.

An Act for conferring further powers on the Furness Railway Company for the construction of Works, the acquisition of Lands, and otherwise in relation to their Undertaking; for authorising them and the Midland Railway Company to execute Works; for empowering the Furness Railway Company to subscribe towards the Capital of the Cleator and Workington Junction Railway Company; for transferring to the Furness Railway Company a portion of certain Light Duties of the Commissioners and Trustees of the Port of Lancaster; and for other purposes. [21st July 1879.] A.D. 1879.

WHEREAS it is expedient that the Furness Railway Company (in this Act called "the Company") be empowered—

(A.) To make and maintain the railways and works by this Act authorised:

(B.) To make the new bridges in this Act mentioned:

(C.) To acquire additional lands for extending their stations, sidings, and other works and conveniences, for the accommodation of their traffic, and for the general purposes of or connected with their undertaking:

And whereas by the Furness Railway Act, 1872 (section 16), the Company were authorised to make and maintain the new roads and alterations and diversions of roads therein described, including, amongst others, an alteration or diversion of the road leading from Arnside to Milnthorpe, and to carry the said diverted road under the railway by means of a bridge, and in carrying out the objects and purposes of that Act the Company have altered and raised the levels of a portion of the main line of their railway, and made a bridge and approaches thereto for carrying the said road under their said main line, and altered and raised the levels of the said road as herein-after described, and it is expedient that the making of such works be sanctioned and confirmed: 35 & 36 Vict. c. xcix.

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And whereas the Company and the Midland Railway Company are joint owners of the Furness and Midland Railway, and it is expedient that those two companies, or either of them, should be empowered to widen the bridges over that railway herein-after mentioned or referred to:

And whereas by the Furness Railway Act, 1872 (section 5), the Company were authorised to make and maintain, amongst other railways, the Railway No. 1 thereby authorised, (in this Act called "the Barrow Loop,") and the period limited by that Act for the completion of the Barrow loop was five years from the passing thereof:

And whereas the Company have acquired or contracted for nearly the whole of the land required for and have constructed the greater part of the works on the Barrow loop, but the same is not yet completed, and it is expedient that the powers of the Company for the compulsory purchase of lands for and for the construction of the Barrow loop should be revived as by this Act provided:

26 & 27 Vict. c. lxxxix.

And whereas under and by virtue of the Furness Railway and Barrow Harbour Act, 1863, (in this Act called "the Act of 1863,") the harbour of Barrow as defined by that Act is vested in the Company, and the Company are authorised from time to time to maintain, buoy, light, regulate, and cause to be cleansed, deepened, and improved the said harbour in such manner and to such extent as they deem expedient:

And whereas the Company have from time to time, in exercise of the powers conferred upon them by the Act of 1863, caused the harbour of Barrow to be deepened and improved, and by reason thereof the roads which formerly existed at low water between the Island of Walney and the main land have been partly destroyed, and in order to provide a means of communication between the said Island of Walney and the main land the Company have, at the request of and by agreement with the owners, lessees, and occupiers of land in the said island, established a ferry between the island and the main land, and it is expedient that the Company be authorised to continue and maintain the same:

And whereas by the Act of 1863 (section 14) it was provided to the effect following; (that is to say,)

The Company should have jurisdiction over Piel Harbour and Piel Channel beyond the limits of the harbour of Barrow for the purpose of maintaining, improving, regulating, and buoying the said harbour and channel as far as Helpsford Scar, but that such powers should not confer on the Company the right to levy dues or rates beyond the limits of the harbour of Barrow

as therein specially defined, and that the Company should not in any manner impede the present access to the said Piel Harbour or diminish or affect in any way its present use, conveniences, privileges, or immunities as a harbour of refuge:

And whereas under the Act of 1863 the Company are authorised to appoint a harbour-master, pilots, meters, and weighers to act within the limits of the harbour of Barrow, and it is expedient that the limits within which the powers and jurisdiction of such harbour-master, pilots, meters, and weighers may be exercised and the bye-laws of the Company enforced should be extended so as to include Piel Harbour and Piel Channel as far as Helpsford Scar:

And whereas in the construction of some of the docks and works of the Company it has been found necessary to interfere with some of the outfall sewers belonging to the mayor, aldermen, and burgesses of the borough of Barrow-in-Furness, in the county palatine of Lancaster (herein-after call "the Corporation"), and to construct others in lieu thereof, and it is expedient that the Company and the corporation be authorised to enter into and carry into effect agreements with respect to the ownership and maintenance of any such sewers already constructed or any which may hereafter be constructed by the Company:

And whereas by the Furness Railway Act, 1869 (section 21), provision is made with reference to certain lands therein mentioned or referred to, some of which have been sold and disposed of by the Company, and it is expedient that further powers should be conferred upon the Company with reference to the sale, lease, or other disposal of those lands and of other lands acquired by them which are not or eventually may not be required for the purposes of their undertaking: 32 & 33 Vict. c. cliv.

And whereas the Company are, under the authority of Parliament, authorised to work the Cleator and Workington Junction Railway, and it is expedient, subject to the provisions of this Act, that the Company be empowered to subscribe for, purchase, and hold shares in the capital of the Cleator and Workington Junction Railway Company, in this Act called "the Workington Company":

And whereas the several Acts of Parliament which are set forth in the Second Schedule to this Act annexed have been passed relating to the navigation of the River Lune and the Port of Lancaster, under and by virtue of which Acts various powers are conferred on the commissioners and trustees acting in execution thereof (in this Act called the Commissioners and Trustees of the Port of Lancaster), and by the Act of the 29th year of the reign of his late Majesty King George the Third, chapter 39 (sections 7, 8, 11, and 12), it was

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enacted (among other things) to the effect following; (that is to say,)

VII. And be it further enacted, that it shall and may be lawful to and for the said commissioners and trustees for the time being, or the major part of them if they or the major part of them shall think it proper and expedient, and when and as to them or the major part of them shall seem most convenient and proper and best calculated to render the navigation of the said bay called Lancaster Bay most safe and commodious, to erect, build, or place one or more proper lighthouse or lighthouses, or other light or lights, with necessary buildings and conveniences, in any suitable place or places to be by the said commissioners and trustees or the major part of them purchased under the powers vested in them by the said former Acts, and also from time to time to remove the same and to erect or place others in their room as the shifting, forming, removing, or alteration of banks or channels may to the said commissioners and trustees or the major part of them seem to require, and also to make or cause to be made necessary roads to such lighthouses and lights, upon paying all reasonable damages for cutting such roads, to be ascertained as in the said in part recited Acts is mentioned.

VIII. And be it further enacted, that when any such lighthouse or other light shall be finished in such manner as to have the proper lights and signals placed in and upon the same, and so as to be serviceable not only to the ships and vessels bound to or from the Port of Lancaster aforesaid, but also to all other ships and vessels which shall or may trade, navigate, or sail across any part of the said bay usually called Lancaster Bay or into the River Duddon, it shall and may be lawful to and for the said commissioners and trustees for the time being, and to and for such person or persons as they or the major part of them shall or may from time to time in that behalf appoint, to demand, collect, receive, and take of and from the master, owner, agent, or consignee of every ship and other vessel which shall at any time pass by or make any such lighthouse or other light (His Majesty's ships of war and other ships employed in the King's service, and ships and vessels wholly laden with coal or other fuel, and likewise such ships or vessels as are bound or trading to or from the Port of Lancaster aforesaid and shall pay or shall have paid the duties on tonnage at the said port, only excepted) the several rates, tonnage, keelage, or duties at the times and in the manner hereinafter mentioned; (that is to say,) for every such ship or vessel as in the course of her voyage shall pass by or make any such lighthouse or other light by navigating or sailing by or between the south

end of Walney Island and the north-west side or part of Rossall Point whereon a landmark is now erected, or shall sail into or out of the River Duddon, or shall load or unload within any port, haven, or creek within the said bay called Lancaster Bay, three-pence per ton once in every year wherein any such ship or vessel shall so pass by or make any such lighthouse or other light and shall so navigate or sail or load or unload as aforesaid; and for every such ship or vessel as, being driven by storms or being induced by any other cause or reason, shall navigate or sail by or between the south end of Walney Island and the north-west side or part of Rossall Point aforesaid, and shall pass by or make any such lighthouse or other light, but shall not load or unload in any port, haven, or creek within the said bay usually called Lancaster Bay, one penny per ton once in every voyage wherein any such last-mentioned ship or vessel shall pass by or make any such lighthouse or other light.

XI. Provided always, and be it further enacted, that if the said commissioners and trustees at any time or times after such erection of any such lighthouse or lighthouses or light or lights as aforesaid shall think fit to discontinue making all or any of the same serviceable in manner hereby required, it shall be lawful for the said commissioners and trustees for the time being or the major part of them so to do, and if all such lighthouses or lights shall be so discontinued the said light duties hereby granted shall no longer be payable, but shall from thenceforth wholly and absolutely cease and determine until the said commissioners and trustees or the major part of them shall again make such light-house or lighthouses or light or lights, or one of them, serviceable within the meaning of this Act, and so from time to time as often as the case shall happen.

XII. And it is hereby further enacted, that all such sums of money as shall be received by virtue of this Act for or in respect of the said light duties herein-before granted shall from time to time be applied by the said commissioners or trustees for the time being or the major part of them in sustaining such lighthouse or lighthouses or light or lights as aforesaid and rendering the same serviceable, and in paying all such expenses as shall be requisite for that purpose; and if at any time or times there shall be any overplus money arising from the said light duties such overplus shall be applicable and disposable by the said commissioners and trustees for the time being or the major part of them in such and the same manner and to and for such and the same intents and purposes as is directed by the said former Acts in respect to the rates and duties thereby granted:

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And whereas under and by virtue of the above-recited provisions the Commissioners and Trustees of the Port of Lancaster have erected and maintain a lighthouse on Walney Island, and levy and receive on all ships or vessels entering or leaving the harbour of Barrow and Piel Harbour the light duties authorised by the above-recited Act, and the light duties so levied and received by the said commissioners and trustees exceed the cost of maintaining the said lighthouse, but, except so far as the same are applied to the cost of maintaining such lighthouse, no portion thereof is expended in works of improvement in the said harbour of Barrow, Piel Harbour, or Piel Channel:

And whereas the Company have, under and by virtue of the powers of the Act of 1863 and subsequent Acts, constructed large docks and works at Barrow for the accommodation of the shipping resorting thereto, and have expended and are still expending large sums of money in and about the same and in maintaining, regulating, and improving the harbour of Barrow, and Piel Harbour, and Piel Channel as far as Helpsford Scar, and for affording facilities for the shipping resorting thereto, and by reason of the works and operations of the Company the number and tonnage of the ships and vessels trading to and from the harbour of Barrow and the trade and commerce of Barrow have of late years very largely increased and are still increasing, and the sums received by the Commissioners and Trustees of the Port of Lancaster for light duties in respect of such ships and vessels have also largely increased:

And whereas for the purpose of affording proper accommodation to the shipping resorting to Piel Harbour it is necessary that additional moneys should from time to time be expended in maintaining, buoying, lighting, regulating, and improving the said harbour and channel as far as Helpsford Scar:

And whereas it would be greatly to the advantage of the shipping resorting to the harbour of Barrow and Piel Harbour if a portion of the money received by the Commissioners and Trustees of the Port of Lancaster for or in respect of light duties upon vessels entering or leaving or sailing into or out of the said harbours were paid to the Company, and the Company were authorised and required to apply the same to the maintenance, improvement, and regulation of Piel Harbour and Piel Channel as far as Helpsford Scar, and it is expedient, and the said commissioners and trustees have in the special circumstances agreed, that such provisions as are herein-after contained for the payment to and the application by the Company of a portion of the money received from the light duties be made:

And whereas by virtue of several Acts of Parliament the Company have attached to certain portions or classes of their shares or

stock guaranteed or preferential dividends of various amounts and conditions and contingencies of various descriptions, and it would be convenient to the holders of the several shares and stocks above referred to and to the Company if the same were consolidated and converted in the manner and subject to the conditions and restrictions herein-after prescribed, and it is expedient that provision should be made accordingly:

And whereas it is expedient that such further and other provisions be made with respect to the Company and their undertaking as are herein-after contained:

And whereas plans and sections of the railways and works by this Act authorised (including the railway the powers for making which are by this Act revived) showing the lines and levels thereof, and plans of the lands to be taken under the powers of this Act, together with books of reference to the plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the said lands have been deposited with the respective clerks of the peace for the counties of Lancaster and Westmoreland, and those plans, sections, and books of reference are in this Act respectively referred to as the deposited plans, sections, and books of reference:

And whereas the objects of this Act cannot be attained 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. This Act may be cited for all purposes as the Furness Railway Act, 1879.

Incorporation of general Acts.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act; (that is to say,)

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869: — 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106.

The Railways Clauses Consolidation Act, 1845:

Part I. (relating to the construction of a railway), and Part II. (relating to extension of time), and Part III. (relating to working agreements) of the Railways Clauses Act, 1863: — 32 & 33 Vict. c. 18. 8 & 9 Vict. c. 20. 26 & 27 Vict. c. 92.

The Harbours, Docks, and Piers Clauses Act, 1847, except (unless the Board of Trade shall otherwise require) sections 16, 17, 18, and 19 thereof. — 10 & 11 Vict. c. 27.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated

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herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction:

The expression "the railway" or "the railways" means the railways by this Act authorised:

The expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Power to make railways.

4. Subject to the provisions of this Act the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections thereof, the railways herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith respectively, and may enter upon, take, and use such of the lands delineated upon the deposited plans and described in the deposited books of reference relating thereto as may be required for the purpose. The railways herein-before referred to and authorised by this Act are—

(A.) A railway, 1 furlong 9 chains and 13 yards or thereabouts in length, wholly situate in the township of Carnforth, in the parish of Warton, in the county palatine of Lancaster, commencing by a junction with the main line of the Company near the northern end of the platform of the Company at the Carnforth station, and terminating by a junction with the Furness and Midland Railway at a point 200 yards or thereabouts from and to the east of the bridge which carries that railway over the public highway leading from Carnforth to Warton:

(B.) A railway, 2 furlongs 4 chains and 11 yards or thereabouts in length, wholly situate in the parish and borough of Barrow-in-Furness, in the county palatine of Lancaster, commencing by a junction with the Railway Number 1 authorised by the Furness Railway Act, 1872, at or near the termination thereof, and terminating by a junction with the Railway Number 1 authorised by the Furness Railway Act, 1876, at or near the commencement of that railway:

39 & 40 Vict. c. xlvii.

And the railways shall, with respect to tolls, rates, and charges, and for all other purposes whatsoever, be part of the undertaking of the Company, and the Company may demand and take in respect of the railways a like amount of tolls, fares, rates, and charges as by

the Furness Railway (Whitehaven Amalgamation) Act, 1866, the Company are authorised to demand and take with respect to their other railways. 29 & 30 Vict. c. ccxxxvi.

Lands for extraordinary purposes.

5. The quantity of land to be taken by the Company for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed two acres.

Power to cross certain siding and branch railway on the level.

6. The Company may in the construction of the Railway (A.) by this Act authorised carry the same with a single line only whilst the same shall consist of a single line, and afterwards with a double line only, across and on the level of the siding known as the Carnforth ironworks siding in the township of Carnforth, in the parish of Warton aforesaid; and the Company may in the construction of the Barrow loop carry the same with a single line only whilst the same shall consist of a single line, and afterwards with a double line, across and on the level of the Hawcoat Branch Railway of the Company in the parish and borough of Barrow-in-Furness aforesaid, as shown on the deposited plans and sections.

Imposing penalty unless railways opened.

7. If the Company fail within the period limited by this Act to complete the railways, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the uncompleted railway or railways is or are completed and opened for public traffic or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the uncompleted railway or railways, and the said penalty may be applied for by any landowner or other person claiming to be compensated in respect of the railway or railways in respect of which the penalty has been incurred in accordance with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in the third section of the Railway and Canal Traffic Act, 1854; and every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in that section, to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster General on behalf of the Chancery Division of the High Court of Justice in the bank named in such warrant or order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the uncompleted railway or railways by unforeseen accident or circumstances beyond their control; provided that want of 17 & 18 Vict. c. 31.

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sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty in compensation to parties injured.

8. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway or railways in respect of which the penalty has been incurred or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Company by this Act of taking property for the purposes of such railway or railways, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice may seem fit; and if no such compensation shall be payable, or if a portion of the said sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the said Chancery Division thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Limiting time for completion of railway.

9. The railway shall be completed within five years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Power to make new bridges.

10. Subject to the provisions of this Act the Company may make, in the lines and according to the levels shown on the deposited plans and sections relating thereto, the bridges herein-after described, with all proper works and conveniences connected therewith, and may exercise the powers herein-after mentioned, and may enter upon, take, and use such of the lands delineated upon the deposited

plans and described in the deposited books of reference relating thereto as may be required for those purposes; (that is to say,)

They may make and maintain a bridge in the parish and borough of Barrow-in-Furness, in the county palatine of Lancaster, for carrying a road under their railways at or near the point of junction of the Stank branch with the main line of the Company:

They may make and maintain a bridge or viaduct in the townships of Warton with Lindeth and Carnforth, in the parish of Warton, in the county palatine of Lancaster, across the River Keer and the public road leading from Carnforth to the shore of Morecambe Bay at a point twenty yards or thereabouts from and to the east of the eastern parapet of the existing bridge of the Company which now carries their railway over the said river and road.

Power to deviate in construction of bridges.

11. The Company may, in constructing the bridges authorised by the last preceding section, deviate to the extent of the limits of deviation marked on the deposited plans.

Height and span of bridge.

12. The Company may, notwithstanding anything to the contrary contained in the Railways Clauses Consolidation Act, 1845, make the arch of the bridge or viaduct authorised by the last but one preceding section for carrying the railway of the Company over the road next herein-after mentioned of any height and span not less than the height and span herein-after mentioned in connexion therewith; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
19	Warton -	Public -	11 feet 6 inches -	22 feet.

Limiting time for completion of bridges.

13. The bridges by this Act authorised shall be completed within five years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Company may acquire additional lands for general purposes.

14. Subject to the provisions of this Act, the Company, in addition to the other lands which they are by this Act authorised to acquire, may from time to time enter upon, take, use, and appropriate to the purposes of extending their stations, sidings, docks, and other works and conveniences for the accommodation of their

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traffic and for other purposes of their undertaking all or any of the lands following, delineated on the deposited plans thereof and described in the deposited books of reference relating thereto; (that is to say,)

Certain lands situate in the parish and borough of Barrow-in-Furness, in the county palatine of Lancaster, adjoining and near to the Piel Branch Railway and the embankment of the Cavendish Dock of the Company:

Certain lands situate in the said parish and borough of Barrow-in-Furness adjoining and on both sides of the Barrow loop line of the Company:

Certain lands situate in the township of Dalton Proper, in the parish of Dalton-in-Furness, in the county palatine of Lancaster, adjoining and on the north-west side of the railway of the Company and between the Dalton passenger station and the Crooklands mineral station on the said railway.

Powers for compulsory purchase limited.

15. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to take easements, &c. by agreement.

16. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Confirming construction of works in Beetham.

17. The making by the Company, in the lines and according to the levels shown on the deposited plans and sections relating thereto, of the following works, wholly situate in the township and parish of Beetham, in the county of Westmoreland, is hereby sanctioned and confirmed; (that is to say,)

An alteration and raising of the levels of a portion of the main line of railway of the Company between the junction therewith of the Arnside Branch Railway of the Company and a point 730 yards or thereabouts from and to the south of the said point of junction:

A bridge and the approaches thereto for carrying that portion of the road leading from Arnside to Milnthorpe which has been diverted by the Company under the main line of the Company,

and the alteration and raising of the level of the said road for a distance of 190 yards or thereabouts on the east side, and 88 yards or thereabouts on the west side, and 88 yards or thereabouts on the north-west side of the said bridge.

Power to Company and Midland Company to execute works and acquire lands.

18. Subject to the provisions of this Act, the Company and the Midland Railway Company, or either of them, may, in the lines and according to the levels shown on the deposited plans and sections relating thereto, widen on the north sides thereof respectively the bridge in the townships of Warton with Lindeth and Carnforth, in the parish of Warton, in the county palatine of Lancaster, which now carries the Furness and Midland Railway over the River Keer, and the bridge in the said township of Carnforth which now carries the same railway over the public road leading from Carnforth to Warton, and they may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference relating thereto as may be required for those purposes.

Revival of powers for purchase of lands for Barrow loop line.

19. The powers granted by the Act of 1872 for the compulsory purchase of the lands required for the purposes of the Barrow loop are by this Act revived, and may be exercised by the Company until but not after the eighteenth day of July one thousand eight hundred and eighty.

Revival of powers for construction of Barrow loop line.

20. The powers granted to the Company by the Act of 1872 with respect to the making of the Barrow loop, such line being wholly situate in the parish of Barrow-in-Furness, commencing by a junction with the main line of the Company and terminating at or near the commencement of the Railway (B.) by this Act authorised, but which line was not completed within the period limited by the Act of 1872 for the completion thereof, are hereby revived and may be exercised by the Company for the period of three years from the eighteenth day of July one thousand eight hundred and seventy-seven, and on the expiration of that period those powers shall cease, except as to so much thereof as is then completed, and section 11 of the Act of 1872 shall be read and construed as if the period limited by this Act for the completion of the said railway had been the period limited by the Act of 1872.

Power to establish ferry across Walney Channel.

21. The Company may establish, continue, and maintain a ferry across Walney Channel within the harbour of Barrow, between Old Barrow Island near the north-western end thereof and the Island of Walney near Saint Mary's Vicarage, and for the purposes of and in connexion with such ferry may provide, hire, and use boats and other requisites and conveniences.

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Ferry tolls.

22. The Company from time to time may demand and take in respect of the user of their ferry any tolls and charges not exceeding the tolls and charges specified in the First Schedule to this Act.

Extending limits within which powers of harbour master, &c. may be exercised.

23. The limits within which the powers of the harbour master, pier master, pilots, meters, and weighers appointed by the Company may be exercised shall comprise and include the harbour of Barrow and Piel Harbour and Piel Channel as far as Helpsford Scar, and from and after the passing of this Act all byelaws of the Company relating to the harbour of Barrow shall apply to and may be put in force within Piel Harbour and Piel Channel as far as Helpsford Scar in addition to the harbour of Barrow: Provided always, that nothing in this Act shall confer upon the Company the right to levy dues or rates beyond the limits of the harbour of Barrow as defined by the Act of 1863, and that the Company shall not in any manner impede the present access to the said Piel Harbour, or diminish or affect in any way its present use, conveniences, privileges, or immunities as a harbour of refuge, and that the Company shall not use their powers under this section unequally as regards vessels from different ports or places, nor to the special disadvantage of vessels trading to or from any port or place.

Agreements with Corporation of Barrow in reference to outfall sewers.

24. The Company and the corporation may from time to time make and enter into and carry into effect agreements and arrangements for or with respect to the ownership and maintenance by the corporation of any outfall sewers which have already or may hereafter be constructed by the Company in the said borough of Barrow-in-Furness.

Extending time limited by 32 & 33 Vict. c. cliv. s. 21. for disposal of certain lands.

25. Section 21 of the Furness Railway Act, 1869, sub-section 4, shall be read and have effect as if the period of twenty years had been named therein instead of the period of ten years, and during such extended period it shall be lawful for the Company to exercise all or any of the powers conferred by such section with reference to the lands therein mentioned or referred to and which from time to time have not been sold or disposed of by the Company.

Extending time for sale of certain superfluous lands.

26. The Company may, notwithstanding anything to the contrary in the Lands Clauses Consolidation Act, 1845, or in any Act relating to the Company with which that Act is incorporated, retain and hold any lands belonging to them in the townships or divisions of Whitehaven and Preston Quarter, in the parish of Saint Bees, in the county of Cumberland, and which have not yet been applied to the purposes of the Company, for the periods following; that is to say, as regards such of the lands as are situate adjoining or near to any railway or station of the Company or as the Company may be of

opinion that they may require for purposes of stations, sidings, or other conveniences, for the period of ten years from the passing of this Act, and as regards the other of the said lands, for the period of two years from the passing of this Act; but the Company shall, at or before the expiration of those respective periods, sell and dispose of all such parts of those lands respectively as shall not then have been applied to or are not then required for the purposes of their undertaking.

Certain lands may be sold for rentcharge and let on building leases.

27. The Company may sell such of the lands belonging to them as may not have been applied to the purposes of the Company and as are situate in the township or division of Seascale, in the parish of Gosforth, in the county of Cumberland, or any part of such lands, in consideration of a rentcharge as well as or instead of a sum in gross, and they may grant demises or leases of any such lands as are or may hereafter be adapted for building or for trade purposes, or any part of such lands, or any buildings now standing or hereafter to be erected thereon, for such term or terms of years not exceeding ninety-nine, at such rent or rents and subject to such covenants, conditions, agreements, and stipulations as the Company shall deem expedient with reference to the special circumstance of each demise or lease: Provided that whenever, by sale to various parties or otherwise of the reversion, the reversion upon any such lease shall be severed the rent may be apportioned by agreement between such parties, and if such apportionment be not so settled the same shall be settled by an arbitrator appointed by the Board of Trade; and after such apportionment the owner of each part of the reversion shall, in respect of the apportioned rent allotted or belonging to him, have the benefit of all conditions or powers of re-entry for nonpayment of the original rent in like manner as if such conditions had been reserved to him as incident to his part of the reversion in respect of the apportioned rent allotted or belonging to him: Provided also, that any such agreement shall be binding only upon the parties thereto, and no such apportionment shall (unless with express consent in writing) alter, prejudice, or affect the rights or interests of any lessee of the lands in respect of which such apportionment is made, his executors, administrators, or assigns; Provided further, that the Company shall sell or absolutely dispose of the reversions of all such leases within the period of ten years from the granting thereof respectively.

Power to Company to purchase shares in Workington Company.

28. The Company, with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may subscribe for, purchase, and hold shares in the capital of the

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Workington Company to an amount not exceeding twenty-five thousand pounds: Provided always, that the Company shall not sell, dispose of, or transfer any shares so held by them. The Company shall, in respect of any shares in the Workington Company held by them, have all the powers, rights, and privileges (except in regard to voting at general meetings which shall be as herein-after provided) and be subject to all the obligations and liabilities of proprietors of shares in the Workington Company. The Company, while shareholders in the Workington Company, may, by writing under their common seal, from time to time appoint some person to attend any meeting of the Workington Company, and such person shall have all the privileges and powers attaching to other shareholders at such meetings. The Company and the Workington Company may make and carry into effect agreements with respect to all or any of the matters aforesaid.

Provisions relating to the Commissioners and Trustees of the Port of Lancaster and the Company.

29. From and after the 30th day of April 1880, the following provisions relating to the Company and the Commissioners and Trustees of the Port of Lancaster shall have full force and effect; (that is to say,)

(A.) All moneys received by the Commissioners and Trustees of the Port of Lancaster for or in respect of the light duties on ships or vessels or on goods carried in ships or vessels entering or leaving the harbour of Barrow and Piel Harbour and Piel Channel and navigating or sailing by or between the south end of Walney Island and the north-west side or part of Rossall Point, and the light duties on ships or vessels or on goods carried in ships or vessels entering or leaving the harbour of Barrow, Piel Harbour, and Piel Channel and sailing into or out of the River Duddon (all of which said light duties are herein-after called "the light duties") shall, after deducting therefrom the cost of collecting the light duties, from time to time be paid and applied by them in manner following; (that is to say,)

(1.) When the light duties (after such deduction) do not exceed one thousand five hundred pounds in any one year, the whole thereof shall be retained by the Commissioners and Trustees of the Port of Lancaster for their own use:

(2.) When the light duties (after such deduction) exceed one thousand five hundred pounds and do not exceed three thousand pounds in any one year, the Commissioners and Trustees of the Port of Lancaster shall retain for their own use

the sum of one thousand five hundred pounds, and as to the sum remaining, after deducting such sum of one thousand five hundred pounds, one half thereof shall be retained by the Commissioners and Trustees of the Port of Lancaster for their own use and the other half thereof shall be paid by the Commissioners and Trustees of the Port of Lancaster to the Company:

(3.) When the light duties (after such deduction of the cost of collecting the light duties) exceed three thousand pounds in any one year the Commissioners and Trustees of the Port of Lancaster shall retain for their own use the sum of two thousand two hundred and fifty pounds, and the sum remaining (after deducting such sum of two thousand two hundred and fifty pounds) shall be paid by the Commissioners and Trustees of the Port of Lancaster to the Company:

(B.) The Commissioners and Trustees of the Port of Lancaster shall, within one month from the expiration of each year, pay to the Company the sum which under the provisions of this clause is to be paid to the Company, and in default of payment of any such sum the payment in arrear shall be deemed to be a debt which has priority by statute, and shall have all the incidents thereof, and may be recovered accordingly by the Company in any court of competent jurisdiction, together with interest at the rate of ten per centum per annum thereon and full costs of suit:

(C.) The Commissioners and Trustees of the Port of Lancaster shall keep full and accurate accounts of the whole of their receipts from the light duties for the year ending the thirtieth day of April in each year, duly audited and certified by an auditor to be agreed upon between the Commissioners and Trustees of the Port of Lancaster and the Company, or, failing agreement, by an auditor to be appointed by the Board of Trade; and the Commissioners and Trustees of the Port of Lancaster shall send a copy of such accounts to the Company on or before the expiration of one month from the day on which such account shall end:

(D.) All sums from time to time received by the Company from the Commissioners and Trustees of the Port of Lancaster for or in respect of the light duties shall be applied by the Company in maintaining, buoying, lighting, regulating,

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and improving Piel Harbour and Piel Channel as far as Helpsford Scar, and to no other purpose: Provided always, that before the commencement by the Company of any works to which such light duties are to be so applied plans of such works shall be submitted by the Company to and approved by the Board of Trade.

Providing for consolidation of preference shares, &c.

30. The consolidation and conversion of the preference and guaranteed shares and stocks of the Company, or any of them, may, at any time not later than the thirty-first day of December one thousand eight hundred and eighty-two, be effected in the manner and subject to the conditions and restrictions following; (that is to say,)

(1.) The directors of the Company may prepare a scheme or schemes for the consolidation of all the shares and stocks above referred to, and in this section collectively included in the expression "stocks" or "stock," or of such of them as they desire to consolidate, and for the conversion of those stocks into other stocks of such names and of such amounts, and with such guaranteed, preferential, or ordinary dividends and such other privileges and conditions attached thereto as the scheme shall define:

(2.) They shall send or cause to be sent a copy of the scheme to all the proprietors of the stocks to which the scheme relates or which may be affected thereby, accompanied by a notice that the scheme will be submitted to the consideration of a meeting of the proprietors of those stocks:

(3.) Not sooner than one month nor later than three months after the circulation of the scheme as aforesaid, the directors shall convene separate meetings of the proprietors of the several stocks to which the scheme relates or which may be affected thereby, and the directors shall submit to each of such meetings such portion or portions of the scheme as relate to or affect the stock represented at that meeting:

If the proprietors present in person or by proxy at any such meeting, and holding one fourth in value of any stock to which the scheme relates, object to that portion of such scheme which relates to the stock of which they are proprietors, the scheme, so far as it relates to that stock, shall not be carried into effect, but in respect of the other stocks and in respect of all the stocks to which the scheme relates, if no such objection is made, the scheme shall be declared to be approved:

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(4.) Every meeting convened under the provisions of this section shall be convened in the manner prescribed by the Companies Clauses Consolidation Act, 1845, for calling general meetings of the Company : 8 & 9 Vict. c. 16.

(5.) The scheme so approved shall be submitted by the directors to a general meeting of the proprietors of the Company duly convened with special notice of the matter. If the scheme, or any portion or portions thereof, is or are approved by a majority of the votes of the proprietors present in person or by proxy in respect of the stock held by them according to the scale of voting prescribed by the said Companies Clauses Consolidation Act, 1845, it shall be carried into effect by the directors, but if the whole or any portion thereof is disapproved of by such majority the scheme, or the portion or portions thereof so disapproved of, shall not be proceeded with :

(6.) In the event of the failure from any cause, either wholly or in part, of any scheme or schemes prepared by the directors under this section, other than and except the disapproval thereof by the proprietors of the Company, the directors may prepare another scheme or other schemes, which shall be dealt with in like manner under the foregoing provisions as if no antecedent scheme or schemes had been prepared :

(7.) For the purpose of carrying any scheme so approved of into effect, the directors shall have and may exercise the following powers :

(a.) They may redeem existing stocks to which a power of redemption is attached by paying to the holders thereof the amount of such stocks, together with any premiums reserved thereon :

(b.) They may, in lieu of the stocks so redeemed and for the other purposes of the scheme, create and issue new stocks ; and such new stocks may be guaranteed stock, preference stock, and ordinary stock, or any of such stocks, and of such amounts respectively, and with such dividends and other provisions and conditions attached thereto, as may be required to give effect to the scheme :

Provided always, that the aggregate amount of the dividends payable upon the new guaranteed stock and preference stock so to be created shall not, except in the case of fluctuating or variable

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dividends, exceed the aggregate amount of the dividends payable upon the stocks in substitution for or in respect of which those new stocks are so created:

Provided also, that in respect of fluctuating or variable dividends the aggregate amount of the stock or stocks so to be created in substitution for or in respect of the stocks now bearing or entitled to such dividends shall be of such an amount as may be determined on in the scheme to be submitted as herein-before provided as representing the estimated value of those dividends:

Provided also, that the directors shall not issue any new guaranteed stock, except in redemption of or substitution for guaranteed stock or shares, or dividends, interest, or other payments having or being entitled to a guarantee or security of the like character and priority:

(c.) Forthwith upon the consolidation and conversion taking effect they shall issue to every holder of the stocks so consolidated and converted, free of charge for so doing, a certificate for and representing such an amount of new stock as such holder is entitled to:

Provided always, that until the issue of such new certificates the existing certificates and the holders thereof shall bear and possess the same rights and advantages as they would have had and possessed if this Act had not passed; but when such new certificates are issued the existing certificates shall be deemed to be cancelled:

Provided also, that the Company shall not be required to issue any new certificate unless and until the existing certificate in substitution for which it is issued is given up to be cancelled or is proved to the satisfaction of the Company to have been lost or destroyed; and if any holder of stock neglect or omit to send or deliver to the Company his existing certificate for the period of one year after notice in writing addressed to his last known place of abode, the Company may suspend the payment of any dividend declared or made payable upon or in respect of the stock held by him until such

existing certificate is sent or delivered to the Company:

(8.) The consolidated stock shall remain and be vested in the person or persons to whom it is issued, upon the same trusts and subject to the same powers, provisoes, declarations, agreements, charges, liabilities, and incumbrances as at the time of the issue thereof affect the stock in substitution for which the consolidated stock is issued, and so as to give effect to and not revoke any testamentary disposition of or affecting the same.

New capital may be comprised in the scheme.

31. Any capital which the Company may have power to raise by shares or stock by any Act of any previous session, but which they have not yet created, or which they are by any Act passed in the present session of Parliament empowered to raise, and which when created is created as preference shares or stock, may be comprised in any scheme for the consolidation and conversion of stocks.

Trustees, &c. may accept new stock.

32. Trustees, executors, and administrators may accept any new guaranteed, preference, or ordinary stock consolidated under the authority of this Act, and may hold, dispose of, or otherwise deal with the same in all respects as they might have held, disposed of, or otherwise dealt with the shares or stock for which such new guaranteed, preference, or ordinary stock was substituted.

Power to Company to apply surplus funds.

33. The Company may apply to the purposes of this Act any of the moneys which they now have in their hands or which they have power to raise under any of the Acts relating to the Company, and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Agreements between the Company and the Midland Railway Company. 36 & 37 Vict. c. 73.

34. The Company and the Midland Railway Company may, subject to the provisions of Part III. of the Railways Clauses Act, 1863, as amended or varied by the Regulation of Railways Act, 1873, from time to time enter into and carry into effect agreements and arrangements for or with reference to the working, use, management, and maintenance of the Railway (A.) by this Act authorised and all incidental matters.

Power to Midland Railway Company to apply surplus funds to certain purposes of Act.

35. The Midland Railway Company may apply to the widening of the bridges herein-before respectively described any moneys from time to time raised by them and which are not by any of the Acts relating to that Company made applicable to any special purpose or which, being so made applicable, are not required for the special purpose.

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Saving rights of the Crown in the foreshore.

36. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving rights of the Duchy of Lancaster.

37. Nothing contained in this Act shall extend or operate to authorise the Company to take, use, enter upon, or in any manner interfere with any land, soil, water, or hereditaments, or any manorial rights, or any other rights of whatsoever description, belonging to Her Majesty in right of her Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said Duchy first had and obtained (which consent the said Chancellor is hereby authorised to give), or take away, prejudice, or diminish any estate, right, privilege, power, or authority vested in or enjoyed or exerciseable by Her Majesty, her heirs or successors, in right of her said Duchy.

Saving rights of Commissioners and Trustees of Port of Lancaster.

38. Except as by this Act expressly provided nothing contained in this Act shall extend or operate to take away, prejudice, affect, or abridge any of the existing rights, powers, privileges, or immunities of the Commissioners and Trustees of the Port of Lancaster.

Company not exempt from provisions of present and future general railway Acts.

39. Nothing in this Act contained shall exempt the Company or the railways of the Company 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, nor from any future revision and alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels authorised by this or any other Act relating to the Company.

Expenses of Act.

40. All the costs, charges, and expenses of and incident to the applying for, obtaining, and passing of this Act, or preparatory or incidental thereto, shall be paid by the Company.

The SCHEDULES referred to in the foregoing Act. A.D. 1879.

FIRST SCHEDULE.

Maximum tolls to be charged for the use of the ferry on each occasion of crossing:

For every four-wheeled carriage and not more than two horses	Ninepence.
For every two-wheeled carriage and not more than one horse	Fourpence.
For every four-wheeled waggon and not more than two horses	Fourpence.
For every two-wheeled cart and not more than one horse	Twopence.
For every additional horse attached to a cart or carriage	One penny.
For every horse or mule or ass and rider	Twopence.
For every head of cattle	Twopence.
If more than one, for every additional one	One penny.
For every six or less number of sheep, pigs, or goats	Twopence.
For every foot passenger	One penny.
For every parcel of goods not carried by any passenger	One penny.
For every hand cart, barrow, perambulator, and velocipede	Twopence.

Four passengers, in addition to one driver, to be allowed in every four-wheeled carriage.

Two passengers, in addition to one driver, to be allowed in every two-wheeled carriage.

Two drivers to be allowed in every four-wheeled waggon.

One driver to be allowed in every two-wheeled cart.

SECOND SCHEDULE.

An Act made and passed in the twenty-third year of the reign of His late Majesty King George the Second, intituled "An Act for improving the "navigation of the River Loyne, otherwise called Lune, and for building a "quay or wharf near the town of Lancaster, in the county palatine of "Lancaster."

An Act made and passed in the twelfth year of the reign of His late Majesty King George the Third, intituled "An Act to explain and amend an Act made "in the twenty-third year of the reign of His late Majesty King George the "Second for improving the navigation of the River Loyne, otherwise called

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" Lune, and for building a quay or wharf near the town of Lancaster, in the " county palatine of Lancaster."

An Act made and passed in the twenty-ninth year of the reign of His late Majesty King George the Third, intituled "An Act to explain, amend, and " render more effectual several Acts made in the twenty-third year of the " reign of His late Majesty King George the Second and the twelfth year " of the reign of His present Majesty for improving the navigation of the " River Loyne, otherwise called Lune, and for building a quay or wharf near " the town of Lancaster, in the county palatine of Lancaster, and for other " purposes therein mentioned."

An Act made and passed in the forty-seventh year of His late Majesty George the Third, intituled " An Act to explain, amend, and render more effectual " several Acts for improving the navigation of the River Loyne, otherwise " Lune, and for building a quay or wharf near Lancaster, in the county " palatine of Lancaster."

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