

The Furness Railway (Whitehaven Amalgamation) Act, 1866.

Incorporation: And whereas since the Year One thousand eight hundred and fifty-five divers other Acts have been passed with respect to the *Furness Company*: And whereas on the First Day of *July* One thousand eight hundred and sixty-five the Capital of the *Furness Company* consisted of the Sums following; that is to say,

Preferential Capital	-	-	-	£583,000
Ordinary Capital	-	-	-	629,975

Capital which the <i>Furness Company</i> are authorized to raise but which was not then issued	324,025
Mortgage Debt raised	349,928
Mortgage Debt authorized but not raised	100,005

8 & 9 Vict.
c. c.

And whereas by the "*Whitehaven and Furness Junction Railway Act, 1845*," the *Whitehaven and Furness Junction Railway Company* (in this Act called "*the Whitehaven Company*") were incorporated, and were authorized to make and maintain a Railway from *Whitehaven* in the County of *Cumberland* to a Point of Junction with the *Furness Railway* in the Parish of *Dalton* in the County Palatine of *Lancaster*, and were authorized to raise a Capital of Three hundred and fifty-six thousand Pounds, and to borrow One hundred and sixteen thousand six hundred Pounds: And whereas "*The Whitehaven and Furness Junction (Whitehaven Extension and Kirksanton Deviation) Railway Act, 1846*," and "*The Whitehaven and Furness Junction Railway (Amendment) Act, 1848*," and "*The Whitehaven and Furness Junction Railway (Amendment) Act, 1853*," and "*The Whitehaven and Furness Junction Railway Act, 1857*," and "*The Whitehaven and Furness Junction Railway Act, 1865*," were afterwards passed with respect to the *Whitehaven Company*: And whereas it was by "*The Whitehaven and Furness Junction Railway Act, 1865*," enacted, that from and after the passing of that Act the aggregate Capital of the *Whitehaven Company* should be Four hundred and sixty-four thousand five hundred Pounds, consisting of Ordinary Shares then held to the nominal Value of Two hundred and twenty-seven thousand five hundred Pounds, and Preferential Shares created and issued to the nominal Amount of One hundred and seven thousand Pounds, and the new Ordinary or Preference Shares which the *Whitehaven Company* were by the reciting Act authorized to issue to the nominal Amount of One hundred and thirty thousand Pounds, and the *Whitehaven Company* were authorized to borrow on Mortgage Twenty-nine thousand nine hundred Pounds, in addition to the Sums then authorized to be borrowed by them: And whereas the *Whitehaven Company* have not issued any Share or borrowed any Money under their recited Act of 1865: And whereas the Capital and Mortgage Debt of the *Whitehaven Company* now consists of the Particulars following; that is to say,

9 & 10 Vict.
c. cccxx.
11 & 12 Vict.
c. cxxviii.
16 & 17 Vict.
c. clxxi.
20 & 21 Vict.
c. cxxii.
28 & 29 Vict.
c. cxliii.

Preferential

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	£	s.	d.
Preferential Capital bearing £4½ <i>per Centum per Annum</i> Dividend (called Preference Shares D.)	5,000	0	0
Preferential Capital bearing £5½ <i>per Centum per Annum</i> Dividend (called New Preference Shares of £10 each)	50,000	0	0
Preferential Capital bearing £5 <i>per Centum per Annum</i> Dividend (called New Preference Shares of £20 each)	15,000	0	0
Preferential Capital bearing £5 <i>per Centum per Annum</i> Dividend (called Preference Shares E.)	37,000	0	0
Ordinary Capital in 11,375 Shares of £20 each	227,500	0	0
Mortgage Debt	124,933	0	0

And whereas the *Furness* Company and the *Whitehaven* Company are desirous and it is expedient that the Two Companies and their respective Undertakings, Railways, Works, and Property be by this Act amalgamated on the Terms and Conditions in this Act appearing: And whereas different Rates of Tolls are now chargeable by the *Furness* Company in respect of the original Line of the *Furness* Railway, the *Ulverstone and Lancaster* Railway, and the *Coniston* Railway respectively, and it is expedient that the same Tolls be chargeable upon the whole of those Lines of Railway, and upon any Lines of Railway which the said Company may be authorized to construct under any Act of the present Session of Parliament, and also, subject as herein-after mentioned, upon the *Whitehaven and Furness Junction* Railway when vested under this Act in the *Furness* Company, and that such new Scale of Tolls should commence on the First Day of *January* One thousand eight hundred and sixty-seven: And whereas the Objects of this Act cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

1. This Act may for all Purposes be cited as "The *Furness* Short Title Railway (*Whitehaven* Amalgamation) Act, 1866."

2. 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;

8 & 9 Vict.
c. 16.,
26 & 27 Vict.
cc. 92. & 118.
incorporated.

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 "The Companies Clauses Act, 1863," and Part V. (relating to Amalgamation) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Interpreta-
 tion of
 Terms.

3. The several Words and Expressions to which by the Acts in whole or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be something in the Subject or Context repugnant to the Construction :

The Expressions "the *Furness* Company" and "the amalgamated Company" mean the *Furness* Railway Company :

The Expressions "the *Whitehaven* Company" and "the dissolved Company" mean the *Whitehaven and Furness Junction* Railway Company :

The Expressions "Superior Courts" or "Courts of competent Jurisdiction," or any other like Expression in this Act or any Act in whole or in part incorporated by this Act, shall for the Purposes of this Act 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 :

The Words "Share" and "Shareholders" respectively include "Stock" and "Stockholders."

Amalgama-
 tion of
 Companies,
 &c.

4. The *Whitehaven* Company are by this Act, and in accordance with the Provisions thereof, merged in and amalgamated with the *Furness* Company, and as a separate and distinct Company are by this Act dissolved, and shall wholly cease to exist.

Amalga-
 mated Com-
 pany to
 perform
 Duties and
 indemnify.

5. From and after the passing of this Act the amalgamated Company shall, subject to the Provisions of this Act, be subject to and perform and be liable to all Contracts, Agreements, Duties, Obligations, Debts, Charges, Claims, and Demands whatsoever with respect to the dissolved Company to which such Company, or the Shareholders, Directors, Officers, or Servants thereof, would be subject or liable if this Act had not passed, and shall indemnify the dissolved Company

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Company, and their Shareholders, Directors, Officers, and Servants, from the same, and from all Actions, Suits, Costs, Charges, Damages, and Expenses with respect thereto.

6. Except only as is by this Act otherwise provided, the Amalgamation shall be deemed to have taken effect on the First Day of *July* One thousand eight hundred and sixty-five, and that Day shall be the Time of Amalgamation. Time of Amalgamation.

7. As from and after the Time of Amalgamation the Capital and Mortgage Debt of the *Furness* Company shall, exclusive of any Capital which they may be authorized to raise by any Act or Acts passed in the present Session of Parliament, be the aggregate of the Sums following; that is to say, Capital of Furness Company.

The <i>Furness</i> Company's Preferential Capital -	£533,000
The <i>Whitehaven</i> Company's Preferential Capital (called Preference Shares D.) -	5,000
The <i>Whitehaven</i> Company's Preferential Capital (called New Preference Shares of £10 each) -	50,000
The <i>Whitehaven</i> Company's Preferential Capital (called New Preference Shares of £20 each) -	15,000
The <i>Whitehaven</i> Company's Preferential Capital (called Preference Shares E.) -	37,000
The <i>Whitehaven</i> Company's Ordinary Capital -	227,500
The Capital which by "The <i>Whitehaven and Furness Junction</i> Railway Act, 1865," was authorized to be raised -	130,000
The <i>Furness</i> Company's Ordinary Capital already issued -	629,975
The Capital which the <i>Furness</i> Company are authorized to raise, and which was not issued on the First Day of <i>July</i> 1865 -	324,025
The Mortgage Debt of the <i>Furness</i> Company raised and authorized -	449,933
The Mortgage Debt of the <i>Whitehaven</i> Company raised and authorized -	154,833

8. As from and after the Time of Amalgamation the Preferential and Ordinary Capital of the *Whitehaven* Company shall be Preferential Capital of the *Furness* Company, and the Ordinary Capital of the *Whitehaven* Company of Two hundred and twenty-seven thousand five hundred Pounds shall bear a fixed guaranteed perpetual Dividend at the Rate of Eight Pounds *per Centum per Annum*, which shall be calculated half-yearly up to the Thirtieth Day of *June* Dividend on Whitehaven Ordinary Capital.

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and the Thirty-first Day of *December* in every Year, and shall be paid to the respective Shareholders within Twenty-one Days next after those half-yearly Days respectively, and the First half-yearly Payment of that Dividend shall be calculated up to the Thirty-first Day of *December* One thousand eight hundred and sixty-five, and every half-yearly Payment of the Dividend shall be made free from all Deductions (except only for Income Tax, if any), and all Payments of Dividend on the Preferential and Ordinary Capital of the *Whitehaven* Company made before the passing of this Act shall be as valid as if this Act had passed on the First Day of *July* One thousand eight hundred and sixty-five.

Additional
Dividend on
Whitehaven
ordinary
Capital.

9. Within Three Months next after the passing of this Act the *Furness* Company shall pay to the Holders of the Shares of the *Whitehaven* Company's Ordinary Capital an additional Dividend of One Pound Ten Shillings on every Share of that Capital.

Order of
Charge of
Dividends on
Whitehaven
Capital.

10. Subject to the Dividends on the Preferential Capital of the *Furness* Company existing on the First Day of *July* One thousand eight hundred and sixty-five, amounting to Five hundred and thirty-three thousand Pounds, the Dividends on the Preferential Capital of the *Whitehaven* Company shall be the First Charge, and the Dividends on the Ordinary Capital of the *Whitehaven* Company shall be the Second Charge, on the divisible Profits of the *Furness* Company, and shall be paid in priority to any Dividends on the Ordinary Capital of the *Furness* Company.

Certificates.

11. The *Furness* Company may require the Holder of any Share of the Capital of the *Whitehaven* Company to deliver up the Certificate thereof to the *Furness* Company to be cancelled, and the *Furness* Company shall thereupon deliver to him gratis a fresh Certificate thereof under this Act, and the Holder of any such Share may, after the passing of this Act, require the *Furness* Company to deliver to him gratis such fresh Certificate: Provided that the *Furness* Company shall not be bound to issue such fresh Certificate until the existing Certificate be delivered to them to be cancelled, unless it be shown to their Satisfaction that the Certificate is destroyed or lost, and the Share represented by such Certificate shall be held upon the same Trusts as the former Share, and so as not to revoke any Will or Testamentary Disposition thereof.

No Votes in
respect of
Whitehaven
Capital.

12. The Holders of Shares of the Preferential and Ordinary Capital of the *Whitehaven* Company shall not in respect thereof be entitled to

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to vote at any General Meeting of the *Furness* Company, nor be entitled to any Allotment of future Capital in that Company.

13. The Amount which the *Furness* Company from Time to Time may borrow on Mortgage is Six hundred and four thousand seven hundred and sixty-six Pounds, being the aggregate of the several Sums which the *Whitehaven* Company and the *Furness* Company respectively are authorized to borrow; and with respect to the borrowing by the *Furness* Company of any Part of that aggregate Sum, the *Furness* Company shall be subject to the same Restrictions as they and the *Whitehaven* Company respectively would be subject to if this Act were not passed.

Furness
Company's
Power to
borrow on
Mortgage.

14. All Mortgages which the *Furness* Company from Time to Time make after the passing of this Act shall be Mortgages of one and the same Class.

Mortgages
to be of One
Class.

15. The Mortgages under this Act of the *Furness* Company may enforce Payment of Arrears of Principal and Interest due on their Mortgages under this Act 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.

Arrears may
be enforced
by Appoint-
ment of a
Receiver.

16. Up to and including the Thirty-first Day of *December* One thousand eight hundred and sixty-six the *Furness* Company may demand and receive the Tolls now chargeable by them and by the *Whitehaven* Company respectively under their respective Acts, and on and after the First Day of *January* One thousand eight hundred and sixty-seven the said Tolls shall cease to be chargeable, and, subject as herein-after mentioned, the *Furness* Company may demand and receive any Tolls not exceeding the following; (that is to say,)

Tolls.

In respect of Passengers and Animals conveyed in Carriages upon their Railways, as follows:

Tolls for
Passengers
and Cattle.

For any Person conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the *Furness* Company, an additional Sum not exceeding One Penny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Head of Neat Cattle, conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the *Furness* Company, an additional Sum not exceeding One Penny:

For

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For every Calf or Pig, Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, *per Mile* not exceeding One Penny; and if conveyed in or upon any Carriage belonging to the *Furness* Company, an additional Sum not exceeding One Farthing.

Tolls for
Goods.

In respect of Goods conveyed on their Railways:

For all Coals and Cinders, Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for Repair of public Roads or Highways, *per Ton per Mile* not exceeding One Penny; and if conveyed by Carriages belonging to the *Furness* Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny;

For all Coke, Culm, Charcoal, and all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Copper and Copper Ore, and all other Ores, Metals, Minerals, and Semi-metals, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile* not exceeding Twopence; and if conveyed in Carriages belonging to the *Furness* Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny;

For all Grain, Sugar, Corn, Flour, Meal, Potatoes, Hay, Straw, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Nails, Anvils, Vices, and Chains, *per Ton per Mile* Twopence; and if conveyed in Carriages belonging to the *Furness* Company, an additional Sum *per Ton per Mile* not exceeding One Penny;

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per Ton per Mile* not exceeding Threepence; and if conveyed in Carriages belonging to the *Furness* Company, an additional Sum *per Ton per Mile* not exceeding One Penny;

And for every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform not belonging to the *Furness* Company, *per Mile* not exceeding Fivepence; and a Sum of One Penny *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage weighs; and if any such Carriage be conveyed on a Truck or Platform belonging to the *Furness* Company, an additional Sum *per Mile* not exceeding Twopence.

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17. The Toll which the *Furness* Company may demand for the Use of Engines for propelling Carriages on their Railways shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken: Provided always, that nothing in this Act contained shall extend to any Case in which any Special Train is required from and allowed by the *Furness* Company.

Tolls for propelling Power.

18. The following Provisions and Regulations shall apply to the fixing of all Tolls and Charges payable under this Act; (that is to say,)

Regulations as to Tolls.

For all Passengers, Animals, or Goods conveyed on their Railways for a less Distance than Four Miles the *Furness* Company may demand Tolls and Charges as for Four Miles:

For a Fraction of a Mile beyond Four Miles, or beyond any greater Number of Miles, the *Furness* Company may demand Tolls for the Fraction in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile the Fraction shall be deemed a Quarter of a Mile:

For a Fraction of a Ton the *Furness* Company may demand Toll according to the Number of Quarters of a Ton in the Fraction, and if there be a Fraction of a Quarter of a Ton the Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, Ash, or Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

19. With respect to small Packages and single Articles of great Weight, notwithstanding the Rates of Tolls prescribed by this Act, the *Furness* Company may demand and take Tolls not exceeding the following; (that is to say,)

Tolls for small Parcels and single Articles of great Weight.

For the Carriage of small Parcels on the Railways or any Part thereof, as follows:

For any Parcel not exceeding Seven Pounds in Weight, Three-pence;

For any Parcel not exceeding Fourteen Pounds in Weight, Fourpence;

For any Parcel not exceeding Twenty-eight Pounds in Weight, Fivepence;

For any Parcel not exceeding Fifty-six Pounds in Weight, Sevenpence;

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And for Parcels exceeding Fifty-six Pounds in Weight but not exceeding Five Hundredweight, the *Furness Company* may demand any Sum which they shall think fit :
 Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but that Term applies only to single Parcels in separate Packages :

For the Carriage of single Articles of great Weight :

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which including the Carriage exceeds Four and does not exceed Eight Tons, the *Furness Company* may demand such Sum as they from Time to Time may think fit, not exceeding Sixpence *per Ton per Mile* :

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which with the Carriage exceeds Eight Tons, the *Furness Company* may demand any Sum they think fit.

Maximum Rates for Passengers.

20. The maximum Rate of Charge to be made by the *Furness Company* for the Conveyance of Passengers upon their Railways, including the Tolls for the Use of their Railways, and for Carriages and locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following ; (that is to say,)

For every Passenger conveyed in a First-class Carriage, the Sum of Threepence *per Mile* :

For every Passenger conveyed in a Second-class Carriage, the Sum of Twopence *per Mile* :

For every Passenger conveyed in a Third-class Carriage, the Sum of One Penny Farthing *per Mile*.

Maximum Rates for Animals and Goods.

21. The maximum Rate of Charge to be made by the *Furness Company* for the Conveyance of Animals and Goods on the Railway, including the Tolls for the Use of the Railway and Waggons or Trucks and locomotive Power, and every other Expense incidental to such Conveyance, except a reasonable Sum for loading and unloading Goods at any Terminal Station in respect of such Goods, and for Delivery and Collection, and any other Services incidental to the Business or Duty of a Carrier, where such Services or any of them are or is performed by the *Furness Company*, shall not exceed the following Sums ; (that is to say,)

For every Horse, Mule, Ass, or other Beast of Draught or Burden, *per Mile* Threepence Halfpenny :

For

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For every Ox, Cow, Bull, or Head of Neat Cattle, *per* Mile Twopence Halfpenny :

For every Calf or Pig, Sheep, Lamb, or other small Cattle, *per* Mile One Penny :

For all Coals and Cinders, Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile One Penny Halfpenny :

For all Coke, Culm, Charcoal, and all Stones for building, pitching, and paving, and all Bricks and Tiles, Clay and Sand, Twopence Farthing :

For all Slates, Ironstone and Iron Ore, Copper and Copper Ore, and all other Ores, Metals, Minerals, and Semi-metals, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per* Ton *per* Mile Twopence Three Farthings :

For all Sugar, Grain, Corn, Flour, Meal, Potatoes, Hay, Straw, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Threepence Halfpenny :

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per* Ton *per* Mile Fourpence Three Farthings :

And for every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, *per* Mile Sixpence ; and a Sum of One Penny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which such Carriage may weigh.

22. Every Passenger travelling upon the Railways may take with him his ordinary Luggage, not exceeding One hundred and fifty Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof. Passengers
Luggage.

23. No Station is to be considered a Terminal Station in regard to any Goods conveyed on the Railway which have not been received thereat direct from the Consignor of such Traffic, or are not directed to be delivered thereat to the Consignee. Terminal
Station.

24. The Restriction as to Charges to be made for Passengers shall not extend to any Special Train run upon the Railway, in respect of which Restriction
as to Charges
not to apply
to Special
Trains.

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which the *Furness* Company may make such Charges, as they think fit, but shall apply only to the Ordinary or Express Trains appointed from Time to Time by the *Furness* Company for the Conveyance of Passengers and Goods upon the Railway.

Company may take increased Charges by Agreement.

25. Nothing in this Act shall prevent the *Furness* Company from taking any increased Charges, over and above the Charges by this Act limited, for the Conveyance of Animals or Goods of any Description, by Agreement with the Owners or Persons in charge thereof, either by reason of any special Service performed by the *Furness* Company in relation thereto, or in respect to the Conveyance of Animals or Goods (other than small Parcels) by Passenger Trains.

Certain Provisions of 17 & 18 Vict. c. lxiv., 9 & 10 Vict. c. cccxx., and 28 & 29 Vict. c. cxliii., to be binding on the *Furness* Company.

26. Notwithstanding any of the Provisions with respect to Tolls in this Act contained, Clauses 43 and 44 of the "*Whitehaven, Cleator, and Egremont Railway Act, 1854*," and Clause 22 of the "*Whitehaven and Furness Junction (Whitehaven Extension and Kirksanton Deviation) Railway Act, 1846*," and Clause 39 of the "*Whitehaven and Furness Junction Railway Act, 1865*," and the Agreements therein referred to, shall remain in force and be binding on the *Furness* Company.

Facilities for Traffic to and from Docks, &c. at Millom, Whitehaven, and Workington.

27. The *Furness* Company shall at all Times afford on reasonable and proper Terms and Conditions all reasonable and proper Facilities for the Reception, Accommodation, Conveyance, Interchange, and Delivery of all Traffic from Time to Time passing or destined to pass on any of the Railways of the *Whitehaven* Company (authorized by any Act passed prior to the First Day of *July* One thousand eight hundred and sixty-five) to and from the Docks and Shipping Places at *Millom* and *Whitehaven* and *Workington* respectively, all in the County of *Cumberland*.

Power to *Furness* Company to run over Portions of the *Whitehaven Junction Railway*.

28. The *Furness* Company may run over and use with their Engines and Carriages, Officers and Servants, and for the Purposes of their Traffic of every Description, so much of the *Whitehaven Junction Railway* as lies between the *Bransty* Station of that Railway at *Whitehaven* (including the *Bransty* Station) and the North Harbour of *Whitehaven*, together with the Stations, Sidings, Roads, Watering Places, Booking Offices, Warehouses, Platforms, Works, and Conveniences connected therewith, and the Terms and Conditions and the Regulations to be observed and fulfilled for and in respect of the User by the *Furness* Company, and the Tolls, Rates, and Charges to be paid in respect of the User, shall be such as are from Time to Time agreed on between the *Furness* Company and the *Whitehaven Junction Railway* Company, or their Successors; or as, in case of Difference, are

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are determined by Arbitration according to "The Railway Companies Arbitration Act, 1859," by a single Arbitrator to be, in case of Difference, appointed by the Board of Trade.

29. Where under the Provisions of this Act Passengers, Animals, or Things are conveyed partly on the Railways of the *Furness* Company and partly on the Railway of the *Whitehaven Junction* Railway Company, the Railways of the Two Companies shall for the Purposes of Tolls and Charges be considered as One Railway; and in estimating the Amount of Tolls or Charges in respect of Traffic conveyed partly on the Company's Railways and partly on the Railway of the *Whitehaven Junction* Railway Company for a less Distance than Four Miles, Tolls and Charges may only be charged as for Four Miles; and in respect of Passengers, for each Mile or Fraction of a Mile beyond Four Miles Tolls and Charges as for One Mile only; and in respect of Animals, Minerals, and Goods, for every Quarter of a Mile or Fraction of a Quarter of a Mile beyond Four Miles Tolls and Charges as for a Quarter of a Mile only; and no other Short-distance Charge than Four Miles shall be made for the Conveyance of Passengers, Animals, Minerals, and Goods, or other Matters, partly on the Railways of the Company and partly on the Railway of the *Whitehaven Junction* Railway Company.

During Continuance of Contract Railway of contracting Companies to be considered One Railway

30. Except as is by this Act expressly provided, nothing in this Act shall take away, lessen, prejudice, or alter any of the Estates, Rights, Interests, Powers, and Privileges of the *Furness* Company.

Saving Rights of *Furness* Company.

31. The *Furness* Company shall not, out of any Money by this Act authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided that this Act shall not prevent the *Furness* 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."

Interest not to be paid on Calls paid up.

32. The *Furness* Company shall not, out of any Money by this Act authorized to be raised, pay or deposit any Sum which, by any Standing Order of either House of Parliament now or hereafter in force, is required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing 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.

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33. Nothing

The Furness (Railway) (Whithaven Amalgamation) Act, 1866.

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

33. Nothing in this Act contained shall exempt any Railway of the *Furness Company* from the Provisions of any General Act relating to Railways, or the better and more impartial Audit of the Accounts of Railway Companies, now or hereafter in force, 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 authorized to be taken by the *Furness Company*.

Expenses of Act.

34. 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 *Furness Company*.

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