



CHAPTER ccxii.

An Act to incorporate a Company and authorise them to acquire the undertaking of the Commissioners for the Harbour of Maryport and to construct a dock railways and works at and near Maryport and for other purposes. A.D. 1903.

[11th August 1903.]

WHEREAS the commissioners for the harbour of Maryport (in this Act called "the commissioners") were incorporated by the Maryport Harbour Act 1894 (in this Act referred to as "the Act of 1894") and by that Act the provisions of the several Acts relating to the harbour of Maryport or to the trustees for the district and harbour of Maryport in the county of Cumberland in respect thereof were made applicable to the commissioners and to the harbour undertaking as vested in them by that Act and the harbour undertaking as defined by that Act and the powers and jurisdiction of the said trustees in relation thereto were thereby transferred to and vested in the commissioners :

And whereas the commissioners have not exercised the powers conferred upon them by the Act of 1894 of borrowing moneys but have out of other funds paid off and discharged certain of the existing mortgages mentioned or referred to in the Second Schedule to that Act and of the principal sums therein mentioned amounting to three hundred and fourteen thousand six hundred and ninety-six pounds three hundred and five thousand five hundred and seventy-one pounds are still due and owing by the commissioners and are secured by such of the mortgages in existence at the date of the passing of the said Act as have not been redeemed :

And whereas such mortgages with the exception of mortgages representing the sum of twenty thousand pounds are either now due and payable or are redeemable on six months notice :

[Price 2s. 9d.]

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And whereas by an Order made by the Chancery Division of the High Court on the 8th day of November 1884 in an action (1884 K. 1015) brought by John Kennedy and William Bookless on behalf of themselves and all other the holders of mortgages of the commissioners against the said trustees Frederick Kelly clerk to the said trustees was appointed receiver of the harbour undertaking (in this Act referred to as "the receiver") :

And whereas it is desirable in the public and local interest that increased and improved accommodation should be afforded at the said harbour and provision made for the accommodation of vessels of larger tonnage than can now be accommodated at the said harbour :

And whereas the persons herein-after named with others are willing to carry out such works upon being incorporated into a company for that purpose and upon having the harbour undertaking transferred to and vested in such company and it is expedient that they should be incorporated into a company (in this Act called "the Company") accordingly and that the said undertaking should be transferred to and vested in the Company and that the Company should be empowered to carry out the works for the improvement and extension of the harbour and to construct the railways in this Act described and that provision should be made as contained in this Act for the payment off and discharge of the said existing mortgages on the terms and conditions in this Act mentioned and that the Company should be empowered to raise capital for that purpose :

And whereas it is expedient that the limits of the said harbour should be extended :

And whereas it is expedient that powers as in this Act contained should be conferred upon the Company :

And whereas plans and sections of the proposed reclamation wall or embankment pier or breakwater dock and railways and works and plans of the lands which may be taken compulsorily under the powers of this Act and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken under the powers or for the purposes of this Act were deposited for public inspection with the clerk of the peace for the county of Cumberland and are in this Act respectively referred to as the deposited plans sections and book of reference :

And whereas the objects aforesaid cannot be effected without the authority of Parliament : A.D. 1903.

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 :—

PART I.

PRELIMINARY.

1. This Act may be cited as the *Maryport Harbour Act* Short title.
1903.

2. This Act is divided into parts as follows :—

Act divided
into parts.

Part I.—Preliminary.

Part II.—Incorporation of Company Capital &c.

Part III.—Discharge of existing Mortgages and
Transfer of existing Harbour Undertaking.

Part IV.—Works Lands &c.

Part V.—Dues Rates and Charges.

Part VI.—Miscellaneous.

3. The following Acts and parts of Acts (that is to say) :—

Incorporation of general Acts.

The Companies Clauses Acts 1845 to 1889 ;

The Lands Clauses Acts ;

The Railways Clauses Consolidation Act 1845 ;

Part I. (Construction of a railway) and Part V. (Amalgamation) of the Railways Clauses Act 1863 ; and

The Harbours Docks and Piers Clauses Act 1847 ;

so far as the same are applicable for the purposes of and are not varied by or inconsistent with the provisions of this Act are 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 lifeboats and with respect to keeping a tide and weather gauge shall not be in force for the purposes of this Act except so far as may be required by the Board of Trade.

4. In this Act unless the subject or context otherwise requires— Interpretation.

Terms to which meanings are assigned in enactments incorporated with this Act or which have therein special meanings have in this Act the same respective meanings :

“ The existing harbour ” and “ the existing harbour undertaking ” mean the harbour and harbour undertaking

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at Maryport as existing at the date of transfer and include the Elizabeth and Senhouse Docks and all the lands easements hereditaments docks basins locks channels feeders waters foreshore railways tramways quays warehouses wharves and buildings and all other estate (real and personal) property rights powers and privileges of the commissioners vested in acquired or constructed by or conferred upon them under or by virtue of any Act of Parliament or instrument relating directly or indirectly to any of the matters or things aforesaid ;

“The existing mortgages” means such of the mortgages mentioned or referred to in the Second Schedule to the Act of 1894 as have not been redeemed prior to the passing of this Act ;

“The harbour” means the harbour at Maryport as altered extended and improved under the powers of this Act ;

“The harbour undertaking” means the undertaking of the Company under this Act ;

“The railway” and “the railways” respectively mean the railways authorised by this Act ;

“The dock works” means the reclamation wall or embankment pier or breakwater and dock by this Act authorised ;

“The Maryport Company” means the Maryport and Carlisle Railway Company ;

“The North Western Company” means the London and North Western Railway Company :

In this Act and for the purposes of this Act in enactments incorporated with this Act—

“The Company” or “the undertakers” means the Company ;

“The undertaking” means the undertaking of the Company by this Act authorised and includes the existing harbour undertaking :

In the Railways Clauses Consolidation Act 1845 for the purposes of this Act—

“The railway” includes the reclamation wall or embankment pier or breakwater and dock by this Act authorised and “the centre of the railway” includes as regards the pier or breakwater the centre line of such pier or breakwater and as regards the reclamation wall or embankment and dock any part thereof respectively :

In Part V. of the Railways Clauses Act 1863 for the purposes of this Act— A.D. 1903.

“The dissolved company” shall mean the commissioners ;
and

“The Amalgamated Company” shall mean the Company.

5. If the existing harbour undertaking shall not under the provisions of this Act have been transferred to the Company before the expiration of two years from the date of the passing of this Act or such extended time not exceeding two years as may be agreed with the commissioners the provisions of Parts III. IV. V. and VI. (except the section of which the marginal note is “Costs of Act”) of this Act shall as from the end of such two years or such extended time as aforesaid cease and determine and thereupon the Company shall be wound up under the provisions of the Companies Acts 1862 to 1900 as an unregistered company anything in section 199 of the Companies Act 1862 notwithstanding. Powers of Company to cease if undertaking not transferred within stated time.

PART II.

INCORPORATION OF COMPANY CAPITAL &C.

6. Humphrey Pocklington Senhouse Wilfrid Hine Arthur Robert Prideaux and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of acquiring and carrying on the undertaking of the commissioners and of making maintaining using and working the docks railways and works by this Act authorised and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of “The Maryport Harbour Company” and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act. Company incorporated.

7. The capital of the Company shall be six hundred thousand pounds in thirty thousand ordinary shares of ten pounds each and thirty thousand preference shares of ten pounds each entitled to dividend at the rate of five pounds per centum per annum. Capital.

8. Except as expressly provided by this Act with reference to any shares to be created and issued for the purpose of discharging the existing mortgages and debentures of the commissioners the Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person Shares not to be issued until one fifth part thereof shall have been paid up.

A.D. 1903. accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls. **9.** One fifth of the amount of a share shall be the greatest amount of a call and two months at the least shall be the interval between successive calls and four fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris. **10.** If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow in respect of authorised capital. **11.** The Company may in respect of the capital of six hundred thousand pounds by this Act authorised borrow on mortgage of the undertaking any sums not exceeding in the whole two hundred thousand pounds and of that sum they may from time to time borrow any sums not exceeding in the whole fifty thousand pounds in respect of each sum of one hundred and fifty thousand pounds of their capital but no part of any such sum of fifty thousand pounds shall be borrowed until the whole of the one hundred and fifty thousand pounds of capital in respect of which it is to be borrowed is 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 such portion of capital 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 in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and the Company have proved to such justice as aforesaid before he so certifies that such shares were issued and accepted and to the extent aforesaid paid up bona fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and that such persons their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver. **12.** The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on

their mortgages by the appointment of a receiver 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. A.D. 1903.

13. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock. Debenture stock.

14. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable. Application of moneys.

15. The first ordinary meeting of the Company shall be held within six months after the passing of this Act. First ordinary meeting.

16. The number of directors shall be five but the Company may vary the number provided that the number be not at any time more than seven or less than three. Number of directors.

17. The qualification of a director shall be the possession in his own right of not less than fifty shares in the capital of the Company. Qualification of directors.

18. The quorum of a meeting of directors shall be three. Quorum.

19. Humphrey Pocklington Senhouse Wilfrid Hine Arthur Robert Prideaux and two other persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being (if they continue qualified) First and subsequent directors.

A.D. 1903. — eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

PART III.

DISCHARGE OF EXISTING MORTGAGES AND TRANSFER OF EXISTING HARBOUR UNDERTAKING.

Provision
for discharge
of existing
mortgages.

20.—(1) The Company may at any time after they shall have created and issued shares in the capital of the Company to the nominal amount of not less than three hundred thousand pounds and such amount shall have been subscribed under contracts binding the parties thereto to pay the several sums so subscribed in full and at least two thirds of the amount of such shares respectively shall have been paid in respect thereof pay into the High Court to the credit of the said action for the purpose of discharging the principal moneys due on the existing mortgages or such of them as shall be then outstanding the sum of three hundred and five thousand five hundred and seventy-one pounds or such less sum as shall represent the value at par of the mortgages then outstanding but no part of the said sum of three hundred thousand pounds shall be applied in or towards the discharge of the said mortgages.

(2) A certificate under the hands of two justices that the said amount has been so subscribed and not less than two thirds of the amount of the said shares respectively have been paid in respect thereof which certificate such justices shall on the application of the Company and on the production of such evidence as such justices shall think proper and sufficient grant accordingly shall be sufficient evidence of the fact thereby certified.

Transfer of
existing har-
bour under-
taking to
Company.

21.—(1) Upon such payment as aforesaid by the Company into court of the said sum of three hundred and five thousand five hundred and seventy-one pounds or such less sum as aforesaid (the date of which payment is in this Act referred to as “the date of transfer”) the existing harbour undertaking shall by

virtue of and subject to the provisions of this Act be transferred to and vested in the Company freed and discharged from all claims of the mortgagees in respect of the moneys secured by the said mortgages and for all the estate and interest therein of the commissioners and such transfer is in this Act referred to as "the transfer." A.D. 1903.

(2) The income of the undertaking accrued and accruing due up to the date of transfer (to be apportioned in respect of time if necessary) shall be received by or paid to the receiver and until the date of transfer the existing harbour undertaking shall be carried on and managed in all respects as if this Act had not been passed without any interference or control on the part of the Company.

(3) The Company shall also by a day not later than the expiration of six months after the date of transfer to be appointed by the judge in chambers pay into court in the said action such a sum as the judge in chambers shall certify to be required to make up with the residue of the funds in court or under the control of the court in that action (including the principal sum to be paid in by the Company as herein-before provided) after paying thereout the costs charges and expenses of the proceedings of the commissioners in relation to the Bill for this Act (which costs shall be paid thereout) the principal moneys due on the said mortgages and all interest and arrears of interest thereon calculated up to the day to be appointed by the judge for payment off of such principal moneys as herein-after provided and the costs taxed as between solicitor and client of all parties to the said action and such sum as the court may on the passing of his final account allow the receiver by way of remuneration for his services as such.

(4) The moneys so paid into court by the Company as aforesaid and all other the moneys under the control of the court in the said action shall be applied by the court in the said action in payment to the mortgagees of the principal moneys secured by the said mortgages and the interest thereon calculated up to a day to be appointed by the judge for payment off of such principal moneys not later than six months after the date of transfer and all arrears of interest thereon if any and the costs of all parties of the said action taxed as aforesaid and the receiver's remuneration aforesaid.

(5) The sinking fund (if any) and all other moneys of the commissioners (not being moneys under the control of the court

A.D. 1903. in the said action) shall after the date of transfer be applied in payment of the costs charges and expenses of the winding up of the affairs of the commissioners and the balance thereof if any shall be paid to the Company and if such moneys shall be insufficient to pay the said costs charges and expenses the Company shall on demand pay to the commissioners such a sum as shall be sufficient to make up the amount thereof to be applied by the commissioners accordingly.

(6) On and from the date of transfer the Maryport Harbour Acts 1866 to 1894 except Parts II. III. and IV. of the Act of 1894 shall subject to the provisions of this Act apply to the Company and to the harbour undertaking as fully and effectually as if the Company had been named therein instead of the commissioners or (as the case may be) of the trustees for the district and harbour of Maryport.

Dissolution of commissioners and repeal of parts of Act.

22. From and after the date of transfer the commissioners shall except for the purpose of winding up their affairs and for the purposes of the proceedings in the said action be dissolved and Parts II. and III. of the Act of 1894 shall be repealed.

Compensation to officers and servants.

23. The Company shall pay compensation to all officers and servants in the regular employment of the commissioners in respect of any loss of office or diminution of salary or income by reason of the transfer of the harbour undertaking to the Company and the amount of such compensation in default of agreement shall be determined by arbitration under the Arbitration Act 1889 Provided that no such officer or servant who has been in the employment of the commissioners for fifteen years or upwards shall lose his right to compensation as aforesaid by reason of his declining to continue in the service of the Company.

Power to borrow amount of existing mortgages.

24. At any time after the date of transfer in addition to the sum of two hundred thousand pounds which the Company are by this Act authorised to borrow in respect of their capital of six hundred thousand pounds the Company may borrow on mortgage of the undertaking or by creation and issue of debenture stock under and in accordance with the provisions of this Act any sums not exceeding in the whole the amount secured by the existing mortgages.

PART IV.

WORKS LANDS &c.

This part of Act not to take effect till after transfer.

25. The provisions of this part of this Act shall not take effect till after the date of transfer.

26. From and after the transfer of the existing harbour undertaking to the Company the Company shall be the port and harbour authority for the port and harbour of Maryport to the exclusion of all other authorities and persons and the limits of the port and harbour shall be as follows :—

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Limits of
port and
harbour after
transfer.

The area included within a line commencing at a point on the western boundary of the Whitehaven Junction line of the North Western Company opposite the Senhouse Dock Junction on that railway and 93 yards or thereabouts measured in a southerly direction from the south-west corner of the signal box of the said junction and proceeding thence due west for a distance of 1,500 yards or thereabouts thence due north for a distance of 2,542 yards or thereabouts and thence due east for a distance of 3,277 yards or thereabouts to a point on high-water mark 136 yards or thereabouts measured in a due westerly direction from the north-western corner of the building marked Bank End on the $\frac{1}{2500}$ Ordnance map sheet numbered XLV. 1 Cumberland 1900 second edition and thence in a south-westerly direction along high-water mark to a point on the north face of the North Pier 60 yards or thereabouts measured in a north-westerly direction from the south-west corner of Wallace Lane thence along the eastern side of the North Harbour across the north-east side of the Tongue Pier and along the north-east side of the North Quay of the Old Harbour to the southern end of the Gridiron thence across the River Ellen in a westerly direction to the wall of the shipbuilding yard and from thence along the face of the said wall and the wall of the adjoining yard to the south-west corner of the Drawbridge and from thence along the south-west side of the South Quay for a distance of 180 yards or thereabouts and thence in a southerly direction along the east side of the low-level quay of the Elizabeth Dock to the south-west corner of the abutment of the bridge which carries the high-level railways on the east side of the Elizabeth Dock over the road leading from the south end of the said dock into Irish Street and thence in a straight line in a south-westerly direction to the said point of commencement excluding the lands and works belonging to the North Western Company and the Maryport Company :

Provided always that such port shall not by virtue of this Act be deemed to be a port for customs purposes nor shall

A.D. 1903. anything in this Act contained abridge or affect in any way the powers of the Treasury in respect of ports under the Customs Consolidation Act 1876.

Power to
make works.

27. Subject to the provisions of this Act the Company may in the lines and situations shown on the deposited plans and according to the levels shown on the deposited sections make and maintain in the county of Cumberland the reclamation wall or embankment pier or breakwater dock railways and works herein-after described with all proper and convenient stations buildings sidings turntables junctions approaches signals works and conveniences 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) :—

- (1) A reclamation wall or embankment for reclaiming and enclosing a portion of the foreshore and bed of the sea in or adjoining the urban district of Maryport commencing at or near the eastern end of the Tongue Pier and terminating at a point at high-water mark 190 yards or thereabouts measured in a north-easterly direction from the north-west corner of the Maryport Gasworks :
- (2) A pier or breakwater 220 yards or thereabouts in length commencing at a point on the said intended wall or embankment 140 yards or thereabouts measured at right angles to the North Pier in a northerly direction from a point thereon 90 yards or thereabouts from the western end thereof and terminating at a point 150 yards or thereabouts in a north-westerly direction from the lighthouse on the western quay of the entrance basin to the Senhouse Dock and 160 yards or thereabouts in an easterly direction from the sea end of the South Pier :
- (3) A wet dock 500 yards or thereabouts in length by 83 yards or thereabouts in width to be situate within the area to be reclaimed and enclosed as aforesaid and with an entrance through the said reclamation wall or embankment 275 yards or thereabouts from the commencement thereof as herein-before described :
- (4) A Railway (No. 2) 7 furlongs and 7 chains in length commencing at a point 40 yards or thereabouts west of the boundary of the London and North Western Railway at or near the signal box at the Maryport Dock Junction and terminating at or near the junction of the Tongue Pier

with the north quay of the Old Harbour and for the purposes of the said Railway No. 2 the Company may divert the River Ellen where it adjoins the dock sidings leading to the east side of the Elizabeth Dock :

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- (5) A Railway (No. 3) 1 furlong and 5·65 chains in length commencing by a junction with the Whitehaven Junction line of the London and North Western Railway at a point 350 yards or thereabouts measured in a south-westerly direction along the said railway from the signal box at Senhouse Dock Junction and terminating at the commencement of Railway No. 2 :
- (6) A Railway (No. 4) 1 mile 6 furlongs and 9·35 chains in length commencing at a point at high-water mark 50 yards or thereabouts measured in a northerly direction from the north-west corner of the Maryport Gasworks and terminating by a junction with the Maryport and Carlisle Railway at a point 30 yards or thereabouts in a north-easterly direction from the centre of the bridge over the River Ellen adjoining the field numbered 417 on the $\frac{1}{2500}$ Ordnance map numbered XLV 5 Cumberland 1900 second edition :
- (7) A Railway (No. 5) 2 furlongs and 7·35 chains in length commencing by a junction with Railway No. 4 in the field numbered 489 on the Ordnance map numbered XLV 1 Cumberland 1900 second edition and terminating by a junction with the Maryport and Carlisle Railway at a point 20 yards or thereabouts in a westerly direction from the centre of the bridge carrying the said railway over the River Ellen adjoining the property numbered 503 on the last-mentioned Ordnance map.

28. None of the railways authorised by this Act shall be opened for public traffic until the pier and wet dock by this Act authorised to be constructed are complete and fit for the reception of vessels and a certificate to that effect has been granted pursuant to section 26 of the Harbours Docks and Piers Clauses Act 1847.

Railways not to be opened before completion of pier and dock.

29. So much of the harbour works as will be situate to the northward of the River Ellen and constructed upon the foreshore or bed of the sea and as is not included in any parish shall from and after the completion of that portion of the harbour works be included for all purposes in the parish of Netherhall and urban district of Maryport.

Part of harbour works included in parish of Netherhall.

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Subsidiary
works and
powers.

30. The Company may in connexion with the above-mentioned works and for the purposes of this Act exercise all or any of the powers and carry into effect all or any of the objects following (that is to say) :—

- (1) They may deepen dredge straighten widen alter and improve the harbour within the limits thereof as defined by this Act and the entrance to the dock and other works authorised by this Act and may purchase hire provide and maintain all necessary dredging and other machines tug boats barges hoppers craft machinery and appliances necessary or expedient for or in relation to the said purposes or any of them and may use the material dredged for the purposes of the said works :
- (2) They may remove the existing North Pier for a length of 250 yards or thereabouts from the sea end thereof and may use and appropriate the materials thereof in the construction of the dock and pier or breakwater and other works by this Act authorised :
- (3) They may on any lands or foreshore for the time being belonging to them or within the limits of the harbour construct and maintain all cuts channels locks weirs dams basins reservoirs ponds trenches pounds graving docks lay-byes gates sluices culverts by-passes arches bridges (fixed or opening) sewers drains embankments towing-paths walls jetties landing-places dolphins moorings buoys beacons lights groynes quays wharves warehouses sheds buildings engines pumps machinery cranes lifts staithes drops railways tramways rails junctions sidings turntables signals stations roads approaches works and appliances which may be necessary or convenient for or incidental to the before-mentioned works or any of them or for the general purposes of their undertaking.

For protec-
tion of
Admiralty.

31.—(1) If at any time the further construction of the dock and works by this Act authorised would in the opinion of the Admiralty or of the Company render it necessary that firing from the Royal Naval Reserve Battery or from the firing site adjoining the north side thereof should be discontinued notice in writing shall be given by the Admiralty to the Company or by the Company to the Admiralty as the case may be and thereupon the further construction of such dock and works so far as the same would interfere with the firing aforesaid shall be suspended until a similar battery and firing site shall have been provided as

herein-after mentioned Upon notice in writing as aforesaid being given to or received by the Admiralty the Admiralty may proceed to provide a similar battery and firing site upon such new site as they may think fit and may construct thereon all such works as may be necessary for the complete reinstatement of the said battery and firing site The Company shall pay to the Admiralty such a sum of money as shall be equivalent to all reasonable costs and expenses incurred by the Admiralty in or incidental to the leasing acquisition and provision of such new site upon similar terms and the construction of the necessary works thereon.

(2) If the Company shall require for any of the purposes authorised by this Act to take the site of the magazine used in connexion with the Royal Naval Reserve Battery they shall give notice to the Admiralty of such requirement and the Admiralty may thereupon provide and erect upon such other site as they may deem necessary a similar magazine in lieu of the existing magazine and the Company shall in addition to compensation for the interest of the Admiralty in the land taken repay to the Admiralty such a sum of money as shall be equivalent to all reasonable costs and expenses incurred by the Admiralty in or incidental to the provision of such new magazine Provided that in the event of the Admiralty erecting a magazine of greater storage capacity than the existing magazine a proportionate deduction to be agreed upon or in default of agreement to be determined by arbitration shall be made from such sum of money in respect of any increase of cost referable to such increased capacity Provided also that except by agreement with the Admiralty the Company shall not take or interfere with the existing magazine until such new magazine shall have been provided and shall be ready for the service of the Admiralty.

(3) The Company shall before interfering with the existing Volunteer Rifle Range which will be intersected by Railway No. 4 provide a new rifle range in lieu thereof.

(4) In constructing the Railway No. 4 by this Act authorised the Company shall to the satisfaction in all respects of the Admiralty make and thereafter for ever maintain such bridges level crossings or diversions as shall reasonably secure to the Admiralty at all times and for all purposes free and uninterrupted access to the foreshore.

32. The provisions of sections 18 to 23 of the Railways (Clauses Consolidation Act 1845 shall for the purposes of this Act extend and apply to the water and gas mains pipes and

Protection
of gas and
water mains
of local
authorities.

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Height and span of certain main road bridge.

33. Notwithstanding anything shown upon the deposited plans and sections the Company shall make the bridge for carrying Railway No. 4 over the road numbered on the deposited plans 143 in the parish of Crosscanonby of a height and span not less than 17 feet and 30 feet respectively and the height of headway of the bridge above the mean level of the surface of the road shall be the same throughout and the abutments of the bridge shall be placed parallel to the mean centre line of the road at the point of crossing.

As to crossing of certain road in parish of Crosscanonby.

34. Notwithstanding anything shown upon the deposited plans and sections the Company shall carry Railways Nos. 4 and 5 over the public carriage road numbered on the deposited plans 164 in the parish of Crosscanonby by a single bridge at or near a point 50 yards or thereabouts measured in a south-easterly direction from Ellen Grove Villa and for that purpose they may lower the said road to the extent of three feet and six inches provided that the inclinations of the altered road shall not be steeper than one in twenty The said bridge shall have a clear height of not less than sixteen feet above the surface of the altered road and a span of not less than twenty-five feet and the abutments of the said bridge shall be placed parallel to the mean centre line of the road at the place of crossing.

Bridges over roads to be made water-tight.

35. All bridges over roads shall be made water-tight so as to prevent the dropping of water therefrom on to the roadway beneath such bridges.

Company not liable to repair surface of road level of which is not permanently altered.

36. Notwithstanding anything contained in section 46 of the Railways Clauses Consolidation Act 1845 the Company shall not be liable to maintain the surface of any road or public highway which shall be carried over the railways or any of them by a bridge or bridges or the immediate approaches thereto except so far as the level of such road or highway or approaches is permanently altered.

Limits of deviation.

37. In constructing the works by this Act authorised the Company may subject to the provisions of this Act deviate laterally from the lines of the works as shown on the deposited

plans to any extent within the limits of deviation shown on those plans and they may deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding in the case of the railways the extent prescribed by the Railways Clauses Consolidation Act 1845 and in the case of any other works five feet upwards and ten feet downwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the previous consent in writing of the Board of Trade.

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38. For the protection of the urban district council of Maryport (in this section called "the council") the following provisions shall unless otherwise agreed between the council and the Company have effect (that is to say) :—

For protec-
tion of Mary-
port Urban
District
Council.

- (1) The Company shall at their own expense and to the reasonable approval of the surveyor or engineer of the council (whichever the council may nominate for the purpose) construct a main sewer from Wallace Lane along the foreshore together with outfall sewers manholes and other subsidiary works (all of which are hereafter in this section referred to as "the said works") in accordance with the plans sections and general specification which for the purpose of identification have been signed by Cecil Brown on behalf of the Company and by Ralph Stokoe on behalf of the council and in accordance with detailed specifications to be reasonably approved by the surveyor or engineer (as the case may be) of the council before any part of the said works is proceeded with :
- (2) Until the said works have been duly constructed and completed in accordance with the provisions of this section and until the expiration of fourteen days after notice of such completion has been given in writing by the Company to the clerk to the council and until the Company has produced to the said clerk a certificate given by the said surveyor or engineer that the said works have been so completed which certificate shall not be unreasonably withheld the Company shall not in the exercise of their powers interfere with or in any way affect any existing sewers or drainage works vested in or controlled by the council :
- (3) The surveyor or engineer (as the case may be) of the council shall have free access to the said works at all times during the construction thereof and all facilities for inspecting and testing the same :

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- (4) When and so soon as the said works shall have been duly constructed and completed in accordance with the provisions of this section and the said surveyor or engineer shall have certified that they have been so completed the said works shall vest in the council and become and be subject to the provisions of all Acts of Parliament relating to sewers vested in the council and thereafter the council shall for ever have free access to the premises of the Company for the officers servants and workmen of the council at all reasonable times without let or hindrance to enter upon the said premises with or without any necessary carts waggons or plant of any description for the purpose of repairing maintaining renewing cleansing or inspecting the said works and the Company shall provide and afford all reasonable facilities for such repair maintenance renewal cleansing and inspecting :
- (5) No building shall at any time without the consent of the council in writing be erected within fifteen feet laterally from the centre line of any of the sewers comprised in the said works nor shall any railway or tramway at any time be constructed so as to cross above the line of any of the said sewers or at a less headway than fifteen feet above the quay level unless and until a plan thereof has first been furnished to and approved in writing by the council which approval shall not be unreasonably withheld nor shall any railway or tramway at any time be constructed longitudinally over any of the said sewers :
- (6) In constructing the Railway No. 4 by this Act authorised where the same touches or crosses the public cart road or the footway or footways approaching or near to Bank End or along or across the unenclosed land known as the Sea Brows the Company shall make and thereafter for ever maintain to the reasonable satisfaction of the surveyor of the council such level crossings or diversions as will properly provide for the free and uninterrupted use of the said cart road and footways by the public and during the construction of the said railway the Company shall make and provide such temporary arrangements as the surveyor to the council may reasonably require for accommodating the traffic on the said cart road and footways :
- (7) If any question or difference shall at any time arise between the council and the Company with reference to any

matter or thing connected with the said works or regulated by or arising under this section the same shall be determined by the arbitration of an arbitrator to be agreed upon by the parties or failing such agreement to be appointed by the Local Government Board. A.D. 1903.

39. For the protection of Humphrey Pocklington Senhouse or other the owner for the time being of the estate called "Netherhall" and other lands situate in the respective parishes of Flimby Crosscanonby Netherhall and Dearham in the county of Cumberland (in this section called "the owner") the following provisions shall unless otherwise agreed between the owner and the Company have effect (that is to say) :—

For protection of Humphrey Pocklington Senhouse.

- (1) The Company shall at their own expense construct and maintain an overbridge over and across Railway No. 2 at a point on the same railway about seven and a half chains or thereabouts from the commencement of the said railway in continuation of an existing overbridge on the Dock Branch of the North Western Company at or near that point in order to give access to a dwelling-house and land and to the seashore and slag and refuse banks situate at or near that point and belonging to the owner so as thereby and at all times thereafter to admit the free passage of persons as well as of horses cattle carts locomotives waggons trucks and other carriages to go pass and repass to and from the said dwelling-house land and to and from the seashore and slag and refuse banks from and to the land of the owner and the iron and other works thereon situate on the south-east side of the said London and North Western Railway (Dock Branch) for all purposes whatsoever ;

The width of the said overbridge and the gradients thereof shall be made to the reasonable satisfaction of the estate agent or the surveyor for the time being of the owner and shall immediately join on to the said overbridge over the London and North Western Railway so as to leave no declivity or space between the said two respective overbridges :

- (2) The Company shall at their own expense construct and maintain at a corresponding width to the present crossing on the level of the Dock Branch herein-after referred to a proper and convenient way and approach over under or on the level of Railway No. 2 for the purposes of there being laid down thereon or thereover tramlines belonging to the

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owner so as thereby and at all times thereafter to admit the free passage of persons horses carts locomotives waggons trucks and other carriages to and from the rough land refuse banks or slag heaps numbered respectively 31 and 32 on the deposited plans and book of reference for the said parish of Flimby and numbered 32 on the deposited plans and book of reference for the urban district of Maryport and to and from the seashore therefrom and to the land of the owner and the iron and other works and collieries thereon situate on the south-east side of the London and North Western Railway (Dock Branch) such tram lines to be in continuation of the present crossing on the level of the said Dock Branch :

- (3) The Company shall at their own expense construct and maintain a bridge or viaduct to carry Railway No. 2 over the vacant lands sidings and works numbered respectively 34 and 35 on the deposited plans and book of reference for the urban district of Maryport Such bridge or viaduct shall be constructed so as to leave therein an opening or openings for the passage therethrough or thereunder of six lines of tramlines each of which shall have a gauge of four feet eight and a half inches with six footways between each tramline and four feet six inches between abutments or piers and the nearest rail The headway under such bridge or viaduct shall be fourteen feet six inches :
- (4) In the event of Railway No. 2 being carried over the sidings works and vacant land numbered 36 on the deposited plans and book of reference for the urban district of Maryport by embankment the Company shall at their own expense construct and maintain one archway through the said embankment to enable a tramline to be constructed through and under the said archway The level of the said land shall be unaltered If on the other hand the Company shall carry Railway No. 2 over the said sidings works and vacant land numbered 36 as aforesaid by a viaduct they shall leave an opening in such viaduct of the dimensions of the said archway :
- (5) The Company shall at their own expense construct and maintain a bridge to carry Railway No. 2 over the roadway waggonway and siding numbered respectively 37 38 and 40 on the deposited plans and book of reference for the urban district of Maryport Such bridge shall have a clear width on the square between the abutments of not less than

twenty-five feet and a headway of not less than fourteen feet six inches The level of the said roadway waggonway and siding shall be unaltered : A.D. 1903.

- (6) The Company shall and will on the construction of Railway No. 4 and in order to give access from and to lands belonging to the owner lying on the north-west of the said Railway No. 4 and the seashore from and to lands and quarries belonging to the owner lying on the south-east side of the said Railway No. 4 make and construct and hereafter maintain at their own expense a proper and convenient private way or approach over or under or on the level of the said Railway No. 4 there situate as the case may require so as thereby and at all times thereafter to admit the free passage of persons as well as of horses cattle carts locomotives waggons and other carriages to go pass and repass to and from the said land and quarries from and to the seashore for all purposes whatsoever And the owner shall also at any time after the construction of the said Railway No. 4 have the right to make and construct at his own expense for the purposes aforesaid or any of them not more than two convenient ways or approaches as the circumstances of his property may require over under or on the level of the said Railway No. 4 and shall provide such way or approach if constructed on the level of the said railway with gates which shall be kept locked except when being used in the manner and for the purposes aforesaid :
- (7) Nothing herein contained shall in any way prejudice diminish alter or interfere with the estates rights and privileges vested in or enjoyed or exerciseable by the owner as lord of the manor of Ellenborough :
- (8) Nothing herein contained shall in any way prejudice diminish alter or interfere with the powers rights and privileges which the owner shall possess in respect of anchorage dues :
- (9) Nothing in this Act contained shall be deemed to limit override alter or in any way interfere with the powers rights and privileges now vested in or exerciseable by and conferred on the owner under or by virtue of the Maryport Harbour (Improvement) Act 1879 :
- (10) Any dispute or difference which may arise between the owner and the Company with reference to the foregoing

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provisions of this section or the works to be carried out in pursuance thereof shall be determined by a sole arbitrator to be appointed by the said parties or in case of difference to be appointed by the President of the Surveyors Institution on the written application of the owner and the Company or either of them :

- (11) The owner (which expression in this subsection shall include the owner's successors in right or title and his and their respective lessees) may on payment of the tolls and charges authorised by this Act and on such further terms and conditions as may be agreed or as may be settled by arbitration in manner provided by the Arbitration Act 1889 run over and use with his own engines carriages waggons and servants for the purposes of his traffic of every description any lines of railway constructed by the Company under the powers of this Act for the purpose of affording communication between the railways waggonways tramroads and works of the owner and the docks quays and other works by this Act authorised to be constructed but such running powers and user shall not be exercised in such a manner as to interfere with the proper conduct of the dock traffic by the Company or in such a manner as to interfere with any railway or other companies or persons having rights of access and user of any such lines of railway In the event of coal being shipped from the dock by this Act authorised the Company shall make and maintain at such dock at their own cost suitable and sufficient lines and sidings together with coal tips in such positions as may be agreed upon between the Company and the owner taking into consideration the rights of any railway or other companies or persons or as failing agreement may be determined by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers.

For protec-
tion of North
Western
Company.

40. The following provisions for the protection of the North Western Company shall unless otherwise agreed apply and have effect :—

- (1) The Company shall construct the Railways Nos. 2 and 3 and works authorised by this Act so far as the same pass over adjoin or affect the railway lands or works of the North Western Company in such lines within the limits of deviation shown on the deposited plans as shall be reason-

ably approved by the principal engineer for the time being of the North Western Company (herein-after referred to as "the principal engineer") and so as to leave undisturbed at all times the lines of railway and other works connected therewith of the North Western Company and so as in no way to obstruct impede or interfere with the free and uninterrupted and safe use of the said railway of the North Western Company or with the traffic thereon and if any such obstruction or interference shall be caused or take place the Company shall pay to the North Western Company full compensation in respect thereof :

- (2) In connexion with the said Railway No. 2 the Company shall construct a bridge over the Maryport Dock Branch of the North Western Company either of one clear span of not less than fifty-two feet or of two clear spans of not less than twenty-six feet each in either case of a clear headway throughout of fifteen feet above the upper surface of the rails at the point of crossing and the Company shall for ever maintain such headway above the level of the existing rails and shall in connexion with the construction of the said bridge provide at their own cost such land as may be required by the principal engineer on the west side of and adjoining the said Maryport Dock Branch Railway extending for a distance of one hundred yards or thereabouts north and south of the centre line of the said Railway No. 2 so as to enable the North Western Company to widen their said Branch Railway to four lines of railways with curves of not less than forty chains radius :
- (3) If by reason of the construction of Railway No. 2 it shall become necessary to add to or alter the signal or signals upon the railways of the North Western Company the same shall be so added to or altered by the North Western Company and the reasonable expense thereof shall be repaid to them by the Company :
- (4) The Company shall construct the said portion of Railway No. 2 where the same will pass over the railway of the North Western Company and all the works both temporary and permanent necessary and incident to the construction thereof so far as they affect the railway property and works of the North Western Company in accordance with the provisions of this section and according to plans sections and specifications and of such quality and strength of

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materials and in every other respect as shall be previously submitted to and reasonably approved in writing by the said principal engineer and the Company shall not commence the construction of the said portion of railway or enter upon or interfere with any land works or property belonging to or used by the North Western Company until such plans sections and specifications have been so submitted and approved. Provided always that if the said principal engineer shall for the period of one month neglect to approve or disapprove such plans sections or specifications there shall be deemed to have been a difference such difference to be settled by an engineer to be agreed upon or in default of agreement to be appointed at the request of either the Company or the North Western Company by the President of the Institution of Civil Engineers :

- (5) The said portion of Railway No. 2 and all works necessary or incident to the construction thereof or affecting the property or works of the North Western Company shall be executed by and under the superintendence and to the reasonable satisfaction of the said principal engineer :
- (6) The Company shall not except with the previous consent of the North Western Company under their common seal purchase or acquire any lands or property of the North Western Company but the Company may purchase and take and the North Western Company shall sell and grant accordingly an easement or right of using so much of the lands of the North Western Company as may be necessary for the construction of the said portion of Railway No. 2 in accordance with the provisions of this section. The amount to be paid for the acquisition of such easement shall be ascertained in case of difference in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement :
- (7) During the construction of the said portion of Railway No. 2 across and adjoining and near to or affecting the railways property and works of the North Western Company the Company shall bear and on demand pay to them all reasonable expense of employment by them of a sufficient number of inspectors or watchmen to be appointed by the North Western Company for watching their railways and the works thereof with reference thereto and during the

execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the Company or their contractors or any person or persons in the employment of the Company or their contractors with reference thereto or otherwise :

- (8) The Company shall at all times maintain the said portion of Railway No. 2 and all works connected therewith and incident thereto by which the said railway shall be carried across and adjoining the railways works and lands of the North Western Company in substantial repair and good order to the reasonable satisfaction in all respects of the said principal engineer and if and whenever the Company fail so to do the North Western Company may make and do in and upon as well the lands of the Company as their own lands all such works repairs and things as they may reasonably think requisite in that behalf and the reasonable amount of such expenditure to be settled in case of difference by an arbitrator to be appointed as herein-after provided shall be repaid to the North Western Company by the Company and in default may be recovered by them from the Company with full costs in any court of competent jurisdiction :
- (9) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the North Western Company all costs losses damages or expenses which may be occasioned to them or any of their railways works or property or to the traffic thereon or otherwise by reason of the execution or failure of the Company's railway and the works in connexion therewith or of any of the persons in their employ or of their contractors or others and the Company will effectually indemnify and hold harmless the North Western Company from all claims and demands upon or against them by reason of such execution or failure and of such act or omission :
- (10) If in the opinion of the North Western Company or in case of difference between them and the Company of an arbitrator to be appointed as herein-after provided it shall be necessary for the North Western Company to purchase or pay compensation for any minerals required to be left unworked for the protection and safety of any works constructed under the powers of this Act or for any

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additional minerals beyond those which but for this Act would have been required to be so left unworked then the Company shall on demand pay to the North Western Company all costs and expenses incurred by them in relation to any such purchase or payment of compensation or a fair proportion thereof in case the same minerals shall be required to be left unworked as well for the protection and safety of the railway works or property of the North Western Company as of the said works to be constructed under the powers of this Act and the amount of such costs and expenses or proportion or as the case may be the amount of the additional costs and expenses shall in case of difference be determined by arbitration as herein-after provided :

- (11) If any difference shall arise between the respective engineers of the Company and the North Western Company upon any of the matters herein-before provided for the same shall be referred to and determined by an engineer to be mutually nominated by such respective engineers or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of the Company or the North Western Company.

For protec-
tion of
Maryport
Company.

41. The following provisions for the protection of the Maryport Company shall unless otherwise agreed between the Company and the Maryport Company apply and have effect :—

- (1) The Company shall notwithstanding anything shown on the deposited plans and sections to the contrary carry Railway No. 2 over the railway and sidings or other works of the Maryport Company at or near Ropery Bridge in the urban district of Maryport by means of a girder bridge which shall be constructed in accordance with a plan signed by Cecil Brown on behalf of the Company and by Joseph Cartmell on behalf of the Maryport Company and dated the 25th day of February 1903 The faces of the respective abutments of the said bridge shall be distant not less than four feet six inches from the nearest line of the existing rails of the Maryport Company running under such bridge when completed :
- (2)—(A) The Company shall construct at their own expense a junction and junction lines from Railway No. 2 with and to the east line of the railway sidings of the Maryport

Company The said junction shall commence at or near a point four yards or thereabouts measured in a northerly direction from the bridge carrying the railway and sidings of the Maryport Company over the road between Irish Street and the south end of the Elizabeth Dock and terminate at the south quay of the old harbour at or near a point fifty yards or thereabouts measured in a southerly direction from the gateway between the said south quay and the coal depôts and other works of the Maryport Company ;

(B) The said junction and junction lines shall be carried out and constructed by the Company in such a manner as shall be reasonably approved of by the engineer of the Maryport Company and shall thereafter be the property of the Company except as to the junction with the east line of the railway sidings of the Maryport Company which shall be subject to the provisions as to junctions of the Railways Clauses Act 1863 Provided always there shall be no curve in such junction lines of less radius than 10 chains and that the gradient of such junction lines shall in no case be steeper than 1 in 150 ;

(c) The Company shall maintain at their own expense the said junction and junction lines except where such junction or junction lines will be situate on land belonging to or in the occupation of the Maryport Company who shall maintain the same at the cost of the Company :

(3) The Company shall not without the previous consent of the Maryport Company in writing under their common seal take use enter upon or interfere with any part of any land railway siding or other work belonging to or in the occupation of or worked by the Maryport Company and numbered on the deposited plans 54 55 63 96 97 and 98 in the urban district of Maryport but the Company may remove without paying any compensation to the Maryport Company the existing lime hurry numbered on the said plans 99 in the said urban district and now in the occupation of the Maryport Company :

(4) The Company shall take all possible precautions in the execution of their works to prevent any interference with the free uninterrupted and safe use in the ordinary manner and at the ordinary rate of speed of any railway sidings or other work belonging to the Maryport Company :

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- (5) The Company shall on demand pay to the Maryport Company the reasonable expense of the employment by the Maryport Company during the execution or repair of any work affecting any railway siding or other work belonging to the Maryport Company of such inspectors watchmen and signalmen to be appointed by the Maryport Company as may be necessary for watching and signalling the same with reference to and during the execution of any such work of the Company and for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors or any person in the employment of the Company or of their contractors with reference thereto or otherwise :
- (6) If by reason of the construction of the railways and works of the Company it shall become necessary to specially add or alter any signal cabins signal posts signals or other works in connexion therewith on the railway sidings and works of the Maryport Company or on land of the Company near or adjoining thereto the Maryport Company may make such additions and alterations and the reasonable expense of such additions and alterations shall be repaid by the Company on demand and the cost of maintaining and working any additional signal cabins signal posts signals or other works in connexion therewith and a fair proportion of the cost of maintaining and working any altered signal cabins signal posts signals or other works in connexion therewith shall at the end of every half year be repaid by the Company to the Maryport Company :
- (7) If by reason of the execution of any of the works or any proceedings of the Company or the failure of any such works or any act or omission of the Company or of their contractors or of any person in the employ of the Company or of their contractors or otherwise the railway sidings or other works of the Maryport Company shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do then the Maryport Company may make good the same and recover the reasonable expense thereof against the Company and if any interruption shall be occasioned to the traffic of or upon any such railway sidings or other works of the Maryport Company by reason of any of the matters or causes aforesaid the Company

shall pay to the Maryport Company all costs and expenses to which that company may be put thereby : A.D. 1903.

- (8) The Company shall at all times maintain the bridge or other works by which Railway No. 2 is carried over the railway sidings or other works of the Maryport Company in substantial repair good order and condition to the reasonable satisfaction in all respects of the engineer of that company and if and whenever the Company fail so to do the Maryport Company may make and do in and upon as well the lands of the Company as their own lands all such works and things as that company reasonably think requisite in that behalf and the reasonable amount of such their expenditure shall be repaid to them by the Company :
- (9) The Maryport Company may on such terms and conditions as may be agreed or as may be settled by arbitration in manner provided by the Railway Companies Arbitration Act 1859 run over and use for the purposes of their traffic of every description the junction and junction lines described in subsection 2 of this section and so much of Railway No. 2 as may be constructed by the Company under the powers of this Act for the purpose of affording communication between the railway of the Maryport Company and the docks quays and other works by this Act authorised to be constructed In the event of coal being shipped from the dock by this Act authorised the Company shall make and maintain at such dock at their own cost suitable and sufficient lines and sidings together with coal tips in such positions as may be agreed upon between the Company and the Maryport Company or as failing agreement may be determined by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers :
- (10) The Company shall concurrently with the construction of the reclamation wall and dock by this Act authorised construct the Railways Nos. 4 and 5 in accordance with the deposited plans and sections as amended in respect of the junctions with the railways of the Maryport Company in accordance with a plan which has been signed by the Right Honourable Baron Clifford of Chudleigh the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred and in the event of the Maryport Company applying in or before the session of

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Parliament to be held in the year 1905 for and obtaining the necessary powers to take over the said railways and upon the Maryport Company giving notice to the Company within three months from the date of their obtaining such powers of their intention to exercise the same the Company shall as soon as the said railways are constructed in accordance with the said plans and sections and are if necessary certified by the Board of Trade to be fit to be opened for goods and mineral traffic and can be so opened under the provisions of this Act and upon payment by the Maryport Company to the Company of all the costs charges and expenses incurred in or in connexion with or in relation to the construction of such railways (including the acquisition of land therefor) do all such acts and things as may be necessary for vesting the said railways in the Maryport Company as part of their undertaking and for transferring to the Maryport Company all the rights and powers of the Company in relation thereto :

- (11) Nothing in this Act contained shall in any way alter prejudice or affect any rights powers privileges or claims of the Maryport Company under the provisions of the Maryport Harbour (Improvement) Act 1879 :
- (12) If any difference shall arise between the Company and the Maryport Company or their respective engineers as to the true intent and meaning of this enactment or the mode of giving effect thereto such difference shall be referred to and determined by an engineer to be agreed upon or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party :
- (13) The Company and the Maryport Company may agree for any variation or alteration in the works in this section provided for or in the manner in which the same shall be executed.

Works below high-water mark not to be commenced without consent of Board of Trade.

42. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may

approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced completed altered or extended contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

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43. The Company shall on or near the works hereby authorised below high-water mark during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve. If the Company fail to comply in any respect with the provisions of this section they shall for each day in which they shall so fail be liable to a penalty not exceeding twenty pounds.

Lights on works.

44. The Company shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) as the Corporation of Trinity House of Deptford Strond shall from time to time direct. If the Company fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Company to exhibit lights.

45. In case of injury to or destruction or decay of the works or any part thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House of Deptford Strond and shall apply to that corporation for directions as to the means to be taken and the Company shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Provision against danger to navigation.

46. If any of the works constructed by the Company under the powers of this Act on in over through or across tidal lands or tidal waters are abandoned or suffered to fall into decay the Board of Trade may abate and remove the same or any part of them and restore the site thereof to its former condition at the expense of

Abatement of works abandoned or decayed.

A.D. 1903. the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable as a Crown debt or summarily.

Survey of
works by
Board of
Trade.

47. If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of a work constructed or in course of construction by the Company on in over through or across tidal lands or tidal waters or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable as a Crown debt or summarily.

Railway de-
posit fund
not to be re-
paid except
so far as rail-
way opened.

48. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of twenty-four thousand nine hundred and five pounds twelve shillings and sevenpence two and three quarters per centum consolidated stock whereof a part amounting to seven thousand eight hundred and twenty-five pounds two and three quarters per centum consolidated stock represents five per centum upon the amount of the estimate in respect of the railways originally proposed to be authorised by the Bill for this Act and the remainder amounting to seventeen thousand and eighty pounds twelve shillings and sevenpence two and three quarters per centum consolidated stock (herein-after referred to as "the dock deposit fund") represents four per centum upon the amount of the estimate in respect of the dock works has been transferred into the name of the Paymaster-General for and on account of the Supreme Court in respect of the application to Parliament for this Act And whereas a sum of five thousand two hundred and twenty-seven pounds two and three quarters per centum consolidated stock (herein-after referred to as "the railway deposit fund") part of the said sum of seven thousand eight hundred and twenty-five pounds two and three quarters per centum consolidated stock represents five per centum on the amount of the estimate in respect of the railways by this Act authorised and the remainder amounting to two thousand five hundred and ninety-eight pounds two and three quarters per centum consolidated stock represents five per centum on the amount of the estimate in respect of the railway which was struck out of the Bill for this Act during its progress through Parliament Be it enacted that notwithstanding anything contained in the said Act the railway deposit fund shall not be paid or transferred to or on the application

of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the railways open the same for public traffic and if the Company shall make default in so opening the railways the railway deposit fund shall be applicable and shall be applied as provided by the next following section. Provided that if within such period as aforesaid the Company open any portion of the railways for public traffic then on production of a certificate of the Board of Trade specifying the length of the portion of the railways opened as aforesaid and the portion of the railway deposit fund which bears to the whole of the railway deposit fund the same proportion as the length of the portion so opened bears to the entire length of the railways the court shall on the application of the depositors order the said portion of the railway deposit fund so specified in such certificate as aforesaid to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

49. If the Company do not previously to the expiration of the period limited by this Act for the completion of the railways complete the railways and open the same for public traffic then and in every such case the railway deposit fund or so much thereof as shall not have been transferred to the depositors 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 railways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property for the purposes of the railways 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 may seem fit. And if no such compensation is payable or if a portion of the railway deposit fund shall have been found sufficient to satisfy all just claims in respect of such

Application
of railway
deposit fund.

A.D. 1903. — compensation then the railway deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors. Provided that until the railway deposit fund shall have been repaid or retransferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Release of
dock deposit
fund &c.

50. On the application of the depositors in a summary manner at any time after the passing of this Act the High Court may order that the dock deposit fund and the said sum of two thousand five hundred and ninety-eight pounds two and three quarters per centum consolidated stock representing five per centum on the amount of the estimate in respect of the railway which was struck out of the Bill for this Act during its progress through Parliament and the interest and dividends thereon shall be transferred to the depositors or to any other person or persons whom the depositors may appoint in that behalf.

Period for
completion
of works.

51. If the works authorised by this Act are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same respectively or otherwise in relation thereto shall cease except as to so much thereof respectively as shall then be completed.

Period for
compulsory
purchase
of lands.

52. The powers of the Company for the compulsory purchase of lands for the purposes of the railways shall cease after the expiration of three years and for the purposes of the dock works after the expiration of five years from the passing of this Act.

Persons
under dis-
ability may
grant ease-
ments &c.

53. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable

in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. A.D. 1903.

54. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :—

Owners may be required to sell parts only of certain properties.

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are herein-after included in the term “the owner” and the said properties are herein-after referred to as “the scheduled properties” :
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :
- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as “the tribunal”) shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed :

[A.D. 1903.]

- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is

not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845. A.D. 1903.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

55. The Company may for the purposes of this Act (in addition to any lands they are authorised to acquire and hold under the other powers of this Act) by agreement acquire in fee either by purchase or by way of exchange or otherwise any land or foreshore not exceeding in the whole thirty acres and any right easement or privilege therein thereunder thereover or thereupon (not being an easement right or privilege of water in which persons other than the grantors have an interest) but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so acquired. Power to acquire additional lands by agreement.

56.—(1) The Company shall not under the powers of this Act purchase or acquire in any borough or other urban district and elsewhere than in any borough or urban district any parish ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers unless and until the Company— Restrictions on displacing persons of labouring class.

(A) shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the said fifteenth day of December or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case ; and

(B) shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

A.D. 1903.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of *Mandamus* to be obtained by the Local Government Board out of the High Court.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or

otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

(8) Notwithstanding anything to the contrary in section 157 of the Public Health Act 1875 the provisions of that section and of sections 155 and 156 of the same Act shall apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9) The Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(10) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11) Any houses purchased or acquired by the Company for or in connexion with any of the purposes of this Act whether purchased or acquired in exercise of the powers conferred by this Act or otherwise and whether before or after the passing of this Act which may have been occupied by persons of the labouring class within five years before the passing of this Act and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board

A.D. 1903. under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Local Government Board are unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(12) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

PART V.

DUES RATES AND CHARGES.

New works to form part of Company's undertaking.

57. Subject to the provisions of this Act the dock works by this Act authorised shall for all purposes form part of the harbour undertaking by this Act transferred to and vested in the Company and the Company may in respect of the said works and any services rendered thereat or in relation thereto demand receive and take dues rates and charges not exceeding those which are authorised to be charged in respect of the existing harbour undertaking and the docks piers railways and works connected therewith and similar services rendered thereat or in relation thereto and the provisions of the Maryport Harbour Acts 1866 to 1894 by this Act made applicable to the Company shall so far as the same are applicable extend and apply to the said works and to the dues rates and charges to be demanded received and taken by the Company in respect thereof.

Extension of 10 & 11 Vict. c. 27 (ss. 28 & 99) to all Government departments.

58. Sections twenty-eight and ninety-nine of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Act shall apply to and for the benefit of any Government department in the same manner as they apply to and for the

benefit of any Government departments specially named in those sections. A.D. 1903.

59. The Company may demand and take for the use of the railway by any other company or person with engines and carriages such reasonable tolls as they think fit. Tolls.

60. The Company shall not be required to run passenger trains or to carry passengers on their railways. Company not required to carry passengers.

61. The classification of merchandise traffic and the schedule of maximum rates and charges applicable thereto and the regulations and provisions contained in the schedule to the Railway Rates and Charges No. 4 (Cleator and Workington Junction Railway &c.) Order 1892 (which Order is scheduled to and confirmed by the Railway Rates and Charges No. 4 (Cleator and Workington Junction Railway &c.) Order Confirmation Act 1892) shall be applicable and apply to the Company as if it were one of the railway companies named in the schedule to the said Order and Scale I. of Part I. of the said schedule shall be applicable to the Company. Rates for merchandise.

62. The Company may load and discharge any vessel in the harbour by means of lighters or otherwise and may perform any services in respect of the loading or discharging of any vessel or the shipping or unshipping of goods or minerals or the repairing of ships and vessels and the engines machinery and fittings thereof and may make such reasonable charges therefor and for wharfage as they shall think fit. Company may load & c. vessels.

PART VI.

MISCELLANEOUS.

63. The North Western Company may on such terms and conditions as may be agreed or as may be settled by arbitration in manner provided by the Railway Companies' Arbitration Act 1859 run over and use for the purposes of their traffic of every description any lines of railway constructed by the Company under the powers of this Act for the purpose of affording communication between the railway of the North Western Company and the docks quays and other works by this Act authorised to be constructed. For further protection of North Western Company.

In the event of coal being shipped from the dock by this Act authorised the Company shall make and maintain at such dock at their own cost suitable and sufficient lines and sidings together with coal tips in such positions as may be agreed upon between the Company and the North Western Company or as failing

A.D. 1903. — agreement may be determined by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers.

Power to pay interest out of capital during construction.

64. Notwithstanding anything in this Act or in any Act or Acts incorporated herewith contained and so far as the revenue of the undertaking shall be insufficient for the purpose the Company may out of any money by this Act authorised to be raised pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say) :—

- (A) No such interest shall begin to accrue until the Company shall have deposited with the Board of Trade a statutory declaration by two of the directors and the secretary of the Company that two thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same :
- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :
- (C) The aggregate amount to be so paid for interest shall not exceed sixty-three thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid :
- (D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares :
- (E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are

by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

A.D. 1903.

65. Nothing herein contained shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the King's Majesty.

Saving rights of Crown.

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

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

67. Nothing in this Act contained shall exempt the Company the Maryport Company or the North Western Company or their respective railways from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by this Act.

Provision as to general Railway Acts.

68. Nothing in this Act contained shall exempt the dock or the Company from the provisions of the Merchant Shipping Act 1894 or any general Act relating to docks or dues on shipping or on goods carried in ships passed before or after the commencement of this Act or from any future revision or alteration under the

Provision for Merchant Shipping Acts and general Acts.

A.D. 1903. authority of Parliament of the dock rates or duties by this Act authorised.

Costs of Act.

69. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

The SCHEDULE referred to in the foregoing Act.

DESCRIBING PROPERTIES WHEREOF THE OWNERS MAY BE REQUIRED TO SELL PARTS ONLY.

Nos. on deposited Plans.	Parish or other Area.	Description of Property.
31	Parish of Flinby.	Siding and works roadway rough land refuse banks and boundary posts.
35	Maryport Urban District.	Sidings and works and weigh-house.
36	"	Sidings and works and vacant land.
40	"	Sidings and works.
53	"	Shipbuilding yard boiler house store sheds and premises.
54	"	Iron yard furnace boiler sheds sidings and works waste and premises.
55	"	Timber yard offices sawmill sheds stores overhead traveller sidings and works and premises.
63	"	Iron foundry yards shops outhouses sheds sidings works and premises.
96	"	Slate yard offices sheds stores sidings and works and premises.
111	"	Shipbuilding yard slip and office.
169	"	Field and plantation.
171	"	Plantation and fowlhouse.
153	Parish of Cross-canonby.	Field plantation shed and pump.
167	"	Field and plantation.
169	"	Field and plantation.
169	Parish of Dearham	Field and plantation.

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