



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. cii.

An Act for making a Railway from the *Furness* Railway at *Ulverstone* to the *Lancaster and Carlisle* Railway at *Carnforth*, to be called “*The Ulverstone and Lancaster Railway.*”

[24th July 1851.]

WHEREAS the making of a Railway from *Ulverstone* in the County Palatine of *Lancaster* to or near to *Carnforth* in the said County Palatine of *Lancaster* would be of great public Advantage: And whereas the Persons herein-after named, together with other Persons, are willing, at their own Expense, to carry such Undertaking into execution; but the same 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,)

I. That “*The Companies Clauses Consolidation Act, 1845,*” “*The Lands Clauses Consolidation Act, 1845,*” and “*The Railways Clauses Consolidation Act, 1845,*” shall be incorporated with and form Part of this Act, save as to such Parts thereof as may be modified by the Provisions of this Act, or are by this Act otherwise provided for.

Provisions of
8 & 9 Vict.
cc. 16. 18.
& 20. incor-
porated with
this Act.

[*Local.*]

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II. That

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Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Ulverstone and Lancaster Railway Act, 1851.*"

Incorporation of Company.

III. That the Most Noble *Walter Francis* Duke of *Buccleuch and Queensberry*, the Right Honourable *William* Earl of *Burlington*, *William Gale*, *Joseph Paxton*, *John Brogden*, *John Brogden* the younger, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway herein-after particularly mentioned, with proper Works and Conveniences belonging thereto, according to the Provisions of the said Acts and of this Act, and for other the Purposes herein and in the said Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the name of "The *Ulverstone and Lancaster Railway Company*," and by that Name shall be a Body Corporate with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the said Acts contained.

Capital.

IV. That the Capital of the said Company shall be Two hundred and twenty thousand Pounds, and the Number of Shares into which the said Capital shall be divided shall be Eleven thousand, and the Amount of each Share shall be Twenty Pounds.

Calls.

V. That Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Fifteen Pounds *per* Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Two Months at the least shall be the Interval between successive Calls.

Interest or Dividend not to be paid on Calls paid up.

VI. That it shall not be lawful for the said Company out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised; Provided always, that nothing herein contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposits for future Bills not to be

VII. That it shall not be lawful for the said Company, out of any Money by this Act authorized to be raised, to pay or deposit any Sum of

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of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

paid out of
Company's
Capital.

VIII. That it shall be lawful for the said Company to borrow on Mortgage or Bond any Sum not exceeding in the whole One Third of the said Capital, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Two hundred and twenty thousand Pounds shall have been subscribed for, and One Half Part thereof shall have been actually paid up; and all Monies, whether raised by Shares or Mortgage, shall be applied in carrying out the Purposes of this Act only, and for no other Purpose.

Power to
borrow
Money on
Mortgage.

IX. That it shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver in the event of the Principal Money due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Ten thousand Pounds in the whole.

Arrears may
be enforced
by the Ap-
pointment of
a Receiver.

X. That the Number of Directors of the said Company shall be Four, and the Qualification of a Director shall be the Possession of Ten Shares in the Undertaking.

Number of
Directors.

XI. That the Quorum of a Meeting of Directors shall be Three.

Quorum of
Directors.

XII. That *John Brogden, John Brogden the younger, William Gale, and Joseph Paxton* shall be the First Directors of the said Company.

First Di-
rectors of the
Company.

XIII. That the Directors herein-before appointed shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body; and the Directors appointed at the First Ordinary Meeting after the passing of this Act shall continue in Office until the First Ordinary Meeting to be held after the opening for public Traffic of the Railway or any Portion of the Railway, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed at the First Ordinary Meeting after

Present Di-
rectors to
continue in
Office until
others are
appointed.

Regulations
as to future
Elections of
Directors.

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the passing of this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed at such First Ordinary Meeting being eligible as Members of such new Body; and at the First Ordinary Meeting to be held in every Year thereafter the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of such of the Directors as shall then, in accordance with the Provisions contained in "The Companies Clauses Consolidation Act, 1845," retire from Office, and the several Persons elected at any such Meeting, being neither removed or disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead, as in the last-mentioned Act is provided.

Power to vary the Number of Directors.

XIV. That it shall be lawful for the said Company, by the Vote of any General or Special General Meeting, from Time to Time to increase or reduce the Number of Directors for the Time being, but so that the Number of Directors shall at no Time be greater than Nine nor less than Four; and also, subject to the Provisions of the recited Acts, to determine the Order of Rotation in which such increased or reduced Number of Directors shall go out of Office; and all Acts, Matters, and Things done by or by the Authority of the said Directors when so increased or reduced in Number shall be valid.

Newspapers for Advertisements.

XV. That all Advertisements relating to the Affairs of the Company shall be inserted in at least One Paper published in the County Palatine of *Lancaster*.

As to Money payable to Persons under Disability.

XVI. That if any Money be payable to any Shareholder, being a Minor, Idiot, Lunatic, or *non compos mentis*, the Receipt of the Guardian of such Minor, or of the Committee of such Idiot, Lunatic, or Person *non compos mentis*, shall be a sufficient Discharge to the Company for the same.

Power to make Railway according to deposited Plans.

XVII. That whereas Plans and Sections of the proposed Railway showing the Lines and Levels thereof respectively, and also a Book of Reference thereto, containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers, of the Lands through which the same are intended to pass, or which may be required to be taken for the Purposes of the Undertaking, have been deposited with the Clerk of the Peace of the County Palatine of *Lancaster*, and with the Clerk of the Peace of the County of *Westmoreland*: The said Railway may be made in the Line and upon the Lands delineated upon the said Plans, and described in the said Books of Reference, and according to the Levels described on the said Section, and it shall be lawful for the said Company to enter upon, take, and

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use such of the said Lands as shall be necessary for the Purposes thereof.

XVIII. That the said Railway shall commence by a Junction with the authorized Line of the *Furness* Railway in the Parish of *Ulverstone* in the County Palatine of *Lancaster*, and shall terminate by a Junction with the *Lancaster and Carlisle* Railway in the Township of *Carnforth* in the Parish of *Wharton* in the same County.

Line of Railway.

XIX. That, subject to the Provisions in the "Railway Clauses Consolidation Act, 1845," contained in reference to the crossing of Roads on a Level, it shall be lawful for the Company in constructing the said Railway to carry the same on the Level across the several Roads numbered on the said deposited Plans, as follows :

Power to cross certain Roads on the Level.

In the County of *Lancaster* : Two public Highways, numbered 1 and 52 in the Township and Parish of *Ulverstone* ; the public Highways numbered 20, 30, and 92 in the Township of *Lower Holker* in the Parish of *Cartmel* ; the public Highways numbered 21, 69, and 113 in the Township of *Lower Allithwaite* in the said Parish of *Cartmel* ; a public Highway numbered 70 in the Township of *Broughton East* ; a public Highway numbered 100 in the Township of *Silverdale* in the Parish of *Wharton* ; and a public Highway numbered 2 in the Township of *Lindeth* in the said Parish of *Wharton* :

In the County of *Westmoreland* : A public Highway, being a Road upon the Sands, numbered 4 in the Township of *Meathop* and *Ulpha* in the Parish of *Beetham* ; and a public Highway numbered 12 in the Township of *Arnside* in the said Parish of *Beetham* :

Also a certain Highway numbered 54 A in the Township of *Broughton East* in the Parish of *Cartmel* in the County of *Lancaster*, where the Line of Railway crosses the same.

XX. That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railway crosses the before-mentioned Roads on the Level ; and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways ; and if the said Company shall fail to erect, or at all Times maintain, any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds

Company to erect Stations or Lodges at the Points of crossing, and abide by the Rules, &c. of the Commissioners of Railways.

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for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Commissioners of Railways may require Bridges to be erected in lieu of level Crossings.

XXI. That it shall be lawful for the Commissioners of Railways, if it shall appear to them to be necessary for the public Safety, at any Time either before or after the Railway hereby authorized to be carried across the said Roads on the Level shall have been completed and opened for public Traffic, to require the Company, within such Time as the said Commissioners shall direct, and at the Expense of the Company, to carry any or either of the herein-before mentioned Roads either under or over the Railway by means of a Bridge or Arch in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Commissioners best adapted for removing or diminishing the Danger arising from any such level Crossing.

Provision for constructing Viaducts over the Leven and Kent Estuaries.

XXII. That, subject to any Waiver or Alteration which may 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 Admiral, by Writing under the Hand of the Secretary of the Admiralty, the Two several Viaducts for carrying the said Railway across the Estuary of the *Leven* and the *Kent Estuary* shall be so constructed by the said Company 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 shall 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 of ordinary Spring Tides; and in such Part of each of the said Viaducts, and in such Manner as shall be approved of and directed by the said Lord High Admiral of 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 herein-before mentioned, the said Company shall 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 said Two several opening, swing, or draw Bridges, shall be only in accordance with such Approval and Direction.

Regulations as to opening of Draw-bridges, &c.

XXIII. That it shall not be lawful for the Company or any Person or Persons acting under them to detain any Vessel, Barge, or Boat for a longer Space of Time than may be sufficient to admit of any Carriages or Trains regularly traversing the said Railway, and approaching the said Bridges or either of them, to cross the said Estuaries or either of them, and for opening the said Bridges or either of them to admit such Vessel, Barge, or Boat to pass; and the necessary Signals to Vessels,
Barges,

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Barges, or Boats shall be made and given in such Manner as shall from Time to Time be directed by the said Lord High Admiral, or the said Commissioners, with respect to the Time and Mode of opening the said draw or swing Bridges or either of them; and in case the Company, or any Person or Persons acting under them, shall detain any such Vessel, Barge, or Boat contrary to the Provisions of this Act, or demand, take, or receive any Toll for the Passage of any Person or Persons, Vessel, Barge, or Boat, the said Company or every Person so offending shall in every such Case forfeit and pay the Sum of Ten Pounds; but nothing in this Act shall prevent any Remedy for Damages which any Party may sustain in respect of any such Detention as aforesaid.

XXIV. That the said Company shall, immediately on the Completion of the said Two opening, swing, or draw Bridges, or either of them, provide and always thereafter maintain in good Repair and working Order on the Abutments of each of the said draw or swing Bridges, in such Manner as the said Lord High Admiral or the said Commissioners shall, by Writing under the Hand of the Secretary of the Admiralty, approve of, a Tide Scale; and the said Company shall be liable to a Penalty not exceeding Two Pounds for every Twenty-four Hours during which the said Tide Scale shall not be provided or maintained as aforesaid.

Company, on opening of the Swing Bridges, to provide and maintain a Tide Scale.

Penalty for Neglect.

XXV. That, subject to any Waiver or Alteration to be allowed and approved as aforesaid, the said Company shall form in the Embankment or Viaduct for carrying the said Railway across the *Winster Bay* not less than Four Openings, of Twenty Feet wide each, for the free Ingress and Egress and Scour of the Tides and Flood Water, with a clear Headway under each of the said Openings of not less than Ten Feet each, between High-water Mark of ordinary Spring Tides and the Soffit of the said Embankment or Viaduct.

Provision as to crossing Winster Bay.

XXVI. That neither of the said Three Viaducts or Embankments for carrying the said Railway across the said Estuary of the *Leven*, the said *Kent Estuary*, or the *Winster Bay* shall be so constructed as to deviate from the Black continuous Line shown on the Plan deposited at the Admiralty, without the previous Consent of the said Lord High Admiral or the said Commissioners, signified in Writing under the Hand of the Secretary of the Admiralty, and then only in accordance with such Consent.

Not to deviate in construction of Viaducts, &c., without Consent of the Admiralty.

XXVII. That previously to commencing to construct any of the said Viaducts or Embankments over the said Estuary of the *Leven*, the said *Kent Estuary*, or *Winster Bay*, or any Bridge or Work connected therewith, the said Company shall deposit at the Admiralty Office Plans,

Plans of Viaducts, &c. to be approved by the Admiralty before the

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same are
commenced.

Plans, Sections, and Working Drawings of the said Three Viaducts or Embankments, and such Three Viaducts or Embankments, Bridges, and Works shall be constructed only according to such Plans, Sections, and Working Drawings as shall have been previously approved of by the said Lord High Admiral or the said Commissioners, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty; and in case any such Viaducts or Embankments, Bridges or Works connected therewith, shall be commenced or completed without such Approval, or not in conformity therewith, then the said Lord High Admiral or the said Commissioners shall be at liberty to abate and remove or alter the same at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due to the Crown from the Company, and be recoverable accordingly, with Costs of Suit.

Lights to be
exhibited
every Night
during Con-
struction of
Viaducts and
Embank-
ments.

XXVIII. That during the Construction of the said Two Viaducts or Embankments across the said Estuaries of the *Leven* and *Kent*, and the Bridges and Works connected therewith, the Company shall cause to be hung out or exhibited at each of the same every Night, from Sunset to Sunrise, a Light, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels, and for ever after the Completion of each of the said Two Viaducts or Embankments the said Company shall cause to be hung out or exhibited at each of the said Two Viaducts or Embankments every Night, from Sunset to Sunrise, a good and sufficient Light, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels, and which Light shall be exhibited and from Time to Time altered by the said Company, in such Places and Manner, and be of such Description and be so used, as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall by Writing under the Hand of the Secretary of the Admiralty approve of; and in case the said Company shall neglect to exhibit and keep such Lights or either of them burning as aforesaid, they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

Penalty for
Neglect.

Admiralty
may direct
local Survey
to be made
at the Ex-
pense of the
Company.

XXIX. That if, after Working Drawings of the Works hereby authorized shall have been submitted to the Lord High Admiral of the United Kingdom, or to the Commissioners for executing the Office of Lord High Admiral, it shall be deemed expedient by him or them to order a local Survey and Examination of such Works, or of the intended Site thereof, the Company shall defray the Costs of such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

XXX. That

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XXX. That if any Viaduct, Embankment, Bridge, or Work to be constructed by the Company in or across any Tidal Water or Navigable River, or if any Portion of any such Viaduct, Embankment, Bridge, or Work which affects any such Water or River, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly with Costs of Suit.

If Works affecting Tidal Waters, &c. are abandoned, Admiralty may remove same at the Expense of the Company.

XXXI. And whereas it is necessary that proper Provision should be made for the Protection and Preservation of the Port of *Ulverstone*, as well as of other Parties interested in the Navigation of the *Leven*: Be it therefore enacted and declared, That the said Company shall for ever hereafter maintain and keep open a navigable Channel to the said Port from the Western Side of *Chapel Island* to the Entrance of the *Ulverstone Canal*, with at least the same Depth of Water as at present, and that the present State and Depth of Water at the Entrance to the said Canal and of the said Channel thereto from *Chapel Island* aforesaid shall be ascertained by an accurate Survey at the Expense of the said Company immediately after the passing of this Act, and previous to their commencing any Works for the crossing of the said *Leven Estuary*, such Survey with the necessary Plans thereof to be lodged at the Harbour Department of the Board of Admiralty; and if the said Company shall neglect or refuse to make and lodge such Survey and Plans as aforesaid, and to maintain and keep open the said Entrance and navigable Channel of such Depth as aforesaid, it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to cause such Survey to be made at the Expense of the said Company as he or they shall think fit, and to order and direct sufficient Works to be executed for the Purpose aforesaid, at the Costs and Charges of the said Company, and the Amount thereof shall be a Debt or Debts due from the said Company to the Crown, and be recoverable accordingly with Costs of Suit.

For Protection of the Port of Ulverstone.

XXXII. And whereas Her Majesty, in right of Her Duchy of *Lancaster*, has exercised the Right of appointing a Guide to conduct Travellers over the Sands of the *Leven Estuary* at Low Water, and the said Guide receives from Her Majesty certain ancient Fees and Emoluments in respect of his Office of Guide, and he also receives Fees or Gratuities from Travellers passing over the Sands, which Fees or Gratuities, together with the Fees or Emoluments received by him from Her Majesty as aforesaid, are altogether of sufficient Amount to

Company to pay the Guide for Travellers across the Leven Estuary the annual Fee of 20*l*.

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secure the Services of a competent Person to act as such Guide; but inasmuch as the Amount of such Fees and Gratuities may be diminished in consequence of the Construction of the said Railway, it is apprehended that the Remuneration might prove insufficient to secure the Services of a competent Person to act as such Guide, and it is expedient that the Continuance of the Services of the said Guide should be secured to the Public: Be it enacted, That the Company shall and they are hereby required, so long as the Chancellor and Council of the said Duchy of *Lancaster* shall require the same, to pay to the Guide appointed, or to any Guide to be from Time to Time appointed, by Her Majesty as aforesaid for conducting Travellers across the Sands of the said *Leven Estuary* at Low Water, the annual Fee of Twenty Pounds.

Company to construct a Footpath for crossing the Estuary of the Leven.

XXXIII. That the Company shall and they are hereby required to construct and maintain, in connexion with their Railway on the Landward Side thereof where the same crosses the Low-water Channel of the Estuary of the *Leven*, a safe and convenient Footpath, with proper Accesses to and from the Sands, for affording to the Public a safe and convenient Crossing of the Low-water Channel of the said Estuary on Foot, and shall form the same so as to prevent Persons using such Footpath from trespassing on the said Railway, and every Person shall be at liberty to use such Footpath upon Payment to the Company of the Sum of One Halfpenny.

As to Compensation for Injury to Lands drained by Ulpha Cragg.

XXXIV. And whereas under the Authority of an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty Queen *Victoria*, local and personal, Chapter Thirty-seven, various Works have been executed for the Drainage and Improvement of certain Lands in the Townships of *Helsington*, *Under-Barrow*, and *Bradley Field* and *Levens*, in the Parishes of *Kirkby in Kendal* and *Heversham* in the County of *Westmoreland*; and a Main Drain or Outfall has been excavated, and a Sluice has been built, at or near to a Point or Place called *Ulpha Cragg*, for the Discharge of the Water from the Drainage Works aforesaid into the Sea at *Morecombe Bay* at or near to the Estuary of the River *Kent*, across which Estuary the said Railway is intended to be carried by means of a Viaduct or Embankment: And whereas certain Lands in the several Townships of *Crosthwaite* and *Lyth*, *Witherslack*, and *Meathop* and *Ulpha* are also drained by means of the said Outfall and Sluice at *Ulpha Cragg*: And whereas it is apprehended by the Superintendent acting under the said Act that, from the Obstruction which the said Viaduct or Embankment may offer to the Flux and Reflux of the Tide, the Drainage of the said Lands may be impeded: Be it therefore enacted, That if the said Superintendent shall at any Time consider that any Works, either

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wholly or partially executed by the Company, have injured or are likely to injure the Drainage of any Lands drained by means of the said *Ulpha Cragg* Outlet, and if the said Company shall not at the Request of the said Superintendent make such Alterations in their Works or such new Works as shall in the Opinion of the said Superintendent be sufficient to remove or prevent the Injury or apprehended Injury of which they may complain, it shall be lawful for the said Superintendent to refer the Cause of Complaint to Mr. *James Walker*, Civil Engineer, or in the event of his Death, or of his Refusal or Inability to act, then to some Civil Engineer to be appointed by the Lords Commissioners of the Admiralty, and the said Company shall be bound at their own Expense to make such Alterations in their Works or such new Works as the said *James Walker* or such Engineer as aforesaid shall after Inquiry direct to be made for Removal of such Cause of Complaint; and shall also pay to the said Superintendent of Drainage for the Time being, for Distribution among the Parties entitled thereto, such Sum by way of Compensation for any Damage theretofore occasioned by the Works of the said Company as the said *James Walker* or such Engineer as aforesaid may determine; and such Damages, if not paid within One Month after the Award of the said *James Walker* or such Engineer as aforesaid, may be recovered by the said Superintendent as liquidated Damages in any Court of competent Jurisdiction: Provided always, that the Costs of any Inquiry which may be instituted as aforesaid shall be borne and paid by the said Company: Provided also, that the Receipt of the Superintendent of Drainage for the Time being shall be a sufficient Discharge to the Company for any Money paid to the Superintendent for Distribution as aforesaid, and the Company shall not be responsible for the due Application of any such Money after Payment thereof to such Superintendent as aforesaid.

XXXV. That the said Superintendent shall, within Two Months after Receipt of the Money so awarded, determine by Writing under his Hand the Proportions in which the Owners and Occupiers of Land shall be entitled thereto; and in order to determine such Proportions, the said *James Walker* or such Engineer as aforesaid shall give such Superintendent Access to the Minutes of Evidence which he shall have taken in any such Inquiry, so far as the same shall relate to any Damage sustained by the Owners or Occupiers of any such Lands, and the said Superintendent shall, on Demand, pay to such Owners and Occupiers respectively such several Sums as shall appear by his Award to be due and payable to them.

Application
of such Com-
pensation.

XXXVI. That the Railway hereby authorized shall be made to the *Lancaster and Carlisle* Railway at *Carnforth*, and there shall communicate with that Railway at the Point on the West Side thereof, where,
according

As to com-
munication
with the Lan-
caster and
Carlisle
Railway.

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according to the Plan deposited as in this Act mentioned, such Railway appears to communicate therewith, and at no other Place or Point, without the Consent in Writing of the *Lancaster and Carlisle* Railway Company under their Common Seal; and that all Communications between the Railway hereby authorized and the said *Lancaster and Carlisle* Railway shall be effected in a substantial Manner, by means of Connexion Rails and Points of the Construction and laid in the Manner most approved from Time to Time, and to the entire Satisfaction of the Engineer for the Time being of the said *Lancaster and Carlisle* Railway Company.

Company not to interfere with the Works of the Lancaster and Carlisle Railway Company.

XXXVII. That it shall not be lawful for the Company by this Act incorporated, or for any other Company, or for any Person, in execution of this Act, either permanently or temporarily, to enter upon, take, or use any of the Lands or Property of the said *Lancaster and Carlisle* Railway Company, or any of the Works appertaining thereto, save only for the Purpose of effecting the Junction hereby authorized in manner aforesaid.

Saving Rights of Lancaster and Carlisle Railway Company.

XXXVIII. That nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, Franchises, or Authorities of or vested in or belonging to the said *Lancaster and Carlisle* Railway Company, but all their Rights, Privileges, Powers, Franchises, and Authorities (under their several Acts of Parliament and otherwise) are hereby expressly saved and reserved.

Land for extraordinary Purposes.

XXXIX. That the further Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Twenty Acres.

Limiting Time for compulsory Purchase of Lands.

XL. That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for completing Railway limited.

XLI. That after the Expiration of Five Years from the passing of this Act all the Powers hereby granted to the Company for making the Railway hereby authorized, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed.

Power to take Tolls.

XLII. That it shall be lawful for the Company to demand any Tolls for the Use of the said Railway not exceeding the following; (that is to say,)

In respect of Goods, &c.

In respect of the Tonnage of all Articles conveyed thereon, or upon any Part thereof, and included within the following Classes :

Class 1. For all Compost, Dung, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of Roads

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Roads or Highways, Coals, Ironstone and Iron Ore, *per Ton per Mile*, not exceeding One Penny; and if conveyed in Carriages belonging to the Company an additional Sum *per Ton per Mile* not exceeding One Halfpenny, and if propelled by an Engine belonging to the Company a further Sum *per Ton per Mile* not exceeding One Penny Halfpenny:

Class 2. For all Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all other Stones, all Bricks, Tiles, Slates, Clay, Sand, 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 Merchandize, *per Ton per Mile* not exceeding Twopence; and if conveyed in Carriages belonging to the Company an additional Sum *per Ton per Mile* not exceeding One Halfpenny, and if propelled by an Engine belonging to the Company a further Sum *per Ton per Mile* not exceeding One Penny Halfpenny:

Class 3. For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* not exceeding Twopence; and if conveyed in Carriages belonging to the Company an additional Sum *per Ton per Mile* not exceeding One Penny, and if propelled by an Engine belonging to the Company a further Sum *per Ton per Mile* not exceeding One Penny Halfpenny:

Class 4. For all Cotton and other Wools, Drugs, manufactured Goods, and other Wares, Merchandize, Fish, Articles, Matters, or Things, *per Ton per Mile* not exceeding Threepence; and if conveyed in Carriages belonging to the Company an additional Sum *per Ton per Mile* not exceeding One Penny, and if propelled by an Engine belonging to the Company a further Sum *per Ton per Mile* not exceeding One Penny Halfpenny:

Class 5. 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* not exceeding Sixpence; and if any such Carriage be conveyed on a Truck or Platform belonging to the Company an additional Sum *per Mile* not exceeding Twopence, and if propelled by an Engine belonging to the Company a further Sum *per Mile* not exceeding One Penny Halfpenny, and the Sum of Twopence *per Mile* for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton, which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company an additional Sum not exceeding One Penny *per Mile* for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton, and if propelled by an Engine belonging to the Company a further Sum not exceeding One Penny *per Mile* for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton.

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In respect of
Animals, &c.

In respect of Animals conveyed in Carriages upon the Railway, as follows :

Class 6. For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per* Mile not exceeding Threepence; and if conveyed in or upon any Carriage belonging to the Company an additional Sum *per* Mile not exceeding One Penny, and if such Carriage be propelled by an Engine belonging to the Company a further Sum *per* Mile not exceeding One Penny Halfpenny :

Class 7. 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 upon any Carriage belonging to the Company an additional Sum *per* Mile not exceeding One Farthing, and if propelled by an Engine belonging to the Company a further Sum *per* Mile not exceeding One Penny.

In respect of
Passengers.

In respect of Passengers conveyed in Carriages upon the Railway, as follows :

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 Company an additional Sum *per* Mile not exceeding One Penny Halfpenny, and if propelled by an Engine belonging to the Company an additional Sum *per* Mile not exceeding One Penny Halfpenny.

Regulations
respecting
Tolls.

XLIII. That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Articles or Persons conveyed on the Railway for a less Distance than Three Miles, the Company may demand Tolls and Charges as for Three Miles :

For a Fraction of a Mile beyond Three Miles, or beyond any greater Number of Miles, the Company may demand Tolls and Charges as for One Mile :

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such 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, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Tolls for
small Parcels
and Articles
of great
Weight

XLIV. That with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed

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prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels the Company may demand for Parcels not exceeding Seven Pounds Weight any Sum not exceeding Fourpence :

For Parcels exceeding Seven Pounds and not exceeding Fourteen Pounds, any Sum not exceeding Eightpence :

For Parcels exceeding Fourteen Pounds and not exceeding Twenty-eight Pounds, any Sum not exceeding One Shilling and Fourpence :

For Parcels exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds, any Sum not exceeding Two Shillings :

And for Parcels exceeding Fifty-six Pounds and less than Five hundred Pounds, the Company may demand any Sum which they may 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 such Term shall apply only to single Parcels in separate Packages :

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, shall exceed Four Tons, but shall not exceed Eight Tons, the Company may demand any Sum not exceeding Sixpence *per Ton per Mile*, and if propelled by an Engine belonging to the Company a further Sum *per Ton per Mile* not exceeding One Penny Halfpenny :

For the Carriage of any Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber, Stone, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they shall think fit.

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

XLVI. That the maximum Rates of Charges to be made by the Company for the Conveyance of Passengers upon the Railway, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums: Maximum Tolls for Passengers.

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

For

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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 *per* Mile :

Provided always, that if any Passenger be conveyed for a less Distance than Three Miles, it shall be lawful for the Company to demand and receive Tolls as for Three Miles, and any Fraction of a Mile beyond Three Miles shall be deemed a Mile.

Maximum
Tolls for
Goods

XLVII. That the maximum Rate of Charge to be made by the Company, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance (except the loading and unloading of Goods, when such Service is performed by the Company), shall not exceed the Amounts mentioned in the following Table ; (that is to say,)

For the Matters herein-before mentioned in Class 1, not exceeding Twopence Halfpenny *per* Ton *per* Mile :

For the Matters mentioned in Class 2, not exceeding Threepence Halfpenny *per* Ton *per* Mile :

For the Matters mentioned in Class 3, not exceeding Fourpence *per* Ton *per* Mile :

For the Matters mentioned in Class 4, not exceeding Fivepence *per* Ton *per* Mile :

For any Carriage mentioned in Class 5, not weighing more than One Ton, not exceeding Sixpence *per* Mile, and if weighing more than One Ton, not exceeding Twopence *per* Mile for every Quarter of a Ton above One Ton :

For everything mentioned in Class 6, not exceeding Fourpence *per* Mile :

For everything mentioned in Class 7, not exceeding Twopence *per* Mile :

Provided always, that if any such Animals, Carriages, Goods, Articles, Matters, or Things shall be conveyed for a less Distance than Three Miles, it shall be lawful for the Company to demand and receive Tolls as for Three Miles, and any Fraction of a Mile beyond Three Miles shall be deemed a Mile.

Restriction
as to Charges
not to apply
to Special
Trains.

XLVIII. That the Restriction to the Charge to be made for Passengers shall not extend to any special or extra Train that may be required to run upon the said Railway, but shall apply only to the ordinary Trains appointed or to be appointed from Time to Time by the said Company for the Conveyance of Passengers and Goods upon the said Railway.

Authorizing
Sale of Lands
belonging to
the Duchy of

XLIX. That whereas Part of the Lands which may be required for the Purposes of this Act belong to the Queen's most Excellent Majesty

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Majesty in right of Her Duchy of *Lancaster* : It shall be lawful for the Chancellor and Council of Her Majesty's Duchy of *Lancaster* for the Time being to agree with the said Company for the absolute Sale in Fee Simple of the Lands, or any Part thereof, of or belonging to Her said Majesty in right of Her said Duchy, which shall be required for the Purposes of this Act, at or for such Price or Compensation in Money, and upon such Terms and Conditions, as shall be settled and agreed upon between the said Chancellor and Council and the said Company ; and upon Payment of such Price or Compensation by any Deed or Writing under the Seal of the Duchy, in the Name of Her said Majesty, Her Heirs and Successors, to convey the same Lands and the Fee Simple and Inheritance thereof to the said Company, their Successors and Assigns, for the Purposes of this Act; and the Purchase Money or Consideration for the same Lands shall be paid into the Hands of the Receiver General of the Revenues of the said Duchy, and Receipts and Acquittances shall be given by him for the same, and the same either shall and may be invested in the Purchase of Bank Annuities, according to the Powers and Provisions contained or referred to in an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to improve the Land Revenue of the Crown in England, and also of His Majesty's Duchy of Lancaster*, with respect to the Purchase Money to be paid for Property belonging to the Crown within the Survey and Receipt of the said Duchy under the therein recited Acts ; or the same, or any Part thereof, may, either without any previous Investment or after such, and either alone or together with any other Monies which shall for the Time being have arisen or shall hereafter arise from the Sale of Lands and Hereditaments Part of the Possessions of the said Duchy, be laid out according to the Provisions of an Act passed in the Fifty-seventh Year of His said Majesty King *George* the Third, intituled *An Act for ratifying Articles of Agreement entered into by the Right Honourable Henry Hale Viscount Gage and the Commissioners of His Majesty's Woods and Forests and Land Revenues, and for the better Management and Improvement of the Land Revenues of the Crown*; or the said Monies, and also any such other Monies, whether previously invested or not, or any Part thereof, respectively, may be laid out in the Purchase of Lands which in the Judgment of the said Chancellor and Council shall be deemed convenient to be held with any Possession of the said Duchy, as the Chancellor and Council for the Time being of the said Duchy shall direct by any Order or Orders in that Behalf; and the said Chancellor and Council shall for the Purposes of this Act have and be entitled to all such Powers and Provisions in reference to the Monies (if any) so invested in Bank Annuities, and so to be laid out and invested as aforesaid, as under or by virtue of the said recited Act of the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third they are entitled to concerning any Sums or Funds

Lancaster,
and provid-
ing for Appli-
cation of
Purchase
Money.

48 G. 3. c. 73.

57 G. 3. c. 97.

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of or belonging to the Duchy of *Lancaster* in the same Act particularly mentioned or referred to; and the Lands and Hereditaments (if any) so purchased on behalf of the said Duchy as aforesaid shall be conveyed and assured to the Use of Her Majesty, Her Heirs and Successors, in right of Her said Duchy of *Lancaster*, and shall vest in Her said Majesty, Her Heirs and Successors, in the same Right and as fully and effectually as the Lands to be conveyed to the said Company were vested in Her immediately before such Conveyance, and be held with the like Incidents, and be subject to the same Applications to all Intents and Purposes, as the said Lands so to be conveyed to the said Company were held by Her immediately before such Conveyance; and every such Conveyance to the Use of Her Majesty, Her Heirs and Successors, may be in the Form marked (X.) in the Schedule to this Act annexed, or as near thereto as may be.

As to conveyance of Waste Lands belonging to the Duchy of Lancaster.

L. That whereas Part of the Lands which may be required for the Purposes of this Act are Waste or Common Land, the Right to the Soil whereof belongs to the Queen's most Excellent Majesty in right of Her Duchy of *Lancaster*, subject to Rights of Common or other Rights or Easements: It shall be lawful for the Chancellor and Council for the Time being of Her Majesty's Duchy of *Lancaster* to agree with the Company for the absolute Sale in Fee Simple of the Estate, Right, and Interest of Her said Majesty in the Soil of the said Waste or Common Lands which may be so required for the Purposes of this Act, at or for such Price or Compensation and upon such Terms and Conditions as shall be agreed upon between the said Chancellor and Council and the said Company, and upon Payment of such Price or Compensation by any Deed or Writing under the Seal of the Duchy, in the Name of Her said Majesty, Her Heirs and Successors, to convey such Estate, Right, and Interest to the said Company, their Successors and Assigns, for the Purposes of this Act; and the Purchase or Compensation Money for the same shall be paid into the Hands of the Receiver General of the Revenues of the said Duchy, and Receipts and Acquittances shall be given by him for the same, and the same shall be by him applied and disposed of in the like Manner and for the like Intents and Purposes as are in and by this Act directed and provided of and concerning any other Monies which shall come to his Hands by virtue of this Act.

As to Sale to the Company of Lands belonging to the Duchy of Lancaster, which may be reclaimed from the Sea by Construc-

LI. And whereas a large Tract of Land, Seashore, and Sands belonging to the Queen's most Excellent Majesty in right of Her Duchy of *Lancaster* may by the Construction of the Railway be embanked and reclaimed from the Sea, and the Value thereof greatly increased by the Works of the Company: It shall be lawful for the Chancellor and Council for the Time being of Her Majesty's Duchy of *Lancaster* to agree with the Company for the absolute Sale in Fee Simple of the Estate,

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Estate, Right, and Interest of Her said Majesty in the said Lands, Seashore, and Sands, at or for such Price or Compensation, and upon such Terms and Conditions, as shall be agreed upon between the said Chancellor and Council and the said Company, and upon Payment of such Price or Compensation by any Deed or Writing under the Seal of the Duchy, in the Name of Her said Majesty, Her Heirs and Successors, to convey such Estate, Right, and Interest to the said Company, their Successors and Assigns; and the Purchase or Compensation Money for the same shall be paid into the Hands of the Receiver General of the Revenues of the said Duchy, and Receipts and Acquittances shall be given by him for the same, and the same shall be by him applied and disposed of in like Manner and for the like Intents and Purposes as are in and by this Act directed and provided of and concerning any other Monies which shall come to his Hands by virtue of this Act.

tion of Rail-
way.

LII. That every Deed or Writing whereby any Lands, Hereditaments, Estate, Right, or Interest shall be conveyed or assured by the said Chancellor and Council of Her Majesty's Duchy of *Lancaster* by virtue of the Powers of this Act, being enrolled in the Court of the Duchy Chamber of *Lancaster* within Six Calendar Months from the Date thereof, shall be effectual to vest in the said Company the Lands, Hereditaments, and Premises thereby expressed to be granted, conveyed, or assured, anything contained in the Act passed in the First Year of Her Majesty Queen *Anne*, intituled *An Act for the better Support of Her Majesty's Household, and the Honour and Dignity of the Crown*, or any other Act, to the contrary in anywise notwithstanding.

For Enrol-
ment of all
Deeds of
Conveyance
of Land be-
longing to the
Duchy
Chamber of
Lancaster.

13 W.3. &
1 Ann. c. 7.

LIII. That it shall be lawful for the Company to contract and agree with the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings, and with any other Person or Persons, for the Purchase of any Land belonging to Her Majesty in right of Her Crown, or to any such other Persons, which may be capable of being reclaimed from the Sea by the Works of the said intended Railway; and with respect to the Purchase from such other Persons as aforesaid, all the Provisions contained in "The Land Clauses Consolidation Act, 1845," with reference to the Purchase of Lands by Agreement, shall be applicable to such Purchase.

Company
may pur-
chase Lands
reclaimable
from the
Commis-
sioners of
Woods, &c.
and other
Persons.

LIV. That it shall be lawful for the Company to embank, reclaim, and cultivate all the Land capable of being reclaimed which they may agree to purchase as aforesaid; but the Company shall, within Twenty Years from the Completion of the Railway, absolutely sell and dispose of all Lands purchased or taken under the Provisions herein-before contained respecting Lands to be reclaimed from the Sea in the Manner directed

Company
may embank
and reclaim
Lands pur-
chased, and
resell same.

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directed by "The Lands Clauses Consolidation Act, 1845," with respect to Lands acquired by the Promoters of the Undertaking under the Provisions of that or the Special Act or any Act incorporated therewith, but which shall not be required for the Purposes thereof, and subject to and in accordance in all respects with the Provisions and Restrictions in the same Clauses contained; and the Money arising from the Sale of such Land shall form Part of the General Revenues of the Company.

Earl of Burlington, &c. to have Right to purchase certain Land on the Cartmel Side of the Leven Estuary.

LV. That the Earl of *Burlington* or the Person or Persons for the Time being entitled to the Possession of *Holker Hall*, or in case of such Owner for the Time being being a Minor, Idiot, Lunatic, or *non compos mentis*, then the Guardian or Guardians of such Minor, or the Committee or Committees of such Idiot, Lunatic, or Person *non compos mentis*, shall, at any Time hereafter when required by him or them, upon giving to the said Company Six Months Notice in Writing, have the Right of purchasing from the Company all Land purchased by the said Company from the Crown in right of the Duchy of *Lancaster* lying on the *Cartmel* Side of the Channel of the *Leven Estuary*, in whatever Course such Channel shall or may hereafter flow or be fixed, from the Point on the Eastern Bank of the Channel nearest to *Lady Syke Wood* to a Point on the Eastern Bank of the said Channel nearest and immediately opposite to the Centre of *Wadhead Scar*; and that the Price to be paid by the said Earl of *Burlington*, or such Person or Persons as aforesaid; to the said Company for such Land shall be settled by Arbitration in manner provided by the Lands Clauses Consolidation Act, 1845.

Crown Lands not to be taken without Consent.

LVI. That nothing contained in this Act, or in the Acts herein recited or referred to, shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of the Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which Consent such Commissioners or any Two of them are hereby authorized and empowered to give.

Saving the Rights of the Crown and the Duchy of Lancaster.

LVII. That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Queen's most Excellent Majesty, Her Heirs and Successors, as well in right of Her Crown as in right of Her Duchy of *Lancaster*.

Provisions respecting the Line of

LVIII. That whereas the Line of the said Railway will pass near the Residence of the Right Honourable *William* Earl of *Burlington*,
called

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called *Holker Hall*, and will also pass through or affect other Property of the said Earl of *Burlington*, situate at or near *Holker* aforesaid and in the Neighbourhood thereof: Be it enacted, That the Line of the said proposed Railway shall pass on the Seashore or Sands outside the Main Land belonging to the said *William* Earl of *Burlington*; until the same passes beyond the Marsh marked upon the Plans herein-after mentioned as *Quarry Flat Marsh*, and the Centre Line of the Railway shall, between the Points marked as the Second and Fifth Miles from the Commencement of the Line of the said Railway at *Ulverstone*, be in the Position delineated on certain Plans signed by the said *William* Earl of *Burlington* and by *Robert Wheatley Lumley* and *Joseph Paxton*, Two of the Provisional Directors of the said Company, and that none of the Rocks above the Level of the Sands shall be interfered with, and no Stone, Sand, Earth, or other Materials shall be taken, except at the Places coloured Pink upon the Plans so signed as aforesaid, or at such other Points as shall be approved of by the said Earl of *Burlington*; and the working of the Quarries from which such Stone shall be taken shall at all Times be carried on under the Direction and to the Satisfaction of the said Earl of *Burlington*; and that ample Drainage shall be secured and maintained, at the Expense of the Company, for all the Marshes and Sands lying between *Capes Head* and the Point marked upon the said Plans as the Fifth Mile from the Commencement of the Line of the said Railway at *Ulverstone*, which will be enclosed by the Railway Embankments; and if the said Marshes and Sands shall not in the Opinion of the said Earl of *Burlington* be well and sufficiently drained as aforesaid, the said Company shall, if required by the said Earl of *Burlington*, effect such Drainage by deepening the present Outlet of the Drainage of the Lands of the said Earl of *Burlington* at *Park Head* to the Level of the Water in the Channel of the River *Leven* at Low Water, and by bringing up the Fall to the Marshes, and by carrying a Main Drain along the inner Side of the intended Embankment from *Quarry Flat Marsh* at the Eastern Extremity thereof, and from the Sands between *Capes Head* and *Ravenbarrow Points* at the Western Extremity, the Drainage from both Extremities to meet at the Point nearest to *Ravenbarrow Point* aforesaid, which may be the most advantageous for carrying the same to the Outlet at *Park Head*, and if such Drainage shall be effected as last aforesaid all efficient Means shall from Time to Time be provided at the Expense of the said Company for keeping such Outlet open, and preventing the same from ever being silted up, and that every Facility shall be given during the Progress of the Works for allowing that Portion of the Sands which will be enclosed to silt up to the Level of the adjoining Marshes; and with respect to the Sands outside of *Quarry Flat Marsh*, Openings shall be provided in the Embankment in such Places as shall be required by the said Earl of *Burlington*, for allowing the Tide to pass through; and in the

Railway, and other Matters connected with the Estate of the Earl of Burlington.

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event of the Drainage of any of the Lands of the said Earl of *Burlington*, other than those the Drainage of which is herein-before specially provided for, being injuriously affected by the Works of the said Railway, the said Company shall, if required, at their Expense, take all necessary Steps and execute all necessary Works for restoring the said Drainage to as good a Condition as the same is in at present, and for maintaining the same when so restored, and that the public Road over *Quarry Flat Marsh* shall be carried in such a Direction as to prevent as far as possible any cutting up of the Marsh; and that the Company shall provide at their Expense such private Crossings as the said Earl of *Burlington* may consider necessary in addition to those required for the public Highways; and that in case of any Dispute between the said Company and the said Earl of *Burlington* concerning the Matters herein-before specially provided for, or concerning any other Matters relating to the Estate of the said *William* Earl of *Burlington* at or near *Holker* aforesaid, the Matters in dispute shall be referred to the Arbitration of Mr. *Joseph Paxton* of *Chatsworth*, and in the event of his Death then to some Civil Engineer to be appointed by the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, whose Decision on all Matters so referred shall be final: Provided always, that all or any of the Provisions herein-before contained which relate to the Estate of the said Earl of *Burlington*, or in which the said Earl of *Burlington* is interested, may be waived, altered, or modified at any Time or Times hereafter, in any Manner whatsoever, with the Consent of the said Company and of the said Earl of *Burlington*, or in the event of the Death of the said Earl of *Burlington* with the Consent of the said Company and of the Person or Persons for the Time being entitled to the Possession of *Holker Hall* aforesaid, or in case of such Owner for the Time being being a Minor, Idiot, Lunatic, or *non compos mentis*, then with the Consent of the said Company, and of the Guardian or Guardians of such Minor, or the Committee or Committees of such Idiot, Lunatic, or Person *non compos mentis*.

Expenses of Act.

LIX. That all the Costs, Charges, and Expenses of and attending the passing of this Act, or incidental thereto, shall be paid by the said Company out of the First Monies which shall come to their Hands.

Railway to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and

LX. That whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for regulating Railway*; and another Act was passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign

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Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and Two other Acts were passed in the Tenth Year of the Reign of Her said Majesty, intituled respectively *An Act for constituting Commissioners of Railways*, and *An Act for regulating the Gauge of Railways*: Nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provision shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto.

9 & 10 Vict.
cc. 57. 105.

LXI. That nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made from the Provisions of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, which may hereafter pass during the present 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 authorized by this Act.

Railway not
exempt from
Provisions of
future General
Acts.

The SCHEDULE.

(X.)

These are to witness, That in consideration of the Sum of
 paid to *A.B.* of
 by *C.D.*, the Receiver General of the Revenues
 of the Duchy of Lancaster, on behalf of Her Majesty, he the said
A.B. doth by these Presents grant, convey,
 and assure unto the said *C.D.* his Heirs and
 Assigns, all that

to have and to hold the same unto the said *C. D.*
 his Heirs and Assigns, to the Use of Her said Majesty, Her Heirs
 and Successors, in right of Her said Duchy. In witness, &c.

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