ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

****

Cap. cxxviii.

An Act to enable the *Whitehaven and Furness Junction* Railway Company to deviate or extend their Line of Railway from *Silecroft* to *Foxfield*, and to abandon a Portion of their Line between *Silecroft* and *Ireleth*, to make Branches to *Whitehaven* Harbour, and for other Purposes.

[14th *August* 1848.]

WHEREAS the *Whitehaven and Furness Junction* Railway 8 & 9 Vict.
Act, 1845, authorized the making of a Railway from c. 100.
Whitehaven in the County of *Cumberland* to a Point of Junction with the *Furness* Railway in the Parish of *Dalton* in the County Palatine of *Lancaster*, and incorporated "The *Whitehaven and Furness Junction* Railway Company:" And whereas the *White-* 9 & 10 Vict.
haven and Furness Junction (*Whitehaven* Extension and *Kirksanton* c. 320.
Deviation) Railway Act, 1846, enabled the *Whitehaven and Furness Junction* Railway Company to make a Railway in deviation from their Line of Railway, and to construct an Extension thereof to a Point of Junction with the *Whitehaven Junction* Railway: And whereas it is expedient that the *Whitehaven and Furness Junction*

Railway Company should be empowered to abandon the Construction of a certain Part of the Lines of Railway authorized by their aforesaid Acts between *Silecroft* and the *Furness* Railway near *Ireleth*, as herein-after mentioned, and to make in lieu thereof a Deviation Line commencing at *Silecroft* aforesaid and terminating by a Junction with the *Broughton* Extension Line of the said *Furness* Railway near *Foxfield*, also a Railway from the said *Whitehaven and Furness Junction* Railway in the Township of *Preston Quarter* to the *Patent Slip Yard*, in the Township of *Whitehaven*; and also a Branch therefrom to the Pier called the *New Tongue*, and other Works, as herein-after mentioned; and the same Company are willing, at their own Expense, to make the said several Works, if authorized by Parliament so to do; but these Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Powers of recited Acts extended to this Act.

That all the Powers, Provisions, Matters, and Things contained in the recited Acts relating to the *Whitehaven and Furness Junction* Railway, so far as the same are now in force, and are not inconsistent with or altered by the Provisions of this Act, and, saving so far as the same are inconsistent with the Lands Clauses Consolidation Act, 1845, and with the Railways Clauses Consolidation Act, 1845, shall extend to this Act, and to the several Purposes of this Act, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes; and the Railways and Works by this Act authorized to be made by the *Whitehaven and Furness Junction* Railway Company shall when so made form Part of the Undertaking of the *Whitehaven and Furness Junction* Railway, and shall as such be subject to all the Provisions of the several Acts relating thereto, except as aforesaid.

8 & 9 Vict. cc. 18. and 20. incorporated with this Act.

II. And be it enacted, That the several Provisions of the "Lands Clauses Consolidation Act, 1845," and of the "Railways Clauses Consolidation Act, 1845," so far as the same may be applicable and are not inconsistent with the Provisions of this Act, shall be incorporated with and form Part of this Act.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and in Parliamentary and other Proceedings, it shall be sufficient to use the Expression "The *Whitehaven and Furness Junction* Railway Amendment Act, 1848."

Present Capital of Company to be applied for Construction of Works authorized by this Act.

IV. And whereas the estimated Expense of making the said Deviation Line to *Foxfield*, and Works connected therewith, is Forty-one thousand four hundred and fifty-four Pounds, and the estimated Expense of making the said proposed Railway to the *Patent Slip Yard* in *Whitehaven*, and of the said Branch therefrom and the Works connected therewith, is Forty-two thousand three hundred and ninety-six Pounds, and the Funds at the Disposal of the said Company are adequate to the Construction thereof respectively: Be it enacted, That it shall be lawful for the said Company and

and they shall apply thereto so much of their Capital as is necessary for the Purpose of the Construction of the said Railways and Works by this Act authorized.

Power to Company to limit or alter Amount of Capital.

V. And whereas the total Capital of the said *Whitehaven and Furness Junction* Railway Company created under the first-recited Act, and entitled to participate rateably in the net Profits thereof, amounts to the Sum of Three hundred and fifty thousand Pounds, and that authorized to be created under the second-recited Act amounts to the Sum of Twenty-five thousand Pounds: And whereas it is expedient that the said Company should be empowered to alter and limit the Amount of such Capital: Be it therefore enacted, That the Capital of the said *Whitehaven and Furness Junction* Railway Company shall be the Sum of Three hundred and seventy-five thousand Pounds, or such smaller Sum, and divided into Shares of such Amount, as the said Company shall hereafter from Time to Time determine at any One or more Special General Meeting or Meetings of the Proprietors thereof; and the said Company are hereby authorized and empowered to carry into effect all such Resolutions of any Special General Meeting or Meetings of the Proprietors of the said Company as shall authorize the Directors thereof to fix the Capital at the said last-mentioned or any smaller Amount, and to define the Rights and Privileges thereof: Provided always, that nothing herein contained shall extend or be construed to extend to alter or lessen the Powers of the said Company to raise further Capital, by borrowing or otherwise, which are contained in the said recited Acts, except that such Powers shall not be exercised to the Extent of more than One Third of the Amount to which the Capital of the said Company shall be reduced, but shall come into force and be exercised when Half of such reduced Amount of Capital shall have been paid up and expended.

Railways to be made according to deposited Plans.

VI. And whereas Plans and Sections showing the Lines, Levels, and Situations of the Railways and Works by this Act authorized to be made, together with Books of Reference to the said Plans containing the Names of the reputed Owners or Lessees, and of the Occupiers of the Lands through which the same are intended to pass or be made, have been deposited with the respective Clerks of the Peace for the County of *Cumberland* and the County Palatine of *Lancaster*: Be it enacted, That, subject to the Provisions in this and the "Lands Clauses Consolidation Act, 1845," and "Railways Clauses Consolidation Act, 1845," contained, it shall be lawful for the said Company to make and maintain the Railways and Works herein-after mentioned, with all proper and necessary Works and Conveniences connected therewith, in the Lines and Manner and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels described in the said Sections, and to enter upon, take, purchase, hold, and use such of the said Lands as shall be necessary for the Purposes aforesaid; (that is to say,)

Lines of Railway.

A Railway, with all proper Roads, Approaches, Stations, and other Works connected therewith, in extension of the Line of the *Whitehaven and Furness Junction* Railway, commencing by a Junction

a Junction therewith at or near to *Silecroft* in the Parish of *Whicham* in the County of *Cumberland*, and passing thence from, in, through, or into the several Parishes, Townships, or extra-parochial Places of *Whicham*, *Millom*, *Chapel Sucken*, *Millom-below*, *Millom-above*, and *Thwaites*, or some of them, all in the County of *Cumberland*, and the Parishes, Townships, or extra-parochial Places of *Kirkby-Ireleth* and *Broughton*, or One of them, in the said County Palatine of *Lancaster*, and shall terminate by a Junction with the *Broughton* Extension Line of the *Furness* Railway as authorized by the "*Furness* Railway Extensions Act, 1846," in the said Township of *Broughton* and Parish of *Kirkby Ireleth*:

A Railway, with all proper and necessary Roads, Approaches, Stations, Wharfs, Shipping Places, Works, and Conveniences connected therewith, commencing at and by a Junction with the said *Whitehaven and Furness Junction* Railway in the Township of *Preston Quarter* and Parish of *Saint Bees* in the County of *Cumberland* at or near to the Point where the present Line of the said Railway crosses a newly erected Bridge about Twenty Chains Northward from the Stream called "*Snebra Beck*," such Stream being the Boundary between the Townships of *Hensingham* and *Preston Quarter* in the said Parish of *Saint Bees*, and terminating at, in, or near to the Yard called "The *Patent Slip Yard*," situate near the Custom House, and adjoining to the Street called *East Strand* in the Township of *Whitehaven* in the said Parish of *Saint Bees*, belonging to the Right Honourable *William* Earl of *Lonsdale*, and now in his Possession or Occupation, and passing from, through, or into the several Parishes, Townships, and Places of *Saint Bees*, *Preston Quarter*, *Mount Pleasant*, and *Whitehaven*, or some or One of them, all in the County of *Cumberland*:

And a Branch Railway, diverging from and out of the last-mentioned intended Railway, commencing in the said Township of *Whitehaven* in the said Parish of *Saint Bees* at or near the Terminus of the same Railway in or near to the said Yard called the *Patent Slip Yard*, and extending from thence along the Quay or Harbour of *Whitehaven*, and terminating at, upon, or near to the North-west End of the Quay or Pier called the *New Tongue* within the Port or Harbour of *Whitehaven*, situate in the said Township of *Whitehaven*, together with Piers, Wharfs, Shipping Places, and other necessary Works and Conveniences in connexion therewith, which said Branch Railway, Piers, Wharfs, and other Works connected therewith respectively will pass in or through and be situate entirely within the said Township of *Whitehaven* and Parish of *Saint Bees*.

Buildings to be erected for the Officers of Customs.

VII. And whereas the Line of the secondly herein-before described intended Railway will, if constructed in conformity with the Plans thereof deposited as herein-before mentioned, interfere with certain Premises now occupied for the Purposes and by the Officers of Customs: Be it enacted, That the said Company shall and they are hereby required to erect and build, to the Satisfaction of the Commissioners

sioners of Her Majesty's Customs, for the Purposes of the Customs, and for the Use of such Officers, such Erections and Buildings, and give such Accommodation and make such Alterations, as are shown and described upon a certain Plan prepared by *James Dees* the resident Engineer of the said Company, and now in the Possession of the said Commissioners of Customs, and which Plan is for the Purpose of Identification signed by the said *James Dees* and *William Styles Roe* the Collector and *John Mackinlay* the Comptroller of Customs at *Whitehaven*, and bears Date the Seventh Day of *June* One thousand eight hundred and forty-eight, and shall bear and pay all Expenses that may be incurred in providing sufficient Accommodation for such Purposes and such Officers during the Time that may be employed in making and completing such Erections and Buildings.

Power to purchase additional Lands for extraordinary Purposes.

VIII. And be it enacted, That it shall be lawful for the Company, in addition to the Lands which they are at present authorized to purchase for their Railways, and in addition also to the Lands herein-before authorized to be purchased by them for the Purposes of the Construction of the Railways by this Act authorized, to contract with any Party willing to sell the same for the Purchase of, and to purchase, under the Powers herein-before contained, any Quantity of Land for extraordinary Purposes connected with the Railways and Works by this Act authorized, not exceeding in the whole Ten Acres.

Power to cross certain Roads on the Level.

IX. And whereas the said Deviation Line of Railway to *Foxfield*, herein-before described, is intended to be carried across the Highways numbered as follow in the Plans herein-before referred to; (that is to say,) Numbers 13, 14, 38, and 70 in the Township of *Chapel Sucken* in the Parish of *Millom*; Numbers 43 and 45 in the Township of *Millom-below* in the said Parish of *Millom*; and Numbers 28 and 60 in the Township of *Millom-above* in the said Parish of *Millom*; and it is expedient that the said Line of Railway should be carried across the said Highways on a Level: Be it therefore enacted, That, subject to the Provisions in the "Railways Clauses Consolidation Act, 1845," contained, in reference to the crossing of Roads on a Level, it shall be lawful for the Company to construct and maintain the said Line of Railway across the said Highways on a Level at or near the Points marked in the said Plans for the crossing thereof respectively.

Power to cross Patterson's Buildings by Arch Eleven Feet in Height.

X. And whereas the said Line of Railway secondly herein-before described is intended to pass over a certain Highway or Passage in the Township of *Whitehaven* aforesaid known as *Patterson's Buildings*, and numbered on the Plans deposited as herein-before mentioned Number 81: Be it therefore enacted, That, notwithstanding the Provisions in the "Railways Clauses Consolidation Act, 1845," contained, it shall be lawful for the said Company to construct the said Line of Railway over or across the said Highway or Passage by means of a Bridge or Arch of a Height of not less than Eleven Feet from the Surface of the said Highway or Passage.

Company to erect a Station or Lodge at level Crossings, and abide by Rules, &c. of Commissioners of Railways.

XI. And be it enacted, That for the greater Convenience and Security of the Public the said Company shall erect and permanently maintain a Station or Lodge at the Points where the said Lines of Railway or either of them shall cross on the Level each of the before-mentioned Highways; and the said Company shall be subject to and abide by all such Rules and Regulation with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Power to abandon a Part of the original Line of Railway.

XII. And be it enacted, That the said Company shall abandon and relinquish so much of the original Line of the *Whitehaven and Furness* Junction Railway authorized by the said several recited Acts relating to such Railway, or by one of them, as will be rendered unnecessary by the making of the new Line of Railway firstly herein-before described, such Part to be so abandoned or relinquished being so much of the original Line of the *Whitehaven and Furness Junction* Railway within the said several Parishes of *Whicham*, *Millom*, and *Dalton in Furness*, or some of them, as would have extended from *Silecroft* in the Parish of *Whicham*, or from a Point near thereto, to the original Terminus of the *Whitehaven and Furness Junction* Railway in the Township of *Above Town* in the said Parish of *Dalton in Furness*.

Period for compulsory Purchase of Lands limited.

XIII. And be it enacted, That 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 Five Years from the passing of this Act.

Period for Completion of Works limited.

XIV. And be it enacted, That the Railways and Works authorized by this Act shall be completed within Seven Years from the passing of this Act; and on the Expiration of such 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 have been completed.

Tolls.

XV. And be it enacted, That it shall be lawful for the Company to demand and receive, in respect of the Railways and Works by this Act authorized, and of the Engines and Carriages employed thereon, any Tolls and Charges not exceeding the Tolls and Charges authorized by the *Whitehaven and Furness Junction* Railway Act, 1845, and the Acts therein recited, and limited by the *Whitehaven and Furness Junction* (*Whitehaven* Extension and *Kirksanton* Deviation) Railway Act, 1846, in respect of the Use of the Railways thereby respectively authorized, and of the Engines and Carriages to be employed thereon.

XVI. And

Saving the Rights of the Crown.

XVI. And be it enacted, That nothing contained in this Act, or in the Acts herein recited or referred to, shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners or any Two of them are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

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

XVII. And whereas Part of the Lands which may be required for the Purposes of this Act belonged to the Queen's most Excellent Majesty in right of Her Duchy of *Lancaster*: Be it enacted, That it shall be lawful for the Chancellor and Council of Her Majesty's Duchy of *Lancaster* for the Time being to agree with the said Company for the absolute Sale in Fee Simple of the Lands, or any Part thereof, of or belonging to Her said Majesty in right of Her said Duchy, which shall be required for the Purposes of this Act, at or for such Price or Compensation in Money and upon such Terms and Conditions as shall be settled and agreed upon between the said Chancellor and Council and the said Company; and upon Payment of such Price or Compensation, by any Deed or Writing under the Seal of the Duchy, in the Name of Her said Majesty, Her Heirs and Successors, to convey the same Lands and the Fee Simple and Inheritance thereof to the said Company, their Successors and Assigns, for the Purposes of this Act, which said Deed in Writing, being enrolled in the Court of the Duchy Chamber of *Lancaster* within Six Calendar Months from the Date thereof, shall be effectual to vest in the said Company the Fee Simple and Inheritance of the same Lands, anything contained in the Act passed in the First Year of Her Majesty Queen *Anne*, intituled *An Act for the better Support of Her Majesty's Household, and the Honour and Dignity of the Crown*, or in any other Act, to the contrary in anywise notwithstanding; and the Purchase Money or Consideration for the same Lands shall be paid into the Hands of the Receiver General of the Revenues of the said Duchy, and Receipts and Acquittances shall be given by him for the same, and the same either shall and may be vested in the Purchase of Bank Annuities, according to the Powers and Provisions contained or referred to in an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to improve the Land Revenue of the Crown in* England, *and also of His Majesty's Duchy of* Lancaster, with respect to the Purchase Money to be paid for Property belonging to the Crown within the Survey and Receipt of the said Duchy, under the therein recited Acts, or the same or any Part thereof may, either without any previous Investment or after such, and either alone or together with any other Monies which shall for the Time being have arisen or shall hereafter arise from the Sale of Lands and Hereditaments, Part of the Possessions of the said Duchy, be laid out according

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

48 G. 3. c. 73.

according to the Provisions of an Act passed in the Fifty-seventh
57 G. 3. c. 97. Year of His said Majesty King *George* the Third, intituled *An Act for ratifying Articles of Agreement entered into by the Right Honourable* Henry Hale *Viscount* Gage *and the Commissioners of His Majesty's Woods and Forests and Land Revenues, and for the better Management and Improvement of the Land Revenues of the Crown;* or the said Monies, and also any such other Monies, whether previously invested or not, or any Part thereof respectively, may be laid out in the Purchase of Lands which in the Judgment of the said Chancellor and Council shall be deemed convenient to be held with any Possession of the said Duchy, as the Chancellor and Council for the Time being of the said Duchy shall direct by any Order or Orders in that Behalf; and the said Chancellor and Council shall for the Purposes of this Act have and be entitled to all such Powers and Provisions in reference to the Monies, if any, so invested in Bank Annuities, and so to be laid out and invested as aforesaid, as under or by virtue of the said recited Act of the Fifty-seventh Year of King *George* the Third they are entitled to concerning any Sums or Funds of or belonging to the Duchy of *Lancaster* in the same Act particularly mentioned or referred to; and the Lands and Hereditaments, if any, so purchased on behalf of the said Duchy as aforesaid, shall be conveyed and assured to the Use of Her Majesty, Her Heirs and Successors, in right of Her said Duchy of *Lancaster*, and shall vest in Her said Majesty, Her Heirs and Sucessors, in the same Right and as fully and effectually as the Lands to be conveyed to the said Company were vested in Her immediately before such Conveyance, and be held with the like Incidents and be subject to the same Application, to all Intents and Purposes, as the said Lands so to be conveyed to the said Company were held by Her immediately before such Conveyance; and every such Conveyance to the Use of Her Majesty, Her Heirs and Successors, may be in the Form marked (A.) in the Schedule to this Act annexed, or as near thereto as may be.

Saving the Rights of the Crown and Duchy of Lancaster.

XVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Queen's most Excellent Majesty, Her Heirs and Successors, as well in right of Her Crown as in right of Her Duchy of *Lancaster*.

Restricting the Company from having an exclusive Use of the Harbour of Whitehaven.

XIX. And be it enacted, That nothing in this Act contained shall confer upon the Company an exclusive Right to any Part of *Whitehaven* Harbour, or to interrupt the Use thereof or of any Part thereof by the Steam Navigation Company, or any Vessel or Boat whatsoever frequenting the Harbour or Piers, nor shall authorize or empower the Company to encroach upon the Limits of the said Harbour, or to make any Erections that will prevent a freè Passage along the Piers for the Public at large; and all Works in or adjoining the said Harbour shall be so constructed by the Company that the Public shall have a free and uninterrupted Passage to and along the Piers.

XX. And

Restricting Viaduct along New Tongue Pier.

XX. And be it enacted, That no Viaduct shall extend above Eighty Yards along the *New Tongue* Pier; and the Line of the said Railway to the said Pier shall not deviate Seaward of the Black continuous Centre Line of Railway as traced on the Parliamentary Plan, except with the Consent of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, such Consent to be signified in Writing under the Hand of the Secretary of the Admiralty.

Railway not to be constructed so as to interfere with the Approaches to the Harbour.

XXI. And be it enacted, That the said Railway shall not be constructed so as to interfere with the Approaches to the Harbour as they at present exist, and the Company shall construct the Arches of sufficient Span and Height so as not to impede, prevent, or obstruct Traffic, and to allow of additional Approaches to the Harbour, if required; and if at any Time the said Railway or any Portion of the Works should, in the Opinion of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, obstruct such Traffic, or the said Arches should not be constructed of sufficient Span and Height for such Traffic, and to allow additional Approaches to the Harbour to be made, if the same shall be required by the said Lord High Admiral or the said Commissioners, it shall be lawful for the said Lord High Admiral or the said Commissioners to direct the said Company to make the necessary Alterations in or Removal of such Works; and if the same should not be made, altered, or removed by the Company to the Satisfaction of the said Lord High Admiral or the said Commissioners, it shall be lawful for the said Lord High Admiral or the said Commissioners to make, alter, abate, or remove the same, at the Cost and Charge of the Company; and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly, with Costs of Suit.

If Admiralty think fit, a Swing Bridge to be erected in the Crossing of the Duddon.

XXII. And be it enacted, That if at any future Period it shall, in the Opinion of the said Lord High Admiral or the said Commissioners, become necessary or expedient that an Opening or Swing Bridge should be made in the said Viaduct to be constructed across the *Duddon Estuary*, in order to render the same navigable to masted Vessels, then that the said Company shall and they are hereby directed to form such Opening or Swing Bridge to the Satisfaction of the said Lord High Admiral or the said Commissioners; and in case the said Company shall neglect or refuse so to do, then that the said Lord High Admiral or the said Commissioners shall be at liberty to make or cause to be made such Opening or Swing Bridge, at the Cost and Charge of the Company; and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly, with Costs of Suit.

Regulating the working of the Swing Bridge (if made).

XXIII. And be it enacted, That if and when the said Opening Bridge be constructed it shall not be lawful for the Company or any Person or Persons acting under them to detain any Vessel, Barge, or Boat for a longer Space of Time than may be sufficient to admit of any

any Carriages or Trains regularly traversing the said Railway, and approaching the said Bridge, to cross the same, and for opening the said Bridge to admit such Vessel, Barge, or Boat to pass; and in case the Company or any Person or Persons acting under them shall detain any such Vessel, Barge, or Boat contrary to the Provisions of this Act, or demand, take, or receive any Toll for the Passage of any Person or Persons, Vessel, Barge, or Boat, the said Company, or every Person so offending, shall in every such Case forfeit and pay the Sum of Ten Pounds, but nothing in this Act shall prevent any Remedy for Damages which any Party may sustain in respect of any such Detention as aforesaid.

A Light to be provided for Vessels navigating the Duddon during and after the Construction of Swing Bridge.

XXIV. And be it enacted, That the said Company shall during the Construction of such Opening Bridge cause to be hung out or exhibited, every Night from Sunset to Sunrise, a Light to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels; and for ever after the Completion of the said Bridge the said Company shall cause to be hung out or exhibited, upon or near to the Centre of the said Bridge, every Night from Sunset to Sunrise, a good and sufficient Light, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels, and which Light shall be from Time to Time altered by the said Company in such Manner, and be of such Description, and be so used as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall, by Writing under the Hand of the Secretary of the Admiralty, approve of; and in case the said Company shall neglect to exhibit and keep either of such Lights burning as aforesaid they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

If Works constructed across tidal Waters be abandoned, the Admiralty may cause them to be removed.

XXV. And be it enacted, That if any Viaduct or Work to be constructed by the Company in or across any tidal Water or navigable River, or if any Portion of the Railway which affects any such Water or River or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay by the Company, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company; and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Power for Admiralty to order a local Survey, if deemed expedient.

XXVI. And be it enacted, That if after Working Drawings of the Works hereby authorized shall have been submitted to the Lord High Admiral of the United Kingdom, or to the Commissioners for executing the Office of Lord High Admiral, it shall be deemed expedient by him or them to order a local Survey and Examination of such Works, or of the intended Site thereof, the Company shall defray the Costs of such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid,

paid, upon Demand, may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Exemption of certain Vessels.

XXVII. And be it enacted, That nothing in this Act contained shall extend to charge with Rates or Duties, or to regulate or subject to any Control, any Vessel belonging to or employed in the Service of Her Majesty, Her Heirs and Successors, or any Member of the Royal Family, or in the Service of the Customs or Excise, or of the Corporation of *Trinity House* of *Deptford Strond*, or the Commissioners of Northern Lights, using the Piers, Wharfs, and other Works connected therewith, and not conveying Goods for Hire, or any Packet Boat or Post Office Packet, being a Packet Boat or Post Office Packet as defined under the Provisions of any Act relating to the Post Office, or any Post Office Bag of Letters conveyed by any such Packet Boat or Packet, or by any other Vessel whatsoever, or any of the Officers or Persons employed in the Service of the Admiralty, Ordnance, Customs, Excise, or Post Office, or their Baggage, or any Vessel or Goods being under Seizure by the Officers of the Revenue, or any Naval, Victualling, or Ordnance Stores, or other Stores or Goods for the Service of or being the Property of Her Majesty, or any Troops landed upon or delivered or disembarked from any of the said Piers, Wharfs, and other Works, not being the said Company's Line of Railway or any Part thereof, or their Baggage, but all such Vessels, Officers, or Persons as aforesaid shall have the free Use of the said Piers, Wharfs, and other Works, but not of any Part of the said Company's Line of Railway, without any Charge or Rate being made for using the same: Provided always, that if any Person claim and take the Benefit of any such Exemption as aforesaid, without being entitled thereto, he shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Saving the Rights of the Trustees of the Town and Harbour of Whitehaven, under 7 Ann. c. 5., 10 Ann. c. 3., 13 G. 2. c. 14., 1 G. 3. c. 44., 2 G. 3. c. 87., 28 G. 3. c. 61 32 G. 3. c. 75., 46 G. 3. c. 115., 56 G. 3. c. 44., and 58 G. 3. c. 15.

XXVIII. And whereas an Act was passed in the Seventh Year of the Reign of Her late Majesty Queen *Anne*, intituled *An Act for preserving and enlarging the Harbour of* Whitehaven *in the County of* Cumberland; and another Act was passed in the Tenth Year of the Reign of Her said late Majesty Queen *Anne*, intituled *An Act for enlarging the Term for Payment of certain Duties granted in and by an Act of Parliament passed in the Seventh Year of Her Majesty's Reign, intituled 'An Act for preserving and enlarging the Harbour of 'Whitehaven in the County of* Cumberland;' and another Act was passed in the Thirteenth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for making more effectual Two Acts of Parliament passed in the Seventh and Tenth Years of Her late Majesty Queen* Anne, *for preserving and enlarging the Harbour of* Whitehaven *in the County of* Cumberland, *and for repairing and amending the High Roads leading to the said Town of* Whitehaven; and another Act was passed in the First Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing so much of an Act passed in the Thirteenth Year of King* George *the Second, intituled 'An Act for making more effectual Two Acts of Par- 'liament passed in the Seventh and Tenth Years of Her late Majesty 'Queen*

'*Queen* Anne, *for preserving and enlarging the Harbour of* White-
'haven *in the County of* Cumberland, *and for repairing and amending*
'*the High Roads leading to the said Town of* Whitehaven;' and another Act was passed in the Second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of several Acts of Parliament relating to the Harbour of* Whitehaven *in the County of* Cumberland, *and to the Roads leading to the said Town and Harbour of* Whitehaven, *and for further enlarging the said Harbour, and for lighting the said Town and supplying the same with Water, and for regulating the Carmen there, and for repealing so much of an Act of the Twenty-third Year of the Reign of His late Majesty as relates to the Road from* Calder Bridge *to* Egremont, *and directing how the said Road should be repaired, and for repairing several other Roads therein mentioned in the said County;* and another Act was passed in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing an Act made in the Second Year of the Reign of His present Majesty, intituled*
'*An Act for enlarging the Term and Powers of several Acts of Parliament*
'*relating to the Harbour of* Whitehaven *in the County of* Cumberland,
'*and to the Roads leading to the said Harbour and Town of* White-
'haven, *and for further enlarging the said Harbour, and for lighting*
'*the said Town and supplying the same with Water, and for regulating*
'*the Carmen there, and for repealing so much of an Act of the Twenty-*
'*third Year of His late Majesty as relates to the Road from* Calder
'Bridge *to* Egremont, *and directing how the said Road shall be*
'*repaired, and for repairing several other Roads therein mentioned in*
'*the said County;*' and another Act was passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for further enlarging and improving the Harbour of* Whitehaven *in the County of* Cumberland; and another Act was passed in the Forty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing and amending several Acts of Parliament for improving the Port, Harbour, and Town of* Whitehaven *in the County of* Cumberland; and another Act was passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for altering and enlarging the Powers of several Acts passed for improving the Port, Harbour, and Town of* Whitehaven *in the County of* Cumberland, *and for better supplying the said Town with Water;* and another Act was passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending an Act passed in the Fifty-sixth Year of the Reign of His present Majesty, intituled 'An Act for altering and enlarging the Powers of several Acts passed for improving the Port, Harbour, and Town of* Whitehaven *in the County of* Cumberland, *and for better supplying the said Town with Water:*' Be it enacted, That nothing in this Act contained shall or shall be deemed to alter, vary, repeal, extend, diminish, or enlarge any of the Powers or Authorities now vested in the Trustees of the Town and Harbour of *Whitehaven* by virtue of the said lastly recited Acts or of any or either of them.

Railways and Company to be subject

XXIX. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the*

the Conveyance of the Mails by Railway; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the said Tenth Year of the Reign of Her Majesty, intituled *An Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the said Railways hereby authorized, or the said Company in respect thereof, from the Provisions of the same several Acts respectively, but that such Provisions shall be in force with reference to the same Railways, and Company in respect thereof, so far as the same are applicable.

to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. 105.

XXX. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Railways not exempt from Provisions of any future general Acts.

XXXI. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or to execute any other Work or Undertaking.

Deposits for future Bills not to be paid out of Company's Capital.

XXXII. And be it enacted, That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the Companies Clauses Consolidation Act, 1845, in that Behalf contained.

Interest not to be paid on Calls.

Expenses of Act.

XXXIII. And be it enacted, That all Costs, Charges, and Expenses of and attending the applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged out of the Funds of the *Whitehaven and Furness Junction* Railway Company, in preference to all other Payments whatsoever.

Public Act.

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

SCHEDULE (A.) referred to in this Act.

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

In witness, *&c.*

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