CHAPTER clxxxviii.

An Act for conferring further powers on the Furness Railway Company for the construction of works the raising of money and otherwise in relation to their undertaking and for other purposes. [11th August 1881.] A.D. 1881.

(New railways and works.)

WHEREAS it is expedient that the Furness Railway Company (in this Act called "the Company") be empowered to make and maintain the railways bridge and approach road by this Act authorised and to exercise the other powers in this Act mentioned:

And whereas the said bridge and approach road are intended to be constructed on land belonging to the Company:

(Company and London and North-western Railway Company diversion of road, &c.)

And whereas the Company and the London and North-western Railway Company (in this Act called "the two companies") are joint owners of the Whitehaven Cleator and Egremont Railway and it is expedient that the two companies or either of them should be empowered to divert in the parish of Egremont in the county of Cumberland the portion in this Act described of the public road which is crossed on the level by the Egremont branch of that railway at the Woodend Station thereon and to carry the diverted road under the said branch and to make in connexion with such diversion the new road herein-after described:

39 & 40 Vict. c. xlvii. (Revival of powers for land and extension of time for works.)

And whereas by the Furness Railway Act 1876 (in this Act called "the Act of 1876") the Company were empowered to make and maintain the railways by that Act authorised and therein described as Railways Nos. 1 2 3 and 4 and the respective periods limited by that Act for the compulsory purchase of lands and for the completion of those railways was three years and five years from the passing thereof:

And whereas the Company have nearly completed the Railway No. 4 authorised by the Act of 1876 and have acquired or contracted for some of the land required for the other railways by that Act authorised (except so far as regards the railway and portion of railway thereby authorised which are by this Act required to be abandoned) and it is expedient that the powers of the Company

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for the compulsory purchase of lands for the purpose of that Act and the period limited for the completion of the railways thereby authorised except as aforesaid be revived and extended as by this Act provided:

(Abandonment.)

And whereas the construction of the Railway (A) by this Act authorised will render unnecessary the portion herein-after described of Railway No. 1 authorised by the Act of 1876 and it is expedient that the same and the Railway No. 3 authorised by the same Act be abandoned as by this Act provided:

(Repeal of section 29 of Act of 1876.)

And whereas by the Act of 1876 (section 29) the Company were authorised when so much of the Railways Nos. 1 2 and 3 by that Act authorised as were intended to be substituted for the portions of the existing railway of the Company therein described were completed and opened for public traffic to abandon and cease to use for public traffic those portions of their existing railway but inasmuch as the said Railway No. 3 and a portion of Railway No. 1 are by this Act abandoned it is expedient that section 29 of the Act of 1876 should be repealed and that such other provisions be made in lieu thereof as are herein-after contained:

29 & 30 Vict. c. clxxvi. (Abandonment of siding at Ulverston.)

And whereas by the Furness Railway Act 1866 (in this Act called "the Act of 1866") and the heads of agreement scheduled to and confirmed by that Act the Company were authorised and required to make and maintain the railway or siding thirdly described in section 5 of that Act and the Company have constructed the same and it is now opened for public traffic but in consequence of the increased traffic thereon the working thereof is now attended with great inconvenience and delay to the general traffic of the Company and it is intended that the Railway or Siding (B) by this Act authorised should be substituted for the said railway or siding authorised by the Act of 1866 and the traffic intended to be accommodated thereby will be accommodated in a more convenient and efficient manner by the construction of the Railway or Siding (B) by this Act authorised and under these circumstances it is expedient that on the completion and opening for traffic of the said Railway or Siding (B) the Company should be empowered to abandon and discontinue the railway or siding authorised by the Act of 1866 and that the provisions of that Act and of the heads of agreement scheduled thereto should from and after such completion and opening be amended and altered as by this Act provided:

(Rates for warehousing, &c.)

And whereas it is expedient that such further provision as is herein-after contained should be made with respect to the rates or charges which the Company may demand for the warehousing of goods and minerals or for any other extraordinary services performed by them:

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And whereas it is expedient that the Company on the one hand and the mayor aldermen and burgesses of the borough of Barrow-in-Furness in the county palatine of Lancaster or any company body or person for the time being owning or working tramways in the said borough or any or either of them on the other hand be authorised to enter into and carry into effect working and traffic and other agreements with reference to the tramways and the traffic thereon as by this Act provided: (Agreements with Corporation of Barrow-in-Furness.)

And whereas it is expedient that the Company and the local board for the district of the town and hamlet of Ulverston in the county of Lancaster be authorised to enter into and carry into effect agreements and arrangements for or with respect to the alteration diversion and improvement by the said local board of portions of the public road leading from the Ulverston Canal head to the North Lonsdale Ironworks: (Agreements with Local Board of Ulverston.)

And whereas it is expedient that all rights of way (if any) over and along the property of the Company situate in the parish of Ulverston and bounded on the north-eastern side thereof by the Ulverston Canal should be extinguished as by this Act provided: (Extinguishment of rights of way.)

And whereas it is expedient that the Company be authorised from time to time to supply water from their Ulverston Canal and the feeder thereto not required for the purposes of the canal to any mills manufactories or works on adjacent or near to that canal and to enter into agreements with reference to such supply and all matters incidental thereto: (Supply of water from Ulverston Canal.)

And whereas it is expedient that the Company be authorised to erect purchase take on lease or otherwise acquire and to fit up maintain and let houses and dwellings for the officers and servants employed by them for the purposes of their undertaking: (Houses for officers and servants.)

And whereas it is expedient that the Company be authorised to grant or convey in fee simple or for a term of years without receiving any valuable consideration lands belonging to them situate in the said borough of Barrow-in-Furness and not required for purposes of their undertaking for sites for churches chapels schoolhouses or any other buildings for ecclesiastical or charitable purposes as by this Act provided: (Sites for churches, &c.)

And whereas it is expedient that the Company be authorised to raise further moneys for the purposes of the railways and works by this Act authorised and for other the objects of this Act and for the general purposes of their undertaking: (Additional capital.)

And whereas it is expedient that such other provisions be made with respect to the Company and their undertaking as are in this Act contained:

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(Deposit of plans, &c.)

And whereas plans and sections showing the lines and levels of the railways and works by this Act authorised and also 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 lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the respective clerks of the peace for the counties of Lancaster and Cumberland and are herein-after 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 1881.

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) :

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 20.

The Lands Clauses Consolidation Acts 1845 1860 and 1869 ;

The Railways Clauses Consolidation Act 1845 ;

26 & 27 Vict. c. 92.

Part I. (relating to the construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act 1863 ;

8 & 9 Vict. c. 16.

The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for nonpayment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of borrowed money into capital ;

The consolidation of shares into stock ;

The giving of notices ;

The provision to be made for affording access to the special Act by all parties interested ;

And Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863. A.D. 1881. 26 & 27 Vict. c. 118.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation.

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.

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 wholly situate in the county palatine of Lancaster and are: Power to make railways.

(A) A railway five furlongs and two chains or thereabouts in length wholly situate in the parish of Barrow-in-Furness commencing by a junction with the Railway No. 1 authorised by the Furness Railway Act 1876 and terminating by a junction with the main line of the Company from Dalton to Whitehaven.

(B) A railway or siding four furlongs two chains and four yards or thereabouts in length wholly situate in the parish of Ulverston commencing by a junction with the Bardsea Branch Railway of the Company (authorised by the Furness Railway Act 1876 and therein described as Railway No. 4) and terminating at the basin of the Ulverston Canal.

(E) A railway or siding described on the deposited plans and sections as Tramway E seventeen chains or thereabouts in length commencing at the commencement of the Bridge (C) by this Act authorised passing over and along the bridge and terminating at the termination thereof;

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(F) A railway or siding described on the deposited plans and sections as Tramway F six chains and five yards or thereabouts in length commencing by a junction with Railway (E) at a point thirty yards or thereabouts from and to the south of the commencement of that railway passing along the Bridge (C) and the Approach Road (D) by this Act authorised and terminating at or near the termination of that road:

Provided that the Company shall not except with the consent of the Board of Trade use any other than animal or manual power for moving any carriage waggon or truck upon or along the said Railways or Sidings (E) and (F)

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 except as is by this Act otherwise expressly provided 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 Provided nevertheless that as regards traffic conveyed only on Railways (E) and (F) by this Act authorised the Company shall only demand tolls and charges as for one mile if and when those railways are worked in connexion with any tramways belonging to the mayor aldermen and burgesses of the borough of Barrow-in-Furness.

29 & 30 Vict. c. ccxxxvi.

Width of certain roadways.

5. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say):

No. on deposited Plans.	Parish.	Description of Road.	Width of Roadway.
		Railway (A)	
25	Barrow.	Public road.	25 feet.
43	Barrow.	Public road.	25 feet.

Power to make bridge and approach road.

6. 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 bridge and approach road herein-after described 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 in the parish and borough of Barrow-in-Furness in the county palatine of Lancaster the bridge for carrying at a higher level the road called or known as the Michaelson Road over the railway of the Company and the wharf between the Devonshire and Buccleuch Docks and the approach road herein-after described (that is to say):

(C) A bridge to be constructed on the site of the existing bridge and road and commencing on the boundary wall of the coal yards of the Company situate on the southern side of the street called or known as the Strand at a point fifteen yards or thereabouts east of the centre of the gateway leading into the said coal yards and terminating at a point three hundred and sixty yards or thereabouts from and to the south of the point of commencement;

(D) An approach road commencing at a point twenty-three yards or thereabouts from and to the south of the commencement of the Bridge (C) and terminating on the south side of the street or road called or known as Hindpool Road opposite the junction of that street or road with the street called or known as Market Street.

When and so soon as the said bridge and approach road are completed the Company may pull down and remove the bridge which connects the wharves between the Devonshire and Buccleuch Docks and may stop up and discontinue so much of the existing road as is situate and lies between the commencement and termination of the Bridge (C) by this Act authorised.

Power to deviate in construction of bridge &c.

7. The Company may in constructing the bridge and approach road authorised by the last preceding section deviate to the extent of the limits of deviation marked on the deposited plans thereof.

Limiting time for completion of railways and works.

8. The railways bridge and approach road 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 making and completing the railways bridge and approach road respectively or otherwise in relation thereto shall cease to be exercised except as to so much thereof respectively as is then completed.

Imposing penalty unless railways opened.

9. If the Company fail within the period limited by this Act to complete the railways respectively 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

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

17 & 18 Vict. c. 31.

Providing for application of penalty in compensation to parties injured.

10. 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 said Chancery Division 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.

Powers for compulsory purchase limited.

11. 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.

12. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or re-lease 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.

Extinguishment of rights of way.

13. All rights of way over and along the bridge and portion of road which shall under the provisions of this Act herein-before contained be pulled down removed stopped up and discontinued and over any of the lands which shall under those provisions be purchased or acquired shall as from the pulling down removal stopping up discontinuance purchase or acquisition thereof respectively be and the same are by this Act extinguished.

Power to Company and London and North-western Railway Company to execute works and acquire land.

14. Subject to the provisions of this Act the two companies or either of them may in the lines and according to the levels shown on the deposited plans and sections relating thereto make the road diversion and new road herein-after described with all proper works and conveniences connected therewith and they may exercise the other powers herein-after mentioned 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 that is to say:

They may in the parish of Egremont in the county of Cumberland make a diversion of so much of the public road which is crossed on the level by the Egremont branch of the Whitehaven Cleator and Egremont Railway at the Woodend Station thereon

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as extends from a point opposite the east end of a house called or known as Croft End House to a point ten-and-a-half chains or thereabouts from and to the westward of the said Croft End House and carry the diversion under the said railway by means of a bridge:

And they may make a new road commencing from and out of the said diversion at a point eight chains or thereabouts from the said Croft End House and terminating at a point six-and-a-half chains or thereabouts from and to the northward of the point of commencement And when and so soon as the diversion and new road respectively are completed and opened to the public the two companies may stop up and discontinue as a public highway and appropriate to the purposes of their joint undertaking so much of the said public road as is situate and lies between the commencement and termination of the diversion and also between the commencement and termination of the new road.

Power to deviate in construction of roads.

15. The two companies may in constructing the road diversion and new road authorised by the last preceding section deviate to the extent of the limits of deviation marked on the deposited plans relating thereto and may deviate from the levels shown on the deposited sections relating thereto to any extent not exceeding five feet but not so as to increase the rate of inclination of the diversion and new road as shown on those sections.

Limiting time for completion of roads.

16. The diversion of road and new road 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 two companies 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.

Provisions as to repair of roads.

17. The diversion of road and new road by this Act authorised shall when made and completed respectively from time to time be repaired and maintained by and at the expense of the same parties in the same manner and to the same extent as other roads within the parish in which such diversion and new road will be situate are from time to time liable to be repaired or maintained and if any question shall arise between the two companies and the trustees or other authority having the management of the said roads as to the due completion of the diversion and new road such question shall from time to time be determined by two justices on the application of either of the parties in difference and after not less than seven days notice to both parties of the sitting of the justices for the purpose and the certificate of the justices of the due completion of

the diversion and new road shall be conclusive evidence of the fact so certified.

Extinguishment of rights of way.

18. All rights of way over and along the several portions of roads which the two companies are by this Act empowered to stop up and discontinue shall from the time of the stopping up and discontinuance thereof be and the same are by this Act extinguished.

Site and soil of portions of road stopped up vested in two companies.

19. The site and soil of the portions of roads by this Act authorised to be stopped up and discontinued by the two companies and the fee simple and inheritance thereof shall if the two companies are or if and when they become under the powers of this Act the owners in fee simple of the lands on both sides thereof be respectively absolutely vested in the two companies and if the two companies are or so become the owners in fee simple of the land on one side only thereof the site and soil of the said portions of roads respectively between the two companies land and the centre of such road and the fee simple and inheritance thereof shall be from the time of the stopping up thereof respectively absolutely vested in the two companies The provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near the railway shall apply to the lands so vested as if such lands had been purchased by the two companies but the mines had not been expressly purchased.

Revival of powers for purchase of lands for portion of Railway No. 1 and Railway No. 2 of Act of 1876.

20. The powers granted by the Act of 1876 for the compulsory purchase of the lands required for the purposes of the Railway No. 1 and the Railway No. 2 respectively by that Act authorised (except as regards the portion of the Railway No. 1 which is by this Act required to be abandoned) are by this Act revived and continued and may be exercised by the Company until but not after the twenty-seventh day of June one thousand eight hundred and eighty-two.

Extension of time for construction of portion of Railway No. 1 and Railway No. 2 of Act of 1876.

21. The time limited by the Act of 1876 for the completion of the Railway No. 1 and the Railway No. 2 respectively authorised by that Act (except as regards the portion of the Railway No. 1 which is by this Act required to be abandoned) is hereby extended and may be exercised for the period of three years from the twenty-seventh day of June one thousand eight hundred and eighty-one and on the expiration of that period the powers for making and completing the Railway No. 1 (except as aforesaid) and the Railway No. 2 shall cease except as to so much thereof as is then completed and section 11 of the Act of 1876 shall be read and construed as if the period limited by this Act for the completion

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of the said Railway No. 1 (except as aforesaid) and Railway No. 2 had been the period limited by that Act.

Abandonment of railways.

22. The Company shall abandon the construction of the Railway Number 3 authorised by the Act of 1876 and so much of Railway No. 1 authorised by that Act as is situate between the termination thereof and the commencement of the Railway (A) by this Act authorised.

Compensation for damage to land by entry &c. for purposes of railways abandoned.

23. The abandonment by the Company under the authority of this Act of any railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which may have been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Act of 1876.

Compensation to be made in respect of railways abandoned.

24. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any railway by this Act required to be abandoned or any portion thereof the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Abandonment of railway or siding authorised by Act of 1866.

25. When the Railway or Siding (B) by this Act authorised is completed and opened for public traffic the Company may if and when they think fit abandon and cease to use for public traffic and remove the railway or siding authorised by the Act of 1866 and thirdly described in section 5 of that Act and from and after such abandonment the Company shall be absolutely freed from all obligations with respect to the construction maintenance and working thereof and the Company may retain appropriate and use

for the purposes of their undertaking the lands upon which the said railway or siding so abandoned has been constructed or which are now used for the purposes thereof.

From and after the completion and opening for public traffic of the said Railway or Siding (B) section 25 of the Act of 1866 and the said heads of agreement shall be read and have effect as applying to the said Railway or Siding (B) instead of to the railway or siding authorised by that Act and thirdly described in section 5 thereof.

Provided always that except as is by this section expressly provided nothing in this Act contained shall repeal alter prejudice or affect any of the provisions of the Act of 1866 or of the said heads of agreement but such provisions shall except as aforesaid continue and remain in full force and effect.

Repeal of section 29 of Act of 1876 and provision as to abandonment of portion of existing line.

26. Section 29 (abandonment of portions of existing line) of the Act of 1876 is by this Act repealed and in lieu thereof be it enacted as follows:

When so much of the Railway (A) by this Act authorised and of the Railways Nos. 1 and 2 authorised by the Act of 1876 as are intended to be substituted for the portion of the existing railway of the Company herein-after described are constructed and opened for public traffic the Company may if and when they think fit abandon and cease to use for public traffic that portion of their existing railway (that is to say):

So much of their main line situate in the said parish of Barrow-in-Furness as is situate and lies between Park Junction and Millwood Junction respectively:

Provided that the Company may appropriate and use for the purpose of sidings and other accommodations and conveniences in connexion with their traffic the said portions of their main line and may also retain for the purposes of their undertaking or sell as superfluous lands under the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands the land upon which the said portion of railway above described has been constructed and any other lands adjoining thereto or used in connexion therewith.

Power to Company to charge for warehousing goods sidings &c.

27. The Company in addition to any other tolls rates or charges which they can lawfully demand and recover may demand and recover for the warehousing and wharfage of goods (after due notice to the consignee and allowing a reasonable time for removal) or for any other extraordinary services performed by them not incidental to the business or duty of a carrier such reasonable sum or sums as they may think fit But nothing herein contained shall

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extend or apply to coal cannel culm slack coke or cinder traffic where such traffic is delivered into the yards or sidings owned or rented by the consignors or consignee but where such coal cannel culm slack coke or cinder traffic is wharfed upon sidings or yards belonging to and in the occupation of the Company the Company may charge a sum for the use of such siding or yard not exceeding threepence per ton in respect thereof and if the said traffic shall remain in the said siding or yard for a longer period than four days (Sunday Good Friday Christmas Day and Bank holidays excepted) the Company may after due notice to the consignee and allowing one clear day for removal charge a further reasonable sum in respect thereof.

Agreements with corporation of Barrow-in-Furness &c.

28. The Company on the one hand and the mayor aldermen and burgesses of the borough of Barrow-in-Furness in the county palatine of Lancaster and any company body or person for the time being owning or working tramways in the said borough or any or either of them on the other hand may from time to time enter into and carry into effect contracts agreements and arrangements for or with reference to the working use management and maintenance by any or either of the contracting parties of all or any of such tramways or any part or parts thereof respectively the supply during the continuance of any agreement for the working or using of such tramways of rolling stock and machinery necessary for the purposes of the agreement and of officers and servants for the conduct of the traffic the payments to be made and the conditions to be performed with respect to such working use management and maintenance the interchange accommodation conveyance and delivery of the traffic coming from or destined for the respective undertakings of the contracting parties the levying fixing and appropriation of the tolls rates and charges not exceeding the maximum tolls rates and charges authorised to be taken on the tramways and of the receipts and revenues levied taken or arising from the traffic and all incidental matters.

Agreements with Ulverston Local Board.

29. The Company and the local board for the district of the town and hamlet of Ulverston in the county of Lancaster may from time to time enter into and carry into effect agreements and arrangements for or with respect to the alteration diversion and improvement by the said local board of portions of the public road leading from the Ulverston Canal head to the North Lonsdale Ironworks the acquisition and appropriation of lands for the purpose the contribution of funds and all incidental matters.

rovision as stopping portion

30. When and so soon as the local board for the district of the town and halmet of Ulverston in the county of Lancaster shall in

pursuance of an agreement in that behalf between the said local board and the Company have altered and improved the public road in the parish of Ulverston in the said county leading from the Ulverston Canal head to the North Lonsdale Ironworks and the alterations and improvements are completed and opened to the public such portions of the said public road as are situate between the Ulverston Canal head and a point six chains or thereabouts south-east of the bridge which now carries the main line of the Company over the said road and as the alterations and improvements will be a substitute for and render unnecessary may be stopped up and discontinued as a public highway by the Company and from the time of the stopping up and discontinuance thereof all rights of way over and along the same shall be and are by this Act extinguished and the site and soil of the portions of road so to be stopped up and discontinued by the Company and the fee simple and inheritance thereof shall if the Company is or if and when they become under the powers of this Act owners in fee simple of the lands on both sides thereof be respectively absolutely vested in the Company and if the Company is or so become the owners in fee simple of the land on one side only thereof the site and soil of the said portions of road respectively between the Company's land and the centre of such road and the fee simple and inheritance thereof shall be from the time of the stopping up thereof respectively absolutely vested in the Company.

of public road leading from the Ulverston Canal head to the North Lonsdale Ironworks.

31. All rights of way (if any) in through over and along the property of the Company situate in the parish of Ulverston and bounded on the north-eastern side thereof by the Ulverston Canal shall be and are by this Act extinguished.

Extinguishment of rights of way over Company's property.

32. Section 26 (provisions with respect to certain lands in the township of Seascale in the parish of Gosforth) of the Furness Railway Act 1872 shall be read and have effect as if the period of fifteen 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. 35 & 36 Vict. c. xcix.

33. The Company may from time to time upon such terms and for such considerations as they may think fit supply to any mills manufactories or works on adjacent or near to the Ulverston Canal water from that canal and the feeder thereto not required for the purposes of the canal and may enter into and carry into effect agreements and arrangements with the owners lessees and occupiers of

Power to supply water from the Ulverston Canal.

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any such mills manufactories and works with reference to such supply and may recover the rents rates or sums of money from time to time payable to them in respect of any such supply.

Confirmation of scheduled agreement.

34. The agreement set forth in the schedule to this Act is hereby confirmed and made binding on the local board for the district of the town and hamlet of Ulverston in the county of Lancaster and the Company and full effect may and shall be given thereto as if the same had been expressly enacted in this Act.

Power to Company to erect &c. houses for officers and servants.

35. The Company may from time to time on such terms and conditions as they think fit erect purchase take on lease or otherwise acquire and may fit up maintain and let houses and dwellings for the officers and servants employed by the Company for the purposes of their undertaking Provided that nothing in this Act shall exempt such houses and dwellings from the provisions of the Public Health Act 1875 or of any of the Acts relating to the borough of Barrow-in-Furness.

38 & 39 Vict. c. 55.

Power to grant sites for churches &c.

36. The Company may from time to time grant or convey without receiving any valuable consideration in fee simple or for a term of years to any body or persons any portion of the superfluous lands for the time being of the Company situate in the borough of Barrow-in-Furness for the sites of churches chapels schoolhouses or any other buildings for ecclesiastical or charitable purposes.

Power to raise additional capital.

37. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 from time to time raise for the purposes of this Act and for the general purposes of their undertaking any additional capital not exceeding in the whole three hundred thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal amount than ten pounds.

Shares not to be issued until one fifth paid up.

38. The Company shall not issue any share created under the authority of this Act nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Except as otherwise provided new shares or stock to be subject to same incidents as other

39. Except as is by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively (except any capital and shares and stock therein to which a preferential dividend is attached and the holders thereof respectively) shall be subject and entitled to the same powers provisions liabilities

rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital The capital in new shares or stock so created shall form part of the capital of the Company Provided that (unless otherwise specified in any resolution of the Company creating the same) no person shall be entitled to vote in respect of any share or stock created or issued under this Act to which a preferential dividend shall be assigned.

shares or stock.

40. Every person who becomes entitled to new shares or stock issued by the Company under this Act shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend either preferential or ordinary as the case may be with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Dividends on new shares or stock.

41. The Company may in respect of the additional capital of three hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage any sums not exceeding in the whole one hundred thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one half of such capital has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if the said capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Power to borrow on mortgage.

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Repealing provisions of former Acts with respect to appointment of a receiver.

42. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of interest or principal or principal and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision.

Appointment of a receiver.

43. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Former mortgages to have priority.

44. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and which shall be subsisting at the time of the passing thereof shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which the same were granted have priority over any mortgages to be granted by virtue of this Act and nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Power to Company to create debenture stock.

45. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Application of moneys raised under this Act.

46. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act and the general purposes of the Company only and 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.

Power to London and North-western Railway Company to apply surplus funds to certain purposes of Act.

47. The London and North-western Railway Company may apply to the purposes of this Act which they are authorised to carry into effect 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.

No interest or dividend to be paid out of capital.

48. The Company shall not out of any money by this Act authorised to be raised pay to any shareholder interest or dividend on the amount of calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Deposit for future Bills not to be paid out of capital.

49. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Railways &c. not exempt from provisions of present and future general Acts.

50. 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.

51. 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.

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The SCHEDULE referred to in the foregoing Act.

An Agreement made the twenty-fifth day of June one thousand eight hundred and eighty-one between the local board for the district of the town and hamlet of Ulverston in the county of Lancaster (herein-after called "the local board") of the one part and the Furness Railway Company (herein-after called "the Company") of the other part.

Whereas under the authority of an Act of Parliament passed in the thirty-third year of the reign of His late Majesty King George III. a body corporate was created by the name of the Company of Proprietors of the Ulverston Canal (herein called the canal company) and were thereby authorised to make the navigable cut or canal therein described and herein-after called the canal and whereas by the Ulverston Waterworks Act 1852 (herein-after called "the Water Act") the Ulverston Water Company were incorporated with the obligation (section 25) if required within six months after the passing of that Act to deliver to the canal company two hundred and seventy thousand gallons of water daily for the use and purposes of the canal at such price and place and in such manner as should be agreed upon or be settled by an arbitrator and (section 26) subject to penalties in case of default And whereas the canal and all the property rights and privileges of the canal company are now vested in the Company And whereas by virtue of the Ulverston Local Board Act 1874 the undertaking rights and obligations of "the water company" were except as therein otherwise provided acquired by and vested in and transferred to the local board And whereas the Company are promoting in the present session of Parliament a Bill whereby it is proposed by section 33 to empower the Company from time to time upon such terms and for such considerations as they may think fit to supply to any mills manufactories or works on adjacent or near to the Ulverston Canal water from that canal and the feeder thereto not required for the purposes of the canal and to enter into and carry into effect agreements and arrangements with the owners lessees and occupiers of any such mills manufactories and works with reference to such supply and to recover rents rates or sums of money in respect thereof And whereas the local board have presented a petition against the said Bill with the intention of opposing the same but have consented to withdraw such opposition upon the terms herein-after appearing to which the Company have agreed.

Now these presents witness that in consideration of the premises it is hereby mutually agreed between the Company and the local board as follows:—

1. The Company shall and do hereby release the local board from all obligation (if any) now subsisting by virtue of section 25 of the Water Act to supply and deliver to the Company any water whatsoever for the use and purposes of the said canal.

2. The Company shall not supply water from the canal for drinking or domestic purposes or for mills manufactories or works outside the land now belonging to the Company adjoining the said canal except as herein-after mentioned.

3. The Company shall be at liberty to supply water from the said canal not required for the purposes thereof to the works of the North Lonsdale Iron and Steel Company Limited situate near the canal without charge up to and including the thirty-first day of December one thousand eight hundred and eighty-one and from and after that date at a rate of not less than one penny and not exceeding threepence for every one thousand gallons and one half of such rate shall belong to and be retained by the Company for their own use and the remaining half thereof shall belong to and shall be paid by the Company to the local board.

4. The Company shall on or before the first day of February in each year furnish to the local board a statement showing the quantity of water supplied to the said North Lonsdale Iron and Steel Company Limited and the sums received by the Company from the North Lonsdale Iron and Steel Company Limited in respect of water supplied by the Company to the said works of the said North Lonsdale Iron and Steel Company Limited for the year ending on the last preceding thirty-first December and the Company shall pay to the local board one half of the rate or sum received by the Company from the North Lonsdale Iron and Steel Company Limited and which under Article 3 of this agreement shall be due to the local board within one calendar month after furnishing such statement.

The Company shall if required verify the said statement by a statutory declaration to be made by the secretary for the time being of the Company.

5. The local board shall forthwith withdraw their aforesaid opposition to the said Bill.

6. These presents subject to such alterations as Parliament may think fit to make therein and as may be accepted by both parties hereto shall be scheduled to the said Bill.

In witness whereof the local board and the Company have hereunto respectively caused their common seals to be affixed the day and year first above written.

Sealed with the common seal of the Ulverston Local Board by the presiding chairman at a meeting of the said board held on the day of the date of the above written agreement in the presence of

JNO. POOLE,
Clerk.

Seal of the Ulverston Local Board

The common seal of the Furness Railway Company was hereunto affixed in the presence of

H. COOK,
Secretary.

Seal of the Furness Railway Company

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