



**CHAPTER xcix.**

An Act for conferring additional powers upon the Furness Railway Company for the Construction of Works and the raising of Money, and otherwise in relation to their undertaking ; and for other purposes.

A.D. 1872.

[18th July 1872.]

**W**HEREAS it is expedient that the Furness Railway Company (in this Act called the Company) should be empowered to make and maintain the railways by this Act authorised :

And whereas the harbour of Barrow in the county palatine of Lancaster is vested in the Company by or under the provisions of "The Furness Railway and Barrow Harbour Act, 1863," (in the Act called the Act of 1863,) and the Company are the owners of docks and works at Barrow, constructed by them under the powers in that behalf conferred upon them by the Act of 1863 :

And whereas for the purpose of meeting the demand for further dock accommodation at Barrow it is expedient that the Company should be empowered to construct an additional dock and other works as by this Act authorised :

And whereas it is expedient that the Company be empowered to make the new roads and alterations and diversions of roads and to execute the other works by this Act authorised, and to shut up the level crossings over their railways, and to stop up and discontinue as public thoroughfares, and to appropriate to the purposes of their undertaking, the sites of the roads and portions of roads as by this Act provided :

And whereas it is expedient that the Company be authorised to purchase, by compulsion or agreement, for purposes of their undertaking, additional lands, houses, and property in the township and parish of Ulverston, and the township or division of Lindal and Martin, in the parish of Dalton-in-Furness, in the county palatine of Lancaster, and in the township or division of Seascale, in the parish of Gosforth, in the county of Cumberland :

And whereas it is expedient that the period limited by "The

[*Local.*-99.]

A

1

[Ch. xcix.] *The Furness Railway Act, 1872.* [35 & 36 VICT.]

A.D. 1872. Furness Railway Act, 1867," for the completion of the railway and works by that Act authorised be extended :

And whereas it is expedient that the Company be authorised to raise further moneys for the purposes of this Act and for the general purposes of their undertaking :

And whereas it is expedient that the Company be authorised to purchase by agreement lands on the shores of Windermere Lake and Coniston Lake respectively, for the purposes of piers and other works and conveniences :

And whereas it is expedient that other provisions be made with respect to the Company :

And whereas plans and sections of the railways, dock, and works by this Act authorised, showing the line and levels thereof, and plans of the lands to be taken under the powers of this Act, together with books of reference to the plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands, have been deposited with the respective clerks of the peace for the counties of Lancaster, Westmoreland, and Cumberland, and those plans, sections, and books of reference are in this Act 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, 1872."

Provisions of general Acts herein named incorporated. 2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the construction of a railway) and Part II. (relating to extension of time) of "The Railways Clauses Act, 1863," "The Harbours, Docks, and Piers Clauses Act, 1847," and 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, and the provision to be made for affording access to the special Act by all parties interested, and Part I. (relating to can-

cellation and surrender of shares), and Part II. (relating to additional capital), and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act: Provided always, that the provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," with respect to life-boats, and with respect to providing a tide or weather gauge, shall not be in force for the purposes of this Act, except so far as may from time to time be required by the Board of Trade.

A.D. 1872.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the railway" means the railways by this Act authorised; the expression "the dock" means the dock or float and tidal basin by this Act authorised; and 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 common simple contract debt, and not a debt or demand created by statute.

Interpretation of terms.

4. In construing, in connexion with this Act, Part I. of "The Railways Clauses Act, 1863," the words "work" and "railway" shall be taken to mean the dock and other works connected therewith as well as the railway.

Certain words in 26 & 27 Vict. c. 92. incorporated.

5. 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 the railways, dock, and works hereinafter described, and may enter upon, take, and use such of the lands delineated upon the deposited plans and described in the deposited books of reference as may be required for the purpose: Provided always, that it shall not be lawful for the Company to enter upon, take, or use any lands not being public roads or highways for the purpose of Railways Nos. 2, 3, 4, and 5 respectively, except by agreement with the owners, lessees, and occupiers thereof; but nothing herein contained shall prevent or interfere with the carrying of those railways respectively across any public road or highway.

Power to make railways and dock according to deposited plans.

The railways herein-before referred to and authorised by this Act are the following railways, with all proper stations, sidings, approaches, works, and conveniences connected therewith respectively; (that is to say,)

A railway (No. 1), 2 miles 5 furlongs 5·60 chains in length, wholly situate in the township of Hawcoat, in the parish of

[Ch. xcix.] *The Furness Railway Act, 1872.* [35 & 36 VICT.]

A.D. 1872.

Dalton-in-Furness, in the county palatine of Lancaster, commencing by a junction with the main line of the Company, and terminating in a field numbered 48 in that parish on the plans deposited with the clerk of the peace for the county of Lancaster in respect of "The Furness Railway Act, 1865:"

A railway (No. 2), 1 mile 20 chains in length, wholly situate in the townships or divisions of Hawcoat and Yarlside, in the parish of Dalton-in-Furness, in the said county palatine of Lancaster, being that portion of Railway No. 2 shown on the deposited plans of that railway which is situate between the commencement thereof and the public road numbered on those plans 43 in the said parish of Dalton-in-Furness:

A railway (No. 3), 9 chains in length, to be wholly situate in the said township and parish of Pennington, commencing by a junction with the main line of the Company, and terminating in a field numbered 430 on the tithe commutation map of that parish:

A railway (No. 4), 6 furlongs 4 chains in length, wholly situate in the township or division of Yarlside, in the said parish of Dalton-in-Furness, commencing from and out of Railway No. 2, and terminating at or near the iron-ore pits known as the "Stank Pits:"

A railway (No. 5), 7 furlongs 25 links in length, wholly situate in the township or division of Lindal and Martin, in the said parish of Dalton-in-Furness, commencing by a junction with the main line of the Company, and terminating in a field numbered 222B on the tithe commutation map of that parish:

And the railways shall, with respect to tolls, rates, and charges, and for all other purposes whatsoever, be part of the undertaking of the Company, and the Company may demand and take in respect of the railways a like amount of tolls, fares, rates, and charges as by "The Furness Railway (Whitehaven Amalgamation) Act, 1866," the Company are authorised to demand and take with respect to their other railways.

The dock and works herein-before referred to and authorised by this Act are—

A dock or float and tidal basin in the harbour of Barrow, to be situate in the townships of Hawcoat and Yarlside, in the said parish of Dalton-in-Furness, and to be constructed for the most part on lands called or known as the "Salthouse Sands," and bounded on the north and north-west by the existing railway, works, and property of the Company; on the east by the Piel Branch of the Company; on the south-east by an imaginary line drawn from a point on the said Piel Branch of the Company, near Parrock Hall, in a south-westerly direction, to

a point at or near the southernmost end of an island called Old Barrow Ramsay Island; and on the south-west by an imaginary line drawn from the last-mentioned point in a north-westerly direction, for a distance of 75 chains or thereabouts, until such imaginary line reaches the island called Old Barrow Island; together with all proper entrances, cuts, locks, gates, sluices, sewers, drains, piers, jetties, quays, wharfs, landing-places, stages, staiths, drops, slips, docks, graving docks, stairs, walls, bridges, roads, approaches, communications, warehouses, offices, sheds, buildings, tramways, and other works and conveniences connected with or required for the purposes of the said dock and works.

A.D. 1872.

And the dock and works shall be part of the undertaking of the Company, and the Company may demand and take in respect of the dock a like amount of tolls, rates, and charges as by "The Furness and Barrow Harbour Act, 1863," the Company are authorised to demand and take with respect to the dock by that Act authorised.

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

Lands for extraordinary purposes.

7. 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.

Powers for compulsory purchase limited.

8. In altering for the purposes of this Act the roads next herein-after mentioned, the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

Inclination of roads.

No. on deposited plans.	Township and parish.	Description of roads.	Intended inclination.
	<b>RAILWAY No. 1.</b>		
77	Township of Hawcoat, parish of Dalton-in-Furness.	Public road - -	1 in 16.
	<b>RAILWAY No. 4.</b>		
9	Township of Yarlside, parish of Dalton-in-Furness.	Public road - -	1 in 14 on one side, and level on the other.

[Ch. xcix.] *The Furness Railway Act, 1872.* [35 & 36 VICT.]

A.D. 1872.  
Span of  
bridges.

9. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of any span not less than the span herein-after mentioned in connexion with those roads respectively ; (that is to say,)

No. on deposited plans.	Township and parish.	Description of roads.	Span.
RAILWAY No. 2.			
43	Dalton-in-Furness -	Public road - -	20 feet.
RAILWAY No. 4.			
9	Dalton-in-Furness -	Public road - -	20 feet.

Width of  
certain  
bridges over  
railway.

10. The width between the parapets of the bridges or viaducts for carrying the roads next herein-after mentioned over the railway may be, but shall not be of less than, the respective dimensions herein-after mentioned in connexion with those roads respectively ; (that is to say,)

No. on deposited plans.	Township and parish.	Description of roads.	Width of roadway.
RAILWAY No. 2.			
17	Dalton-in-Furness -	Public road - -	20 feet.
RAILWAY No. 5.			
39	Dalton-in-Furness -	Turnpike road -	20 feet.

Imposing  
penalty un-  
less line be  
opened.

11. If the Company fail within the period limited by this Act to complete the Railway No. 1 by this Act authorised, 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 Railway No. 1 is 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 Railway No. 1 ; and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in the third section of the Act seventeen and eighteen Victoria, chapter thirty-one, known as "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 the said third section of the Act seventeen and eighteen Victoria, chapter thirty-one, to an account opened or to be opened in the name and with the privity of the Accountant General of the Court of Chancery in England, in the bank named in such warrant or order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the Railway No. 1 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.

A.D. 1872.

12. 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 No. 1, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, 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 Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the 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 be paid to or on the application of the Company.

Providing for application of penalty in compensation to parties injured.

13. The railway shall be completed within five years and the dock within seven years from the passing of this Act, and upon the expiration of those respective periods the powers by this Act granted to the Company for executing the railway and dock respectively, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof respectively as shall then be completed.

Limiting time for completion of railway and dock.

14. And whereas Alexander Brogden, Esquire, M.P., claims to be lessee for years of mines of iron ore at Lindal Cote, within the manor of Plain Furness, lying within and under certain inclosures or parcels of ground, some of which are delineated upon the deposited plans, and all of which lie in or contiguous to the line of the Rail-

Power for Messrs. Brogden and others to use Railway No. 5, if made.

A.D. 1872. — way No. 5 delineated upon the said plans, and he also claims to be entitled to the right as such lessee to use the surface of the said lands for raising such iron ore, and to make roads over the same for conveying it; and he also claims to be owner for an estate of customary freehold of the surface of part of such lands: Therefore, if and whenever the Railway No. 5 by this Act authorised is made and opened for traffic, it shall be lawful for the said Alexander Brogden, his executors, administrators, and assigns, and the owners for the time being of the said customary freehold lands, and all lessees for the time being of the said mines, to run over and use with their engines and carriages, waggons and trucks, and with their servants, and for the purposes of their traffic of every description, the said Railway No. 5, and all sidings, stations, offices, approaches, water supplies, works, and conveniences thereon, or connected and used therewith respectively, and the junction thereof with the existing railway of the Company, and to make all such junctions and connections of any railways or tramways of the said Alexander Brogden and such owners and lessees respectively as aforesaid with the said Railway No. 5, and to make and use for all purposes all such level crossings over the said Railway No. 5 as they respectively may require: Provided always, that the 9th, 10th, 11th, and 12th sections of "The Railways Clauses Act, 1863," shall apply to all such junctions and level crossings as are hereby authorised, and for that purpose the respective parties hereby authorised shall be deemed to be the Company authorised by the special Act to make junctions and level crossings, and the said Railway No. 5 shall be deemed to be the other railway within the meaning of the said 9th, 10th, 11th, and 12th sections: Provided also, that the terms and conditions on which the said Alexander Brogden and the owners and lessees aforesaid shall be entitled to run over and use the said Railway No. 5, if and when made, and the works and conveniences connected therewith, shall be such terms and conditions as he or they respectively and the Company agree on, or as, failing agreement between them, shall be from time to time determined by arbitration in accordance with "The Railway Companies Arbitration Act, 1859."

Power to purchase additional land by agreement for dock purposes.

Power to make new roads, &c.

**15.** In addition to the other land which the Company are by this Act authorised to acquire, they may purchase by agreement, hold, and use, for the purposes of the dock and the works connected therewith, any quantity of land not exceeding in the whole fifty acres.

**16.** 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 the new roads and alterations and diversion of roads herein-after described, with all proper con-

veniences connected therewith, and may exercise the powers herein-  
after mentioned, and may enter upon, take, and use such of the  
lands delineated upon the deposited plans and described in the  
deposited books of reference as may be required for those purposes ;  
(that is to say,) A.D. 1872.

They may stop up and discontinue the level crossings called respectively the "Salthouse Level Crossing" over the main line and sidings of the Company, and the "Roosecote Level Crossing" over the Piel branch line of the Company, and may stop up and discontinue and appropriate to the use of the Company so much of the road known as the "Salthouse and Roosecote Road" over the sands as lies between points twenty-two yards or thereabouts north-west of the said Salthouse level crossing and the point of junction of the same road with the Roose and Roosecote Road, and may make a new road, to be used in lieu of the road so stopped up, to commence by a junction with the road known as the "Barrow and Salthouse Road," at a point thereon thirty-one chains or thereabouts eastward from the east face of St. George's district church at Barrow, and to terminate by a junction with the road known as the "Roose and Roosecote Road," at the point where the occupation way leading to the farmhouse at Roose aforesaid, occupied by Joseph Jackson, unites with the said Roose and Roosecote Road, and may carry such new road over their railway by means of a bridge: They may make an alteration or diversion within the township or division of Yarlside aforesaid of the road known as the "Newbarns Roose and Roosecote Road," to commence eleven yards or thereabouts west of the point where the said road crosses the main line of the Company on the level (which level crossing is called or known as the "Roose Level Crossing"), and to terminate by a junction with the intended new road firstly herein-before described at a point on the east side of a field belonging or reputed to belong to His Grace the Duke of Devonshire, in the occupation of Joseph Jackson, which field is situate on the west side of the said main line, and on the north side of the stream called "Mill Beck," and may stop up and discontinue the said Roose level crossing, and may stop up and discontinue as a public thoroughfare and appropriate to the purposes of the Company so much of the said road known as the "Newbarns Roose and Roosecote Road" as extends from the point of commencement of such alteration or diversion to a point eleven yards or thereabouts east of the centre line of railway at Roose level crossing aforesaid :

They may alter and raise the levels of the said road leading from Arnside to Milnthorpe, and carry the same over their railway

A.D. 1872.

by means of a bridge, such alteration to commence in the said road at Dixie's Inn, and to terminate twelve chains or thereabouts from the point of commencement :

They may make an alteration or diversion of the said road leading from Arnside to Milnthorpe, such alteration or diversion to commence at a point twelve chains or thereabouts from the point where the said road crosses the main line of the Company on the level, and to terminate at or near the Arnside station of the Company, and may carry the said diverted road under the railway by means of a bridge, and may stop up and discontinue the said level crossing, and may stop up and discontinue and appropriate to the purposes of the Company so much of the existing road as lies between the said level crossing and the commencement of such diverted road :

They may stop up and discontinue the level crossing called the "Waterslack Level Crossing" over the Ulverston and Lancaster Railway, and may stop up and discontinue and appropriate to the purposes of the Company so much of the road leading from Waterslack Lane to Waterslack as lies within the distance of twelve yards east and four chains west of the centre line of the railway of the Company in the township of Silverdale, in the parish of Wharton, in the county palatine of Lancaster, and may make a new road to be used in lieu of the road so stopped up, to commence by a junction with the Waterslack Lane at a point thereon seventeen chains north of the bridge carrying "Ford Lane" over the said Ulverston and Lancaster Railway, and to terminate in the public road at Waterslack, four chains or thereabouts west of the said Waterslack level crossing, and may carry such new road over the railway by means of a bridge :

They may pull down the existing bridge situate in the township and parish of Pennington, in the county palatine of Lancaster, called or known as the "Half-way Bridge," which now carries the Kirkby Kendal and Kirkby Ireleth turnpike road over the main line of the Company, and may construct a new bridge on the site of the said existing bridge and on lands immediately adjoining thereto, and may alter and raise the level of the present approaches on each side of the said existing bridge :

They may pull down the existing bridge situate in the township and parish of Pennington aforesaid, called or known as "Low Greaves Bridge," which now carries the road called or known as "Low Greaves Road" over the said main line, and may construct a new bridge on the site of the said existing bridge, and on lands immediately adjoining thereto, and may alter

and raise the level of the present approaches on each side of the said existing bridge : A.D. 1872.

They may pull down the existing bridge situate in the township of Osmotherley, in the parish of Ulverston, in the said county of Lancaster, called or known as "Kennedy's Bridge," which now carries the road called or known as "Barn Beck Road," otherwise "Little Lane," over the said main line, and may construct a new bridge on the site of the said existing bridge and on lands immediately adjoining thereto, and may alter and raise the level of the present approaches on each side of the said existing bridge :

They may pull down the existing bridge situate in the said township and parish of Ulverston, called or known as "Dykelands Bridge," which now carries the said Kirkby Kendal and Kirkby Ireleth turnpike road over the said main line, and may construct a new bridge on the site of the said existing bridge, and on lands immediately adjoining thereto, and may alter and raise the level of the present approaches on each side of the said existing bridge :

They may pull down the existing bridge over the said main line situate in the township and parish of Ulverston aforesaid, and near to the Ulverston station of the Company, called or known as "Springfield Road Bridge," and may construct a new bridge on the site of the said existing bridge and on lands immediately adjoining thereto, and may alter and raise the level of the present approaches on each side of the said existing bridge :

Provided always, that until the Company have completed and opened to the public the respective new bridges and roads and alterations and diversions of roads by this present enactment authorised, it shall not be lawful for them to destroy or stop up the existing bridge or road for which the respective new road or alteration or diversion of road is intended to be substituted.

17. Whereas it is expedient that the Company be authorised to make the road herein-after described : And whereas a plan and section of the road showing the line and levels thereof, and a book of reference to the plan, were, in the month of March 1872, deposited with the clerk of the peace for the county of Westmoreland, and such plan and section are herein-after referred to as the additional plan and section : Therefore, subject to the provisions of this Act, the Company may make and maintain in the line and according to the levels shown on the additional plan and section the road herein-after described. The road herein-before referred to and authorised by this enactment is a road to be situate in

Power to  
make road  
in the  
parish of  
Beerham.

[Ch. xcix.] *The Furness Railway Act, 1872.* [35 & 36 Vict.]

A.D. 1872. — the townships of Beetham and Haverbrack, in the parish of Beetham, in the county of Westmoreland, commencing from and out of the existing road leading from Arnside to Milnthorpe along the sands at or near the Ship Inn, and terminating by a junction with the same road at or near a cottage known as Ferry Cottage; and the Company may relinquish the construction of the bridges and approaches shown upon the plans and sections deposited in respect of "The Furness Railway Act, 1867," with the clerk of the peace for the said county of Westmoreland, at the points on those plans and sections indicating the distance of one mile and sixty-five chains, and two miles and twenty chains respectively, from the commencement of the railway shown on those plans.

Power to deviate in construction of roads, &c.

**18.** The Company may, in constructing the new bridges and roads and alterations and diversions of roads and other works authorised by sections 16 and 17 of this Act, deviate to the extent of the limits of deviation marked on the deposited plans, and may deviate from the levels shown on the deposited sections to any extent not exceeding five feet.

Limiting time for completion of roads, &c.

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

Extinguishment of rights of way.

**20.** All rights of way over and along the several portions of roads and level crossings which the Company 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 Company.

**21.** The site and soil of the portions of roads by this Act authorised to be stopped up and discontinued, and the fee simple and inheritance thereof, shall, if the Company 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 from the time of the stopping up thereof respectively absolutely vested in the Company, and if the Company 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 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.

Company may acquire additional

**22.** Subject to the provisions of this Act, the Company, in addition to the other lands which they are by this Act authorised to

acquire, may from time to time enter upon, take, use, and appropriate to the purposes of their undertaking all or any of the lands situate in the township and parish of Ulverston, and the township or division of Lindal and Martin, in the parish of Dalton-in-Furness, in the county palatine of Lancaster, and in the township or division of Seascale, in the parish of Gosforth, in the county of Cumberland, respectively delineated on the deposited plans and described in the deposited books of reference.

A.D. 1872.  
lands for  
general pur-  
poses.

23. The period limited by "The Furness Railway Act, 1867," for the completion of the railway by that Act authorised (hereinafter called the Arnside Branch) is by this Act extended until the twentieth day of June 1875, and on the expiration of that period the powers by that Act and this Act granted to the Company for making and completing the Arnside Branch, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Extension of  
time for  
completion  
of certain  
works.

24. If the Company fail within the period limited by this Act to complete the Arnside Branch, 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 Arnside Branch is 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 works; and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in the third section of the Act seventeen and eighteen Victoria, chapter thirty-one, known as "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 the said third section of the Act seventeen and eighteen Victoria, chapter thirty-one, to an account opened or to be opened in the name and with the privity of the Accountant General of the Court of Chancery in England, in the bank named in such warrant or order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the Arnside Branch 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.

Imposing  
penalty un-  
less line be  
opened.

25. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the London

Providing  
for applica-  
tion of

[Ch. xcix.] *The Furness Railway Act, 1872.* [35 & 36 Vict.]

A.D. 1872. penalty in compensation to parties injured. 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 Arnside Branch, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by "The Furness Railway Act, 1867," 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 Court of Chancery in England may seem fit ; and if no such compensation shall be payable, or if a portion of the 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 be paid to or on the application of the Company.

Provisions with respect to certain lands in the township of Seascale in the parish of Gosforth. **26.** Whereas the Company have agreed to purchase certain lands and hereditaments situate in the township or division of Seascale, in the parish of Gosforth, in the county of Cumberland: And whereas the Company were, under "The Furness Railway Act, 1867," authorised to purchase a portion of such lands, and the persons interested therein were desirous that the Company should purchase the whole of such lands, and if the whole was purchased were willing to sell the same at a lower price: And whereas the Company are desirous and it is expedient that the following provisions should be made with respect to the said lands and hereditaments: Be it therefore enacted as follows; (that is to say,)

- (1.) It shall be lawful for the Company to purchase and hold all such lands and hereditaments:
- (2.) All such parts of the said lands as shall not be required by the Company for the purposes of their undertaking may and shall be sold by them within ten years from the passing of this Act, and the sale of such lands may be made from time to time to such person or persons, upon such terms and conditions, and generally in such manner as the Company shall think fit:
- (3.) The Company shall apply the moneys arising by any such sale exclusively in paying off money due by the Company on mortgage or bond.

Power to dispose of lands acquired for purposes of Butts Branch. **27.** Whereas by "The Furness Railway Act, 1846," the Company were authorised, amongst other things, to make a branch (hereafter referred to as the "Butts Branch") from their railway to the Butts Iron Mines; and the Company acquired the land

necessary for the construction of the Butts Branch, and constructed a portion thereof, and the remaining portion thereof has been constructed by the owners of and other persons interested in the mines using the branch upon land acquired by the Company for the purpose, and such owners and other persons are desirous, and the Company are willing, and it is expedient that the lands upon which the portion of the Butts Branch has been constructed by such owners and other persons as aforesaid should be sold and conveyed by the Company to them: Be it therefore enacted, that the Company may sell and convey in such manner as they think proper such parts of the lands and hereditaments acquired by the Company under the powers of "The Furness Railway Act, 1846," for the purposes of the Butts Branch as are not now used by the Company for the purposes of their railways and works, and subject to such covenants, restrictions, and stipulations, rights, easements, conveniences, and other provisions as to the enjoyment thereof, and also subject to such stipulations as to the title to be deduced to such lands and hereditaments, as the Company shall think fit; and the Company shall apply to the general purposes of the Company all the moneys arising by such sale, after paying all expenses incident to the sale, and satisfying all lawful demands to which the lands and hereditaments so sold shall be liable.

A.D. 1872.

28. In addition to the other lands which the Company are by this Act authorised to acquire, they may from time to time purchase by agreement, hold, and use for the purposes of piers and other works and conveniences, on the shores of Windermere Lake and Coniston Lake respectively, any quantity of land not exceeding in the whole five acres: Provided always, that nothing herein contained shall give to the Company any right or interest whatsoever in or over any portion of Windermere Lake.

Power to purchase lands by agreement on shores of Windermere and Coniston Lakes.

29. The Company may from time to time raise for the purposes of this Act and for the general purposes of their undertaking, by the creation of new shares, such sums of money as they shall think necessary, not exceeding in the whole one million pounds, and may create and issue such shares as ordinary or preferential shares, or partly as ordinary and partly as preferential shares, as they may think fit.

Power to raise additional capital.

30. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person 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.

Shares not to be issued until one fifth paid up.

31. Except as is by this Act otherwise provided, the share capital created by the Company under this Act, and the shares therein and

Except as otherwise provided,

[Ch. xcix.] *The Furness Railway Act, 1872.* [35 & 36 Vict.]

A.D. 1872.

new shares  
to be subject  
to same in-  
cidents as  
ordinary  
shares.

Dividends  
on new  
shares crea-  
ted by Com-  
pany.

Power to  
borrow on  
mortgage.

For appoint-  
ment of a  
receiver.

Former  
mortgages  
to have  
priority.

the holders of those shares respectively, shall be subject and entitled to the same powers, provisions, forfeitures, liabilities, rights, privileges, and incidents whatsoever in all respects as if that capital were part of the now existing share capital of the Company, and those shares were shares in that capital.

**32.** Every person who becomes entitled to a share created by the Company under this Act shall in respect of the same be a shareholder 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 of the same class or description, proportioned to the whole amount from time to time called and paid on such new shares.

**33.** The Company may from time to time borrow on mortgage, in addition to the sums which they are now authorised to borrow, any sums not exceeding in the whole three hundred and thirty-three thousand pounds, but no part thereof shall be borrowed until the whole capital of one million pounds by this Act authorised to be raised is subscribed for, issued, and accepted, and one half thereof 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 the whole of the capital which the Company are by this Act authorised to raise has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their 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).

**34.** The mortgagees of the Company under this or any previous 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 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.

**35.** All mortgages or bonds granted or to be granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, shall, during the continuance of such mortgages and bonds, have priority over any mortgages to be granted by virtue of this Act.

**36.** All moneys raised under this Act, whether by shares, debenture stock, or by 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.

A.D. 1872.

Application of moneys raised under this Act.

**37.** The Company may create and issue debenture stock.

Power to create debenture stock.

**38.** Notwithstanding anything in Part III. of "The Companies Clauses Act, 1863," contained, the interest of all debenture stock at any time hereafter created or issued by the Company shall rank *pari passu* with the interest of all mortgages at any time hereafter granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Provision as to interest of debenture stock.

**39.** Whereas by "The Furness Railway Act, 1855," (section 53,) the Company were authorised, subject to the provisions of that section, to convert borrowed capital and preference shares into debenture stock, bearing interest at any rate not exceeding four pounds ten shillings per centum per annum, and it was by the said section provided that the debenture stock so created should be divided into separate classes, which classes in respect of priority of dividend should rank as in the said section prescribed; and by section 54 of the said Act it was enacted that the holders of the said debenture stock should not be entitled to vote in the affairs of the Company, unless otherwise resolved at a meeting convened for the purpose: And whereas the powers conferred upon the Company by the said section 53 have not been exercised in any manner whatsoever, and it is expedient that such section and also the said section 54 should be repealed: Be it therefore enacted, that on the passing of this Act sections 53 and 54 of "The Furness Railway Act, 1855," shall be and the same are by this Act repealed.

Repeal of sections 53 and 54 of the "Furness Railway Act, 1855."

**40.** The Company shall not, out of any money by this Act or any other Act relating to the Company authorised to be raised by calls, debenture stock, or borrowing, pay to any shareholder interest or dividend on the amount of calls made in respect of the shares held by him: Provided always, that the Company may pay 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 mentioned.

No interest or dividend to be paid out of capital.

**41.** The Company shall not, out of any money by this Act or any other Act authorised to be raised by the Company, pay or

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

[Ch. xcix.] *The Furness Railway Act, 1872.* [35 & 36 VICT.]

A.D. 1872. — deposit any sum of money which, by any standing order of either House of Parliament from time to time in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to make any other railway or to execute any other work or undertaking.

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

**42.** Nothing in this Act contained shall exempt 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, in respect of the railways authorised by this or any other Act relating to the Company.

Expenses of  
Act.

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