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# VICTORIÆ REGINÆ.

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## *Cap. clxxvi.*

An Act for conferring additional Powers on the *Furness* Railway Company for the Construction of Works, and otherwise in relation to their Undertaking; and for other Purposes.

[16th *July* 1866.]

**W**HEREAS it is expedient that the *Furness* Railway Company (in this Act called "the Company") should be empowered to construct the Railways and Pier herein-after mentioned; (that is to say,)

A Railway commencing in the Township of *Egton-cum-Newland* in the Parish of *Ulverstone* in the County Palatine of *Lancaster* by a Junction with the *Ulverstone and Lancaster* Railway (now the Property of the Company), and terminating in the Township of *Finsthwaite* in the Parish of *Colton* in the said County:

A Railway situate wholly in the said Township of *Egton-cum-Newland*, commencing by a Junction with the said *Ulverstone and Lancaster* Railway, and terminating by a Junction with the intended Railway firstly herein-before described:

A Railway or Siding situate wholly in the Township and Parish of *Ulverstone* in the County Palatine of *Lancaster*, commencing by

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a Junction



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a Junction with the said *Ulverstone and Lancaster* Railway, and terminating in a certain Field belonging to *Robert Fell* and in the Occupation of *William Barton* :

A Railway or Tramway, commencing in the Township of *Dalton* in the Parish of *Dalton-in-Furness* in the County Palatine of *Lancaster* by a Junction with the *Furness* Railway, and terminating in the Township or Division of *Stainton* in the Parish of *Urswick* in the said County, at or near a Quarry called *Stainton Quarry*, belonging to his Grace the Duke of *Devonshire* and in the Occupation of *James Gorden* :

A Pier on the Bed and Shore of Lake *Windermere* in the Township of *Finsthwaite* in the Parish of *Colton* in the County Palatine of *Lancaster*, and the Township of *Applethwaite* in the Parish of *Windermere* in the County of *Westmoreland*, commencing at or near the Termination of the intended Railway firstly herein-before described, and extending in a South-easterly Direction into the said Lake.

And whereas it is expedient that the Company be empowered to make new Roads and Diversions of certain Roads which are now crossed on the Level by the Company's Railway, and to carry the Roads over the Railway, by means of Bridges, and to shut up the level Crossings, and extinguish all Rights of Way over the same, and to stop up and discontinue as public Thoroughfares, and to appropriate to the Purposes of their Undertaking, the Sites of the Roads and Portions of Roads as by this Act provided : And whereas it is expedient that the Company be empowered to purchase by Compulsion or Agreement for the Purposes of their Undertaking additional Lands, Houses, and Property in the several Parishes of *Dalton-in-Furness*, *Pennington*, *Cartmel*, and *Warton*, all in the County Palatine of *Lancaster*, and *Beetham* in the County of *Westmoreland* : And whereas Plans and Sections showing the Lines and Levels of the Railways and other Works by this Act authorized, and the Lands which the Company are by this Act empowered to acquire and appropriate, and Books of Reference to such Plans, have been deposited with the Clerks of the Peace for the several Counties within which those respective Railways and Works will be constructed and those respective Lands are situate, and those Plans, Sections, and Books of Reference are in this Act referred to as "the deposited Plans, Sections, and Books of Reference." And whereas by "The *Ulverstone and Lancaster* Railway Act, 1851," (herein-after referred to as "the Act of 1851,") Section 22, it was provided that, subject to any Waiver or Alteration which might be allowed and approved by the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High



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High Admiral, by Writing under the Hand of the Secretary of the Admiralty, the Two several Viaducts for carrying the *Ulverstone and Lancaster* Railway across the Estuary of the *Leven* and the *Kent* Estuary should be so constructed as to afford in each of the said Viaducts a clear Breadth of Waterway of not less than One thousand four hundred Feet, for the free Flux and Reflux and Scour of the Tides, and that the Spans or Bays of each of the said Two several Viaducts should be Openings of not less than Twenty Feet each, and a Headway under the same of not less than Ten Feet between its Soffit and High-water Mark at ordinary Spring Tides; and it was further provided that in such Part of each of the said Viaducts, and in such Manner as should be approved of and directed by the said Lord High Admiral, or the said Commissioners by Writing under the Hand of the Secretary of the Admiralty, and subject to any Waiver or Alteration to be allowed and approved as before mentioned, the *Ulverstone and Lancaster* Railway Company should construct an opening Swing or Draw Bridge of not less than Thirty-six Feet clear Width, and the Site of such Two Viaducts and the Mode of constructing the same, and also the Two several opening Swing or Draw Bridges, should be only in accordance with such Approval and Direction: And Section 23 of the Act of 1851 provides for the Regulation of the opening of the Two Bridges for the Passage of Vessels: And whereas the Viaducts for carrying the *Ulverstone and Lancaster* Railway across the *Leven* and *Kent* Estuaries were both constructed with one opening Span: And whereas in the Year One thousand eight hundred and fifty-seven the Admiralty, on an Application of the *Ulverstone and Lancaster* Railway Company, and in exercise of the Power vested in that Department by the 22nd Section of "the Act of 1851," authorized the *Ulverstone and Lancaster* Railway Company to keep closed until further Notice the opening Span of the *Kent* Estuary Viaduct: And whereas the *Ulverstone and Lancaster* Railway has become vested in and now forms Part of the Undertaking of the Company: And whereas the Trade of the upper Part of the *Leven* Estuary would be better accommodated if Vessels were to load and unload in the *Ulverstone* Canal, and if the Railways firstly and thirdly described in and authorized by this Act were constructed so as to form a Communication between the upper Part of that Canal and *Greenodd*, which is at the Head of the present Navigation in the *Leven* Estuary: And whereas the Company are desirous, and the Parties interested in the chief Part of the Shipping Trade above the *Leven* Estuary are willing, and it is expedient that when the Railway thirdly described in and authorized by this Act, and so much of the Railway firstly described in and authorized by this Act as extends from the Line of the *Ulverstone and Lancaster* Railway to *Greenodd*,

shall

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shall have been completed and opened for Traffic between *Ulverstone* and *Greenodd*, and when sufficient and proper Sidings shall have been provided, so as to enable Goods to be loaded from and into Vessels on the Canal direct from and into the Railway Trucks, the Company should be authorized to convert the opening Span of the *Leven* Estuary Viaduct into a fixed Bridge, and that the Provisions of the 22nd Section of "the Act of 1851," requiring the Company to maintain an opening Swing or Draw Bridge in each of the Viaducts for carrying the *Ulverstone and Lancaster* Railway across the Estuary of the *Leven* and the *Kent* Estuary, be repealed: And whereas it is expedient that the Heads of Agreement made between the Company of the one Part, and *Henry Fletcher Rigge* Esquire, and others, representing themselves and others, Owners and Occupiers of Works, Lands, and Premises above the Viaduct and Bridge of the Company across the *Leven* Estuary, of the other Part, a Copy of which Heads are set forth in the Schedule to this Act, be confirmed: And whereas it is expedient that the Company be authorized to take and hold Shares in the Undertaking of "the *Windermere* United Steam Yacht Company, Limited:" And whereas it is expedient that the Company should be empowered to raise further Capital for the Purposes of this Act and for the general Purposes of their Undertaking: And whereas it is expedient that some of the Powers and Provisions of the existing Acts relating to the Company should be altered, amended, extended, and enlarged, and such further Powers granted to the Company as are herein-after mentioned: And whereas the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as "The *Furness* Railway Act, 1866."

8 & 9 Vict.  
cc. 16., 18.,  
& 20.,  
23 & 24 Vict.  
c. 106., and  
26 & 27 Vict.  
cc. 92. &  
118. incor-  
porated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the Construction of a Railway) of "The Railways Clauses Act, 1863," and the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following Matters, (that is to say,)

The Distribution of the Capital of the Company into Shares;

The Transfer or Transmission of Shares;

The Payment of Subscriptions and the Means of enforcing the Payment of Calls;

The



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The Forfeiture of Shares for Nonpayment of Calls ;  
 The Remedies of Creditors of the Company against the Shareholders ;  
 The borrowing of Money by the Company on Mortgage or Bond ;  
 The Conversion of borrowed Money into Capital ;  
 The Consolidation of Shares into Stock ; and  
 The Provision to be made for affording Access to the Special Act by all Parties interested ;

And Part I. (relating to Cancellation and Surrender of Shares) and Part II. (relating to additional Capital) of "The Companies Clauses Act, 1863," are, except where expressly varied by this Act, incorporated with and form Part of this Act.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction ; the Expression "the Company" shall mean the *Furness* Railway Company ; the Expression "the Railway" shall mean the several Lines of Railway and Pier by this Act authorized, or any Part thereof ; and the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Interpre-  
tation of  
Terms.

4. Subject to the Provisions of this Act and of the Acts and Parts of Acts incorporated herewith, the Company may from Time to Time enter upon, take, and use and appropriate all or any of the Lands defined on the deposited Plans and described in the deposited Books of Reference.

Power to  
take Lands.

5. Subject to the Provisions of this Act and of the Acts and Parts of Acts incorporated herewith, the Company may make and maintain in the Lines and according to the Levels shown on the deposited Plans and Sections relating thereto the Railways and Pier herein-after described, with all proper Stations, Approaches, Works, and Conveniences connected therewith, and may enter upon, take, and use such of the Lands delineated upon the said Plans and described in the deposited Books of Reference as may be required for that Purpose. The Railways and Pier herein-before referred to and authorized by this Act are,—

Power to  
make Rail-  
ways accord-  
ing to  
deposited  
Plans.

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A Railway,

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A Railway, Seven Miles One Furlong and Three Chains in Length or thereabouts, commencing in the Township of *Egton-cum-Newland* in the Parish of *Ulverstone* in the County Palatine of *Lancaster* by a Junction with the *Ulverstone and Lancaster* Railway (now the Property of the Company), and terminating in the Township of *Finsthwaite* in the Parish of *Colton* in the said County, in a certain Field belonging to *Thomas Pedder* and in the Occupation of *Martha White*, adjoining and on the North-west Side of Lake *Windermere* :

A Railway, Three Furlongs Two and a Half Chains in Length or thereabouts, situate wholly in the said Township of *Egton-cum-Newland*, commencing by a Junction with the said *Ulverstone and Lancaster* Railway, and terminating by a Junction with the said intended Railway firstly herein-before described in or near a Field belonging to the Representatives of *William Bell* and in the Occupation of *Jonathan Sumpton* :

A Railway or Siding, Three Furlongs Three and a Half Chains in Length or thereabouts, situate wholly in the Township and Parish of *Ulverstone* in the County Palatine of *Lancaster*, commencing by a Junction with the said *Ulverstone and Lancaster* Railway, and terminating at or near the Eastern Corner of a certain Field belonging to *Robert Fell* in the Occupation of *William Barton* :

A Railway or Tramway, One Mile Five Furlongs and Three Chains in Length or thereabouts, commencing in the Township of *Dalton Proper* in the Parish of *Dalton-in-Furness* in the County Palatine of *Lancaster* by a Junction with the *Furness* Railway, and terminating in the Township or Division of *Stainton* in the Parish of *Urswick* in the said County at or near a Quarry called *Stainton Quarry*, belonging to his Grace the Duke of *Devonshire* and in the Occupation of *James Garden* :

A Pier on the Bed and Shore of Lake *Windermere* in the Township of *Finsthwaite* in the Parish of *Colton* in the County Palatine of *Lancaster*, and the Township of *Applethwaite* in the Parish of *Windermere* in the County of *Westmoreland*, commencing at or near the Termination of the intended Railway firstly herein-before described, and extending Twenty Yards or thereabouts in a South-easterly Direction into the said Lake :

And the said Railways and Pier, and the Works connected therewith, shall with respect to Tolls, Rates, and Charges, and for all other Purposes whatsoever, be Part of the Undertaking of the Company, as if the same had been Part of the *Furness* Railway vested in the Company by "The *Furness* Railway Act, 1855."



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- 6.** The Company may from Time to Time raise for the Purposes of this Act, and for the general Purposes of their Undertaking, by the Creation of new Shares, such Sums of Money as they shall think necessary, not exceeding in the whole Three hundred thousand Pounds, and may create and issue such Shares as ordinary or preferential Shares, or partly as ordinary and partly as preferential Shares, as they may think fit. Power to raise additional Capital by new Shares.
- 7.** The Company shall not issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth of the Amount of such Share shall have been paid in respect thereof. Shares not to issue until One Fifth paid up.
- 8.** Except as is by this Act otherwise provided, the Share Capital created by the Company under this Act, and the Shares therein, and the Holders of those Shares respectively, shall be subject and entitled to the same Powers, Provisions, Forfeitures, Liabilities, Rights, Privileges, and Incidents whatsoever in all respects as if that Capital were Part of the now existing ordinary Share Capital of the Company, and those Shares were Shares in that ordinary Capital. Except as otherwise provided new Shares to be subject to same Incidents as ordinary Shares.
- 9.** Every Person who becomes entitled to a Share created by the Company under this Act shall in respect of the same be a Shareholder in the Company, and shall be entitled to a Dividend, either preferential or ordinary, as the Case may be, with the other Holders of Shares of the same Class or Description, proportioned to the whole Amount from Time to Time called and paid on such new Shares. Dividends on new Shares created by Company
- 10.** If by any other Act passed in the present Session of Parliament, whether before or after the passing of this Act, the Company be authorized to raise any Capital by new Shares, then, subject to the Provisions of the other Act and this Act respectively, and of the Acts and Parts of Acts incorporated herewith, the Company, if they think fit, may raise by the Creation and Issue of Shares of one and the same Class all or any Part of the aggregate Capital which they are by the other Act and this Act respectively authorized to raise by the Creation and Issue of Shares. Power for Company to raise Capital under any other Act of this Session and this Act by new Shares of One Class.
- 11.** The Company may from Time to Time borrow on Mortgage for the Purposes of this Act any Sum not exceeding in the whole One hundred thousand Pounds, but no Part thereof shall be borrowed until the whole Capital of Three hundred thousand Pounds is subscribed for, issued, and accepted, and One Half thereof is paid up, and the Company have proved to the Justice who is to certify under the Power to borrow on Mortgage.
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Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the Capital which the Company are by this Act authorized to raise by the Creation of new Shares has been issued and accepted, and that One Half thereof has been paid up, and that not less than One Fifth Part of the Amount of each separate Share has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such Capital was issued *bonâ fide* and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same; and upon Production to such Justice of the Books of the Company, and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given (which Certificate shall be sufficient Evidence thereof).

Arrears may be enforced by Appointment of a Receiver.

**12.** The Mortgagees of the Company under this Act may enforce the Payment of Arrears of Principal and Interest due on their Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of a Receiver the Amount owing to the Mortgagees by whom the Application for a Receiver is made shall not be less than Ten thousand Pounds in the whole.

Former Mortgages to have Priority.

**13.** All Mortgages or Bonds granted or to be granted by the Company in pursuance of the Powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such Mortgages and Bonds have Priority over any Mortgages to be granted by virtue of this Act.

Application of Monies.

**14.** All Monies raised under this Act, whether by Shares or by borrowing or by Creation of Stock, shall be applied for the Purposes of this Act and the general Purposes of the Company only, and the Company may apply to the Purposes of this Act any of the Monies which they now have in their Hands, or which they have Power to raise by Shares or Mortgage by virtue of any Acts relating to the Company, and which may not be required for the Purposes to which they are by any such Acts made specially applicable.

Lands for extraordinary Purposes.

**15.** The Quantity of Land to be taken by the Company for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed Two Acres.

Powers for compulsory Purchases limited.

**16.** The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

**17.** The



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17. The Railway shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed. Period for Completion of Works.

18. Subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the Construction of a Railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of Roads on the Level, the Company may in the Construction of the Railway carry the same with a double Line of Railway only across and on the Level of the Road next herein-after mentioned; (that is to say,) Power to cross certain Road on the Level.

No. on deposited Plan.	Township and Parish.	Description of Road.
54	Ulverstone (Egton-cum-Newland)	Public Road.

19. In altering for the Purposes of this Act the Road next herein-after mentioned, the Company may make the same of any Inclination not steeper than the Inclination herein-after mentioned in connexion therewith; (that is to say,) Inclination of Road.

No. on deposited Plan.	Township and Parish.	Description of Road.	Intended Inclination.
43	Colton (Haverthwaite)	Turnpike Road -	1 in 14 on one Side.

20. The Company may make the Arches of the Bridges for carrying the Railway over the Roads next herein-after mentioned of any Spans not less than the Spans herein-after mentioned in connexion with those Roads respectively; (that is to say,) Span of Bridges.

No. on deposited Plan.	Township and Parish.	Description of Road.	Span.
23	Colton (Haverthwaite)	Public Road -	20 Feet.
104	Colton (Haverthwaite)	Public Road -	20 Feet.
10	Ulverstone (Ulverstone)	Public Road -	20 Feet.

21. If the Railway is not completed and opened for public Traffic within the Period by this Act prescribed the Company shall be liable Penalty if Railways not com-  
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pleted within  
Time  
limited.

to a Penalty of Fifty Pounds *per* Day, to be recoverable as a Debt due to the Crown for every Day after the Period so limited until the Railway shall be completed and opened for public Traffic: Provided always, that no Penalty shall accrue in respect of any Time during which it shall appear by a Certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the Railway by unforeseen Accident or Circumstances beyond their Control; but the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company.

Power to  
make new  
Roads and  
Deviations  
in Roads,  
&c.

22. Subject to the Provisions of this Act and of the Acts and Parts of Acts incorporated herewith, the Company may make in the Lines and according to the Levels defined on the deposited Plans and Sections relating thereto respectively the new Roads and Diversions of Roads herein-after mentioned; that is to say,

A new Road, to be situate wholly in the Township of *Hawcoat* and Township or Division of *Yarlside*, both in the Parish of *Dalton-in-Furness* in the County Palatine of *Lancaster*, to commence by a Junction with the Road known as the *Barrow and Salthouse* Road at a Point thereon Thirty-one Chains or thereabouts Eastward from the East Face of *Saint George's* District Church at *Barrow*, and to terminate by a Junction with the Road known as the *Roose and Roosecote* Road at the Point where the Occupation Way leading to the Farmhouse at *Roose*, occupied by *Joseph Jackson*, unites with the said *Roose and Roosecote* Road:

A new Road situate wholly in the said Township of *Hawcoat*, to commence by a Junction with the proposed new Road lastly herein-before described Five Chains or thereabouts North of the Road known as the *Barrow and Salthouse* Road, and to terminate by a Junction with the said *Barrow and Salthouse* Road at a Point thereon Forty-one Chains or thereabouts Eastward of the East Face of *Saint George's* District Church, at *Barrow* aforesaid:

A Diversion within the Township or Division of *Yarlside* aforesaid of the Road known as the *Newbarns Roose and Roosecote* Road, such Diversion to commence Eleven Yards or thereabouts West of the Point where the said Road crosses the *Furness* Railway on the Level, and to terminate by a Junction with the intended new Road firstly herein-before described at a Point on the East Side of a Field belonging to his Grace the Duke of *Devonshire* in the Occupation of *Joseph Jackson*, which Field is situate on the West Side of the *Furness* Railway and on the North Side of the Stream called *Mill Beck*:

A Diversion



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- A Diversion within the Townships or Divisions of *Yarlside, Hawcoat, and Dalton Proper*, all in the said Parish of *Dalton-in-Furness*, of the Road known as the *Barrow and Dalton Road*, such Diversion to commence Seventeen Chains or thereabouts South-west of the Point where the said Road crosses the *Furness Railway* on the Level, and to terminate Eleven Chains or thereabouts North-east of the said Point :
- A Diversion within the said Township of *Yarlside* of the Road known as *Millwood Lane*, such Diversion to commence Seven Chains or thereabouts North of the Point where the said Road crosses the *Furness Railway* on the Level, and to terminate by a Junction with the intended Diversion lastly above described Thirty Yards or thereabouts West of the Point where such Diversion will cross over the *Furness Railway* :
- A Diversion within the said Township or Division of *Yarlside* of the Road known as *Blind Lane*, such Diversion to commence by a Junction with the *Barrow and Dalton Road*, Eleven Chains or thereabouts North-east of the Point where that Road is crossed on the Level by the *Furness Railway*, and to terminate by a Junction with the said *Blind Lane*, Three Chains or thereabouts South-east of the Point of Junction of the said *Blind Lane* with the *Barrow and Dalton Road* :
- A Diversion within the said Township of *Dalton Proper* of the Road known as the *Dalton and Stainton Road*, such Diversion to commence Six Chains or thereabouts North of the Point where the said Road crosses the *Furness Railway* on the Level, and to terminate Seven Chains or thereabouts South of the said Point :
- A new Road to be situate wholly in the said Township of *Dalton Proper*, to connect the said last-mentioned intended Diversion with the Road leading from the said *Dalton and Stainton Road* to *Dalton Cemetery*, such new Road to commence at a Point Three Chains or thereabouts South of the Point where such last-mentioned intended Diversion will cross the *Furness Railway*, and to terminate at a Point Five Chains or thereabouts West of the Junction of the said Road leading to *Dalton Cemetery* with the said *Dalton and Stainton Road* :
- A Diversion within the Township of *Lower Holker* in the Parish of *Cartmel* in the County Palatine of *Lancaster* of the Road known as the *Flookburgh and Cartmel Road*, such Diversion to commence Eleven Yards or thereabouts North of the Point where the said Road crosses over the *Ulverstone and Lancaster Railway* of the Company, and to terminate at the Point where the said *Flookburgh and Cartmel Road* unites with the *Flookburgh and Allithwaite Road* :

A Diversion

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A Diversion within the said Township of *Lower Holker* of the Road known as the *Flookburgh and Allithwaite* Road, such Diversion to commence One Chain or thereabouts East of the Point where the said Road crosses the *Ulverstone and Lancaster* Railway of the Company on the Level, and to terminate by a Junction with the intended Alteration or Diversion lastly above described, One Chain or thereabouts North-east of the Point where such Alteration or Diversion will cross over the said Railway;

A new Road to be situate wholly in the Township of *Broughton East* in the said Parish of *Cartmel*, to commence by a Junction with the Road known as the *Grange and Lindal* Road, Six Chains or thereabouts North-east of the Point where the Road leading from the *Grange and Lindal* Road past the *Grange* Station on to the Sands unites with the said *Grange and Lindal* Road, and to terminate on the said Road to the Sands, at a Point Four Chains or thereabouts South of the level Crossing called the *Grange* Station level Crossing:

A new Road to be situate wholly in the Township of *Silverdale* in the Parish of *Warton* in the County Palatine of *Lancaster*, to commence by a Junction with *Ford Lane*, Four Chains or thereabouts South-west of the Bridge carrying that Lane over the said *Ulverstone and Lancaster* Railway, and to terminate in the public Road at *Waterslack* at a Point Three Chains or thereabouts West of the level Crossing called the *Waterslack* level Crossing:

And the Company may stop up and discontinue as public Thoroughfares and appropriate to the Purposes of their Undertaking the Sites of the following Roads or Parts of Roads; *viz.*, so much of the Road known as the *Salthouse and Roosecote* Road over the Sands in the said Township of *Hawcoat* and Township or Division of *Yarlside* as lies between Points Twenty-two Yards or thereabouts North-west of the *Salthouse* level Crossing on the *Furness* Railway and the Point of Junction of the same Road with the *Roose and Roosecote* Road, and so much of the Road known as the *Barrow and Salthouse* Road in the said Township of *Hawcoat* as lies between Points Thirty-one and Forty-one Chains Eastward of the East Face of *St. George's* District Church at *Barrow*, and also so much of the Roads in the said Townships or Divisions of *Yarlside*, *Hawcoat*, *Dalton Proper*, and *Lower Holker*, known respectively as the *Newbarns*, *Roose and Roosecote* Road, the *Barrow and Dalton* Road, *Millwood Lane*, *Blind Lane*, the *Dalton and Stainton* Road, the *Flookburgh and Cartmel* Road, and the *Flookburgh and Allithwaite* Road, and the Road leading to *Dalton Cemetery*, as will be rendered unnecessary by the proposed Diversions of such Roads respectively; and also may stop up and discontinue as public



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public Thoroughfares, and appropriate to the Purposes of their Undertaking, so much of the Road in the said Township of *Broughton East* leading from the *Grange and Lindal* Road past the *Grange* Station on to the Sands as lies between the Junction thereof with the said *Grange and Lindal* Road and a Point Four Chains or thereabouts South of the *Grange* Station level Crossing on the *Ulverstone and Lancaster* Railway of the Company ; and also so much of the Road in the said Township of *Silverdale* leading from the *Waterslack Lane* to *Waterslack* as lies within a Distance of Twenty-two Yards on each Side of the centre Line of the Company's Railway ; and on the Completion of the new Roads and Diversions of Roads by this Act authorized, the Company may shut up and discontinue the level Crossings over their Railway known respectively as the *Salthouse* level Crossing, the *Roosecote* level Crossing, the *Roose* level Crossing, the *Barrow* Road level Crossing, the *Millwood* level Crossing, the *Dalton* level Crossing, the *Flookburgh* level Crossing, the *Grange* Station level Crossing, and the *Waterslack* level Crossing, and may also pull down the existing Bridge within the said Township of *Lower Holker* which now carries the Road known as the *Flookburgh and Cartmel* Road over the *Ulverstone and Lancaster* Railway of the Company ; and on the Completion of the said new Roads and Diversions of Roads all Rights of Way over the said level Crossings and Bridge are by this Act extinguished.

23. The new Roads and Diversions of Roads by this Act respectively authorized shall be completed within Three Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted for making the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Period for  
Completion  
of Roads,  
&c.

24. The Site and Soil of the Roads and Places by this Act authorized to be either wholly or partially stopped up and discontinued, and the Fee Simple and Inheritance thereof, shall be from the Time of stopping up thereof respectively absolutely vested in the Company, except in Cases where the Company are not the Owners of the Lands on either Side, in which Case the Site and Soil aforesaid shall be vested in the Owners of the adjoining Land.

Site and  
Soil of  
Roads, &c.  
stopped up  
vested in  
Company.

25. The Provisions of the 22nd Section of "The *Ulverstone and Lancaster* Railway Act, 1851," requiring the Company to maintain an opening Swing or Draw Bridge at each of the Two several Viaducts for carrying the *Ulverstone and Lancaster* Railway across the Estuary of the *Leven* and the *Kent* Estuary are by this Act repealed: Provided always, that such Repeal shall not have any Operation or Effect

Repeal of  
Provisions  
of Section  
22 of  
"Ulverstone  
and Lancaster  
Railway  
Act, 1851."

[Local.]

27 L

Effect



*The Furness Railway Act, 1866.*

Effect until the Company shall have completed and opened for public Traffic the Railway thirdly described in and authorized by this Act, and so much of the Railway firstly described in and authorized by this Act as extends from the Line of the *Ulverstone and Lancaster Railway* to *Greenodd*, and shall have provided sufficient and proper Sidings so as to enable Goods to be loaded from and into Vessels on the Canal direct from and into the Railway Trucks.

Confirma-  
tion of  
Heads of  
Agreement  
in Schedule.

to **26.** The Heads of Agreement made the Twentieth Day of *March* One thousand eight hundred and sixty-six between the Company of the one Part and *Henry Fletcher Rigge* Esquire and others of the other Part, a Copy of which is contained in the Schedule to this Act, are by this Act confirmed and made binding on the Company, and they are hereby authorized and empowered to carry the same into effect.

Company  
may take  
Shares in  
Windermere  
United  
Steam Yacht  
Company  
Limited.

**27.** The Company may subscribe and contribute Funds towards, and may take and hold Shares in, the Undertaking of "The *Windermere* United Steam Yacht Company, Limited," to any Extent not exceeding Ten thousand Pounds: Provided always, that the Company shall not sell, dispose of, or transfer any of the Shares for which they may subscribe.

Power to  
dredge  
Windermere  
Lake.

**28.** The Company may from Time to Time dredge the Bed or Channel of Lake *Windermere*, and execute such other Works as may be necessary for providing convenient Access for Steamboats to the Pier which they are by this Act authorized to construct.

Interest not  
to be paid  
on Calls  
paid up.

**29.** The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares or by borrowing, pay to any Shareholder Interest or Dividend on the Amount of Calls made in respect of the Shares held by him: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845," in that Behalf mentioned.

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

**30.** The Company shall not, out of any Money by this Act or any other Act authorized to be raised by the Company, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament from Time to Time in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to make any other Railway, or execute any other Work or Undertaking.

**31.** Nothing



*The Furness Railway Act, 1866.*

**31.** Nothing in this Act contained shall exempt the Railways of the Company from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges or of the Rates for small Parcels in respect of the Railways authorized by this or any other Act relating to the Company.

Railways not exempt from Provisions of present and future General Acts.

**32.** All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company.

Expenses of Act.

*The Furness Railway Act, 1866.*

The SCHEDULE referred to in the foregoing Act.

HEADS OF AGREEMENT entered into this Twentieth Day of March One thousand eight hundred and sixty-six between the Furness Railway Company, herein-after called the Company, of the one Part, and Henry Fletcher Rigge, of Newby Bridge in the Parish of Cartmel in the County of Lancaster, Esquire, Thomas Ainsworth, of Backbarrow in the said Parish of Cartmel, Esquire, John Penny Machell, of Penny Bridge Hall in the Parish of Ulverston in the said County, Esquire, John Gunson, of Spark Bridge in the said Parish of Ulverston, Bobbin Manufacturer, Thomas Woodburne, of Thurston Ville in the said Parish of Ulverston, Esquire, Thomas Pedder of Finsthwaite House in the Parish of Colton in the said County, Esquire, John Barraclough Fell, of Vale View in the said Parish of Colton, Esquire, John Barker, of Broughton Lodge in the said Parish of Cartmel, Esquire, and John Long, of Penny Bridge in the said Parish of Ulverston, Paper Manufacturer, herein-after called the Owners, representing themselves and other Owners and Occupiers of Works, Lands, and Premises above the Viaduct and Bridge of the Company across the Leven Estuary, and whose Names are contained in the Schedule hereto, of the other Part.

Whereas the said Company are promoting a Bill in Parliament, of which the Short Title is proposed to be "The Furness Railway Act, 1866," and it is proposed thereby to repeal certain Clauses of "The Ulverston and Lancaster Railway Act, 1851," requiring the Company to provide an Opening, Swing, or Draw Bridge for the Passage of Vessels up the Leven Estuary, and to enable the Company to close the existing Opening Bridge: And whereas the Parties represented by the Owners now enjoy Access for Vessels to and near their Premises by means of the said Opening Bridge, and the Navigation of the Leven Estuary above the same, but they are desirous that Railway Communication should be substituted for the said Opening Bridge, and the Parties hereto have come to the following Agreement: Now it is hereby agreed,

1st. That



*The Furness Railway Act, 1866.*

1st. That the Parties represented by the said Owners will support the passing of the said proposed Enactment, and they hereby assent thereto.

2nd. That if the said Enactment be sanctioned the Bridge shall be so maintained as to allow Vessels with Strike Masts and Barges still to navigate the Channel, by passing under the Railway Bridge.

3rd. That the Company will construct and make and maintain and at all Times keep as Part of their Works a Line of Railway to Greenodd from their present Line of Railway near Ulverston, with sufficient and proper Sidings to the several Wharves there.

4th. That the Company will construct and make and maintain and at all Times keep as Part of their Works a Branch Line of Railway from their Main Line at or near Ulverston to the Ulverston Canal, with sufficient and proper Sidings, so as to enable Goods to be loaded from and into Vessels on the Canal direct from and into the Railway Trucks.

5th. That the Company will convey and deliver Goods Traffic of all Kinds (except Coals) between the Ulverston Canal and the said Wharves at Greenodd at a Rate not exceeding One Shilling per Ton, and Coal at a Rate not exceeding Sixpence per Ton, such Rates to include Canal Dues; any such Traffic carried beyond the said Distance to be charged in respect thereof at the ordinary Through Rates.

6th. That the said Bridge shall not be closed until the Accommodation herein provided for be completed.

7th. That this Agreement shall be inserted in a Schedule to the proposed Act, and be confirmed thereby.

8th. That the Company shall pay the Costs incurred and to be incurred by the Owners.

In witness whereof the said Company have hereunto affixed their Seal, and the said Owners have hereto set their Hands and Seals, the Day and Year first before written.

## The SCHEDULE above referred to.

Name.	Quality.	Residence.
James Clarke -	J. P. -	Summer Hill.
Harrison and Long -	Paper Manufacturers -	Penny Bridge Mill.
Stephen Stephenson -	Tanner -	Lowick Green.
Benson and Cheetham -	Cotton Spinners -	Spark Bridge.
William Pittar -	Gentleman -	Penny Bridge.

[Local.]

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The Furness Railway Act, 1866.

SCHEDULE—continued.

Name.	Quality.	Residence.
E. J. Pittar	Gentleman	Penny Bridge.
Gilbert Proctor, M.A.	Clerk in Holy Orders	Egton Parsonage.
George Jackson	Accountant	Mount Pleasant.
William Taylor	House Proprietor	Greenodd.
Charles D. Archibald	Land Owner	Rusland.
John Fell	Owner of Wharves, &c.	Spark Bridge.
George Penny	Land Owner	Bridge Field.
William Penny	Land Owner	Bridge Field.
Harrison, Ainslie, and Company.	Wharf Proprietors and Ship Owners	Ulverston.
Thomas Carter	Hoop Merchant	Tottlebank.
Myles Towers	Wood Merchant	Force Forge.
Towers and Hodgson	Bobbin Manufacturers	Force Forge.
Walker and Gibson	Bobbin Manufacturers	Force Forge.
Arthur Burns	Joiner	Oxen Park.
R. Postlethwaite	Miller	Newby Bridge.
Myles Satterthwaite	Wood Merchant	Lane End.

Signed, sealed, and delivered by the said Henry Fletcher Rigge, Thomas Ainsworth, John Penny Machell, John Gunson, Thomas Woodburne, Thomas Pedder, and John Barraclough Fell, in the Presence of  
 JOHN POOLE,  
 Solicitor, Ulverston.

HENRY FLETCHER RIGGE. (L.S.)  
 THOMAS AINSWORTH. (L.S.)  
 J. P. MACHELL. (L.S.)  
 JOHN GUNSON. (L.S.)  
 THOMAS WOODBURNE. (L.S.)  
 THOMAS PEDDER. (L.S.)  
 JOHN B. FELL. (L.S.)

Signed, sealed, and delivered by the said John Barker and John Long in the Presence of  
 GEORGE PECK,  
 Clerk to Messrs. Woodburne and Poole, Solicitors, Ulverston.

JOHN BARKER. (L.S.)  
 JOHN LONG. (L.S.)



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