CHAP. xci.

An Act to enable the Trustees of the port, harbour, and town of Whitehaven to make a Wet Dock at Whitehaven, with railway approaches thereto; and for other purposes. A.D. 1871.

[29th June 1871.]

WHEREAS by the Whitehaven Town and Harbour Act, 1859, the provisions of several previous Acts of Parliament for the government of the town and harbour of Whitehaven were modified and in part repealed, and provision was made for the election of Trustees of the said harbour, and for altering the rates payable for the use thereof, and for other purposes: 22 Vict. c. xiv.

And whereas by one of such previous Acts above mentioned, being an Act made and 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," after reciting or referring to divers others of such previous Acts, it was by the said Act now in recital, amongst other things, enacted, that the new limits and the new extent of the said harbour should thenceforth for ever extend and be as follows; (that is to say,) from Redness Point on the outside of a wall then intended to be erected until it reached within one hundred and twenty yards of the then outward works of the pier or quay of the then harbour, and from thence in a line until it came within forty yards of the then outward quay or pier, and from thence to the north side of the Sugar-house Bulwark, and from thence along the Sugar-house Bulwark, and along the sea shore until it met the aforesaid Redness Point; and that the same should be from thenceforth appropriated to the lying, anchoring, and mooring of all such ships, vessels, and boats as might have occasion at any time or times thereafter to make use of the said harbour: And it was by the said Act now in recital further enacted that the new limits and new extent thereby made part of the said harbour, and all moles, wharves, and quays which might be erected by virtue of the said Act, with all things appertaining thereto, should be under the 32 G. 3. c. 75. (*Local.*)

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direction and government of the owner or owners of the soil for the time being; and that the said owner or owners should be invested with the same powers and authority over all such new limits and extent, and all such moles, wharves, and quays, and things as aforesaid as the then Trustees of the port, harbour, and town of Whitehaven were by virtue of the said therein-before recited Acts invested with over other parts of the said harbour of Whitehaven, and the moles, wharves, quays, and other places and things therein mentioned: And by the same Act it was further enacted that the owner or owners of such soil as aforesaid might erect, build, or alter from time to time, as occasion might require, such buildings and erections as he, she, or they should think necessary for the improvement or benefit of such new limits or extent as aforesaid:

And whereas the Right Honourable William, Earl of Lonsdale, is or claims to be the owner of the soil of the new limits and new extent of the said harbour, and as such owner, in pursuance of the said recited Act of the thirty-second year of the reign of His said Majesty King George the Third, has the direction and government of the said new limits and extent, and of all moles, wharves, and quays which may have been or are now erected thereon:

And whereas by a certain award, bearing date the twenty-second day of October one thousand seven hundred and ninety-two, and made under the respective hands and seals of Sir Joseph Senhouse, Knight, and George Vickers, gentleman, who had been duly appointed arbitrators for the purpose under the provisions of the said lastly-recited Act, the exact boundaries of such new limits and extent as aforesaid were fully and finally set forth and determined:

And whereas by another of such previous Acts, being an Act made and passed in the fifty-sixth year of the reign of His late Majesty King George the Third, chapter forty-four, intituled "An Act for "altering and enlarging the powers of several Acts passed for im- "proving the port, harbour, and town of Whitehaven in the county "of Cumberland, and for better supplying the said town with "water," the Trustees whose appointment was thereby continued were authorised (amongst other things) to erect works within the old limits and old extent of the said harbour of Whitehaven, and for improving the same harbour, and to borrow money for that and other purposes:

56 G. 3. c. xliv.

And whereas the last-mentioned Trustees executed the works by that Act authorised, and borrowed part of the moneys (amounting to sixty-two thousand pounds) thereby authorised to be borrowed, but such moneys have been paid off (to the amount of twenty thousand pounds) by a sinking fund or otherwise, leaving forty-two

thousand pounds now owing by the Trustees on mortgage, and the borrowing powers under that Act are now vested in the Trustees as constituted under the "Whitehaven Town and Harbour Act, 1859," (who are herein-after called "the Trustees,") and are unexhausted to the extent of one hundred and eighteen thousand pounds:

And whereas the "Whitehaven Town and Harbour Act, 1859," contains provisions for enabling the owner or owners of the soil within such new limits and new extent as aforesaid to transfer to and for vesting in the said Trustees the government of such new limits and new extent in consideration of certain hurries, coal spouts, and other works to be made and maintained by the Trustees for the accommodation of the collieries belonging to the owner for the time being of the soil of the said new limits and extent, and of the minerals, merchandise, and goods shipped or unshipped by or on behalf of such owner, his lessees, tenants, or agents:

And whereas the said accommodation works have not been made, and the said transfer of the government of the said new limits and new extent has not been effectuated:

And whereas the trade of the town and harbour of Whitehaven have greatly increased, and it is expedient that the Trustees should be authorised to construct the dock, railways, and works hereby authorised:

And whereas the site of the works hereby authorised includes a portion of the said new limits and new extent, and it is expedient to make further provision for the transfer of the government thereof to the extent herein-after provided to the Trustees, and for better defining the works to be made and maintained by the Trustees for the use of the said owner of the soil in consideration of such transfer, and by way of substitution for the coal drops belonging to the said owner of the soil on the old north wall of the said harbour:

And whereas it is expedient that the Trustees should be authorised to levy tolls, rates, and duties in respect of the dock, railways, and works aforesaid, and to raise money on the security of such tolls, rates, and duties:

And whereas plans and sections describing the lines, situations, and levels of the dock, railways, and works intended to be authorised by this Act, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands to be taken for the purposes of the works, or within the limits of deviation as defined on the plans, and describing those lands, have been deposited with the clerk of the peace for the county of Cumberland, which are in this Act referred to as the deposited plans, sections, and book of reference:

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And whereas the objects aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited for all purposes as "The Whitehaven Dock and Railways Act, 1871."

Provisions of general Acts herein named incorporated.

2. "The Railway Clauses Consolidation Act, 1845," "The Railways Clauses Act, 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Harbours, Docks, and Piers Clauses Act, 1847," (except sections 25, 26, 31, and 32,) and the following provisions of "The Commissioners Clauses Act, 1847," that is to say, with respect to the election and rotation of the Commissioners, where the Commissioners are to be elected by the ratepayers or other like class of electors, (except sections 21, 23, 24, 25, 26, 30, and 31,) with respect to mortgages to be executed by the Commissioners, and also with respect to access to the special Act, except so far as their provisions are respectively varied by the provisions of this Act, are hereby incorporated with this Act.

Interpretation of terms.

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 meaning, unless there be something in the subject or context repugnant to such construction; the expression "the Commissioners" in "The Commissioners Clauses Act, 1847," where incorporated with this Act, and the expression "the undertakers" in "The Harbours, Docks, and Piers Clauses Act, 1847," and the expression "the trustees," respectively mean the Trustees acting in the execution of the recited and other Acts relating to the port, harbour, and town of Whitehaven; the expressions "the dock," "the railways," and "the undertaking" mean respectively the dock, the railways, and undertaking by this Act authorised; and the expression "superior courts," or "courts of competent jurisdiction," or any other like expression in this Act, or any Act wholly or partially incorporated herewith, shall read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Power to make dock and railways according to

4. Subject to the provisions of this Act, the Trustees may make and maintain in the lines and according to the levels shown on the deposited plans and sections the dock and railways herein-after

described, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes; that is to say, deposited plans.

1. A wet dock to be constructed partly in the present North Harbour of Whitehaven, partly in the shipbuilding yard in the occupation of the Whitehaven Shipbuilding Company (Limited), and partly in lands situated between the present North Harbour and Tangier Street, and on other lands adjacent thereto, with an entrance into the North Harbour, with all requisite piers, sluices, entrances, channels, cuts, culverts, embankments, wharves, quays, landing staiths, drops, tramways, railways, jetties, cranes, sheds, offices, houses, warehouses, buildings, and machinery for loading and unloading ships and vessels, and stowing merchandise or otherwise, roads and approaches, works and conveniences.

   The intended dock will be bounded on the south-west by the Bulwark and by Duke Street, on the south-east by Tangier Street and Bransty Row, on the north-east by the dotted line on the deposited plans shown as commencing at a point on the west side of Bransty Row, and distant twenty-eight yards or thereabouts south from the southmost end of the Bransty Hotel or Railway Booking Office, thence extending in a westerly direction along the south side of certain cottages and buildings delineated on such plans, crossing the Whitehaven Junction Railway of the London and North-western Railway Company, and thence in a north-westerly direction to a point on the high-water mark of Whitehaven beach eighty yards or thereabouts to the north-east of the existing old north wall, and on the north-west by an imaginary line drawn from the last-mentioned point to a point on the Bulwark one hundred yards or thereabouts from its seaward extremity.

   And the Trustees may dredge, scour, or excavate a channel from the entrance of the said intended dock in the North Harbour to low-water mark between the west pier head and the north pier head, and may divert water from Whitehaven Harbour for supplying the said intended dock with water.

2. An enlargement of the North Harbour of Whitehaven by taking down and removing the existing old north wall of the harbour of Whitehaven and part of the new north wall or

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north pier, and part of the north jetty of the said harbour, and building a new wall commencing at a point in the existing new north wall or north pier fifty-seven yards or thereabouts north-west of the junction of the north pier and north jetty, and terminating at or near the north-west corner of the dock above described, and a second wall commencing at the same point as the wall above described, and terminating at or near the angle in the middle of the north jetty, with power to divert into such intended enlargement the waters of the harbour of Whitehaven.

All which wet dock and works will be situated partly within the limits of the port, harbour, and town of Whitehaven, and wholly or partly within the townships of Whitehaven and Preston Quarter in the parish of Saint Bees, all in the county of Cumberland.

3. The following railways, with all necessary stations, communications, roads, approaches, and conveniences connected therewith:

Railway No. 1. A railway situated in the townships of Whitehaven and Preston Quarter, in the parish of Saint Bees and county of Cumberland, commencing at a point on the west strand at or near the first or most southerly coal hurry in the township of Whitehaven aforesaid, and terminating in the said township of Preston Quarter by a junction with the Whitehaven Junction Railway of the London and North-western Railway Company at a point on their harbour branch at or near to the south-eastern corner of the shipbuilding yard in the occupation of the Whitehaven Shipbuilding Company (Limited), crossing on the level the tramway at present used or occupied by the Furness Railway Company in connexion with their Whitehaven and Furness Railway on the west strand aforesaid, at or near to the Old Tongue there.

Railway No. 2. A railway situated wholly in the township of Whitehaven in the parish of Saint Bees in the county of Cumberland, commencing by a junction with railway No. 1 at a point on the west strand opposite to the Old Tongue, and terminating by a junction with the said tramway of the Furness Railway Company at a point on the west strand opposite to Hamilton Lane.

Power to cross certain roads on the level.

5. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the construction of a

railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the Trustees may in the construction of the railway carry the same with a single line of railway only, whilst the railway shall consist of a single line, and afterwards with a double line of railway only, across and on the level of the roads next herein-after mentioned; (that is to say,) A.D. 1871.

Number on deposited plan.	Township.	Description of road.
13 - -	Preston Quarter - }	Cart road and foot road to the beach and ship-yards.
20 - -	Whitehaven - }	
64 - -	Whitehaven - -	Entrance to the north wall of harbour.
61*a* - -	Whitehaven - -	Entrance to the Bulwark from Duke Street.
36 - -	Whitehaven - -	Entrance to the New Tongue from Marlbrough Street.
51 - -	Whitehaven - -	East Strand, public carriage road.
48 - -	Whitehaven - -	West Strand and Custom House Quay, public carriage road.

All which roads are in the parish of Saint Bees.

Provided that the Trustees shall construct and maintain a proper footbridge at the last-mentioned crossing.

Lands for extraordinary purposes.

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

As to holding of lands.

7. It shall be lawful for the Trustees to purchase, take, and hold all lands, easements, or privileges necessary for carrying into execution the powers of this Act in the name of the lord of the manor of Saint Bees for the time being in trust for the purposes of this Act; and in giving any notice or notices under the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, or under this Act, for the acquisition of lands, tenements, or hereditaments, or of any right, easement, or privileges therein, it shall be sufficient if such notice or notices be signed by the clerk or clerks for the time being of the Trustees, or by the chairman of the Board of Trustees, at a meeting duly convened and held in pursuance of the recited Acts.

Powers for compulsory purchases limited.

8. The powers of the Trustees 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.

Period for completion of works.

9. The dock and railways shall be completed within five years from the passing of this Act, and if they shall not be completed

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within that period, then on the expiration thereof the powers by this Act granted to the Trustees for making and completing them, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Tolls.

10. The Trustees may demand and take in respect of the use of the dock and railways any tolls, rates, and duties not exceeding those they are entitled to levy in respect of the use of the harbour of Whitehaven under the recited Acts, or other Acts relating to the government of the harbour, and that whether the full tolls, rates, and duties in respect of the use of other parts of the said harbour are levied or not: Provided always, that the tolls, rates, and duties for the use of the dock, railways, and harbour, or any two or more of them jointly, or of either the dock or the harbour separately, shall not exceed the maximum tolls, rates, and duties which the Trustees may now demand and levy.

Sect. 15 of 56 G. 3. c. xliv. repealed.

11. From and after the passing of this Act section 15 of 56 of George 3. c. 44. is hereby repealed.

Power to borrow.

12. The Trustees may borrow for the purposes of this Act so much of the respective sums of one hundred and thirty thousand pounds and fifty thousand pounds authorised to be raised under the recited Act of the fifty-sixth year of His late Majesty King George the Third, chapter forty-four, as has not been already raised by borrowing, and all rates and tolls levied under this Act may be included by them in any future mortgages of their tolls and rates for the purposes of the said recited Acts, and any other Acts by which they are authorised to raise money for the purpose of improving the port and harbour (but not the town) of Whitehaven.

Application of money.

13. Except as herein-before otherwise provided, all moneys raised under this Act shall be applied for the purposes of this Act only.

Application of money borrowed.

14. All money borrowed under the authority of this Act shall be applied as follows:

1. In payment of the costs, charges, and expenses preliminary to, and of and incidental to, the preparing, applying for, obtaining, and passing of this Act:
2. In payment for the construction of the wet dock, railways, and works by this Act authorised, not exceeding the sum of seventy-five thousand pounds:
3. In deepening, enlarging, and improving the harbour within the new limits, as defined by this Act and the recited Acts.

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Repayment of borrowed money.

15. With respect to the repayment of money borrowed on mortgages made under this Act, the following provisions shall take effect; (namely,)

(1.) The Trustees may, if they think proper, fix a period for such repayment, and in that case they shall cause such period to be inserted in the mortgage, and on the expiration thereof the principal sum, with the interest accrued thereon, shall on demand be paid to the person entitled to receive the same, and if a place of payment is not inserted in the deed the payment shall be made at the office of the Trustees:

(2.) If a time is not fixed in the mortgage deed for such repayment, the person entitled to receive such money may, at any time after the expiration of twelve months from the date of such deed, demand payment of the principal money thereby secured, and interest, on giving six months previous notice for that purpose; and in the like case the Trustees may at any time pay off the money borrowed, on giving the like notice; and every such notice shall be in writing or print, or partly in writing and partly in print, and if given by the Trustees shall be given personally to the person entitled as aforesaid, or left at his residence, or if he is unknown to the Trustees, or cannot be found after diligent inquiry, such notice shall be given by advertisement in the London Gazette:

(3.) If the Trustees give notice of their intention to pay off any mortgage at a time when the same may be lawfully paid off by them, then at the expiration of such notice all further interest shall cease to be payable thereon, unless on demand of payment made pursuant to such notice, or at any time thereafter, the Trustees fail to pay the principal and interest due at the expiration of such notice:

(4.) The Trustees shall every year appropriate out of the tolls, rates, and duties levied by them for harbour purposes a sum equal to one fiftieth part of the principal moneys borrowed under the authority of this Act, in connexion with the harbour, to form a sinking fund for paying off such principal moneys respectively, such sums respectively to be from time to time invested in the purchase of Exchequer bills or other government securities, and to be increased by accumulation, in the way of compound interest or otherwise, until they shall respectively be of sufficient amount to pay off the respective principal moneys aforesaid, or some part thereof, which the Trustees

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think ought then to be paid off, at which time they shall respectively be applied in paying off the same:

(5.) Whenever the Trustees are able to pay off one or more of the mortgages payable, but are not able to pay off the whole of the same class, they shall decide by lot the order of payment among the class, and shall cause a notice, signed by their clerk, to be given to the persons entitled to the money so to be paid off according to such decision, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid, together with the interest due thereon, at a place to be specified, at the expiration of six months from the date of such notice.

Appointment of receiver.

16. The mortgagees under this Act 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 principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

Power to owner of soil within new limits to transfer part of new limits to the Trustees.

17. In consideration of the hurries, coal spouts, and other works to be made and maintained by the Trustees, as herein-after provided, for the accommodation of the collieries belonging to the owner for the time being of the soil of the new limits and extent mentioned or referred to in the said recited Act of the thirty-second year of the reign of His said late Majesty, and of the minerals, merchandise, and goods shipped or unshipped by or on behalf of such owner, his lessees, tenants, or agents, such owner shall as soon as may be after the passing of this Act transfer and make over to such Trustees the government and direction of such new limits and extent, so far as any works authorised by this Act are situated upon lands within such new limits and extent, to the intent and effect that the government and direction of such new limits and extent, to the extent aforesaid, but no further, may thenceforth be absolutely vested in such Trustees in the same manner to all intents and purposes, and with the like powers and authorities, as the government and direction of the remainder of the said harbour (exclusively of such new limits and extent), but subject and always without prejudice to any other rights or interests of such owner or owners, irrespective of such government and direction: Provided always, and it is hereby enacted, that the validity and effect of any such transfer as aforesaid shall be in no way affected or prejudiced by the fact of the transferor or transferors, or any of them, being a trustee or trustees, or holding or exercising any other jurisdiction under the said Acts,

or any of them; and provided further, that nothing in this Act, or in the said recited Act of the thirty-second year of the reign of His said late Majesty, or in any other Act contained, shall make it obligatory on the said owner for the time being of the soil of the new limits and extent to transfer to the said Trustees the government and direction of such new limits and extent to any greater extent than is hereby provided.

Before opening dock Trustees to make certain works.

18. The Trustees, after the government and direction of the new limits and extent mentioned or referred to in the said recited Act of the thirty-second year of the reign of His said late Majesty shall have been transferred to them to the extent provided by this Act, and before they shall open to the public the new wet dock No. 1, or the enlargement of the North Harbour of Whitehaven No. 2, respectively hereby authorised to be constructed, shall, if required so to do by the said William, Earl of Lonsdale, his heirs and assigns, make and maintain in such new wet dock, and in the proposed new north wall or outer wall to be built on the enlargement of the said North Harbour of Whitehaven respectively, for the exclusive use of the said owner for the time being of the soil of the said new limits and extent, or his lessees, tenants, or agents, for the loading and unloading, shipping and unshipping, into and from vessels using the harbour of Whitehaven, the coals, minerals, goods, and merchandises of and belonging to the said Earl, his heirs and assigns, and their lessees, tenants, and occupiers, in such part or parts of the said new wet dock, and on the proposed new north wall or outer wall to be built in or on the aid enlarged North Harbour respectively, as may be agreed upon by the said Trustees and the said Earl, his heirs and assigns, the works following; that is to say,

(1.) In the said new wet dock, two sufficient and properly constructed hurries or spouts, with all necessary and convenient loading berths, waggon ways, and approaches thereto:

(2.) In or on the said proposed new north wall or outer wall to be built on the enlargement of the said North Harbour, two sufficient and properly constructed hurries or spouts, with all necessary and convenient loading berths, waggon ways, and approaches thereto, the said two last-mentioned hurries or spouts to be in lieu and in place of the four existing hurries or spouts on the present north wall, belonging to the said Earl, so proposed to be taken and removed.

Conveniences for temporary

19. Provided always, that if during the progress and construction of the works by this Act authorised to be constructed, any of the

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shipment of coal and merchandise to be provided during construction of works, and for launching places.

existing conveniences for the shipment of the coals, minerals, goods, and merchandise of the said William, Earl of Lonsdale, his heirs and assigns, and his and their lessees, tenants, and occupiers, shall be taken away, lessened, impeded, or rendered less convenient, the said Trustees shall and they are hereby required to find and provide, and, if necessary, to construct, suitable temporary wharves, quays, hurries, and other conveniences for the shipment of such coals, minerals, goods, and merchandises, until the works hereby authorised to be made are completed and open for use; and the said owner of the soil shall not be entitled to require the launching slips or launching places specified in the 36th section of the last-mentioned Act, or any of them, unless and until the launching places now enjoyed by him, his lessees or tenants, over the foreshore in front of the shipbuilding yards in that section mentioned, shall have been obstructed by harbour works to be erected under the powers of this Act or of the said recited Acts, or some of them, and then only in proportion to such obstruction.

Provision for traffic during construction of works.

20. The works authorised by this Act shall be carried out in such a manner as to impede as little as possible the traffic of the London and North-western and Furness Railway Companies respectively during the execution thereof, and the Trustees shall not remove or interfere with the piers or jetties or other works now used by those respective companies, unless and until they shall have provided other accommodation for the traffic of those respective companies equally convenient (or as nearly so as may be) as that which it may be necessary to remove or interfere with; and in the event of any dispute arising between the Trustees and the London and North-western and Furness Railway Companies respectively as to any of the matters aforesaid, the same shall be determined by arbitration in accordance with the provisions of the Railway Companies Arbitration Act, 1859: Provided always, that in case the Trustees shall not provide such accommodation as aforesaid, and the London and North-western Railway Company and the Furness Railway Company, or either of them, decline, or after being required by the persons herein-after mentioned neglect, after fourteen days notice in writing, to enforce the provisions for arbitration as aforesaid, it shall be lawful and competent for any owners, lessees, or occupiers of mines who have together transmitted for shipment and have shipped at the port of Whitehaven during the preceding twelve months not less than fifty thousand tons of iron ore or other minerals to require the matter to be referred to arbitration in manner aforesaid, so that such persons shall in that case, and for the purpose of requiring an arbitration, be invested with the same

powers and stand in the same position as the above-named railway companies, or either of them.

Junctions with Furness Railway.

21. The junctions of the railways authorised by this Act with the lines of the Furness Railway shall be executed in accordance with the directions and to the reasonable satisfaction of the engineer for the time being of the Furness Railway Company.

Junction with London and North-western Railway.

22. The junction of the railway No. 1 with the Whitehaven Junction Railway of the London and North-western Railway Company shall be made at the point as shown on the deposited plans, unless the Trustees and that company shall agree on any other point for such junction, and such junction shall be executed in accordance with the directions and to the reasonable satisfaction of the engineer for the time being of that company.

Power to London and North-western and Furness Railway Companies to use railways.

23. The London and North-western and Furness Railway Companies respectively may, for the purposes of traffic of all kinds, use with their respective engines and carriages of every description the railways, sidings, and works which may be constructed under the powers of this Act, and also the existing railways and works in connexion therewith, upon terms as to payment and otherwise to be agreed upon, or failing agreement to be determined by arbitration according to the Railways Companies Arbitration Act, 1859: Provided always, that the use of such railways, sidings, and works shall be subject to the reasonable byelaws and regulations to be made by the Trustees in manner provided by the Harbour, Docks, and Piers Clauses Act, 1847, and that nothing in this clause shall authorise the said railway companies so to use any rails, tramways, or sidings to be made for the exclusive use of the lord of the said manor, or any private individual or company occupying land immediately adjoining the said dock and railways, under the powers of this Act or by special private agreement, except by the consent of the said private individual or company or occupiers of such rails, tramways, or sidings respectively, and that the Trustees shall at all times provide, subject in case of difference to an order to be made by the court of quarter sessions for the county of Cumberland after hearing the said railway companies respectively and the parties, sufficient tramways and sidings for the conveyance, shipping, and unshipping of traffic of every description to and from the said dock and harbour and the railway junctions of the respective railway companies; and that the tolls, rates, and duties payable in respect of the dock and harbour shall include the use of the railways in all cases where traffic passes over the railways, or either of them, to or from the said dock or harbour; and that a separate toll for the use of the railways shall

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only be charged in the case of traffic passing over the railways, and not conveyed to or from the said dock or harbour.

Power to enter into traffic arrangements with railway companies.

24. The Trustees on the one hand, and the Furness Railway Company and the London and North-western Railway Company on the other hand, may from time to time enter into contracts or arrangements with respect to the following purposes, or any of them; (that is to say,)

The management, use, working, and maintenance of the railways, or of any part or parts thereof:

The supply of any rolling or working stock and of officers and servants for the conduct of the traffic on the railways:

The payments to be made and the conditions to be performed with respect to the matters aforesaid:

The interchange, accommodation, and delivery of traffic coming from or destined for the undertakings of the contracting companies, and the fixing and division between the said companies of the receipts arising from such traffic.

Saving rights of the Crown.

25. Nothing in this Act contained shall 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.

Saving rights of lord of the manor.

26. Except as is by this Act expressly provided, this Act or anything therein shall not take away, lessen, prejudice, or affect any of the estates, rights, franchises, powers, and privileges of the lord of the manor of Saint Bees for the time being, or any right he may now have of using any of the present hurries or staiths, and approaches thereto.

Saving rights of railway companies.

27. Except as by this Act expressly provided, this Act or anything therein shall not take away, lessen, prejudice, or alter any of the estates, rights, privileges, powers, or authorities of the Furness Railway Company and the London and North-western Railway Company, or either of them.

Provision as to general railway Acts.

28. Nothing herein contained shall be deemed or construed to exempt the dock or the railways by this Act authorised to be made from the provisions of any general Act relating to docks and harbours, or 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 of tolls, rates, and duties, or of rates of fares and charges, authorised by this or the recited or other Acts.

Houses of labouring classes.

29. The Trustees shall, not less than eight weeks before taking any houses occupied either wholly or partially as tenants or lodgers

by persons belonging to the labouring classes, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Trustees shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Trustees have made known their intention to take the same in manner required by this provision.

Expenses of Act.

30. All the costs, charges, and expenses preliminary to, and of and incidental to, the preparing, applying for, obtaining, and passing of this Act shall be paid by the Trustees.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1871.

