



ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

Cap. cccclxxxvi.

An Act for reclaiming from the Sea, embanking, and improving the *Salthouse Sands* in the Manor of *Plain Furness* in the County Palatine of *Lancaster*. [18th August 1846.]

WHEREAS there is within the Manor of *Plain Furness* in the County Palatine of *Lancaster* a certain Portion or Tract of Land, Sea Shore, or Strand known by the Name of the *Salthouse Sands*, which, being subject to be covered by the Tide Waters, is in its present State incapable of Cultivation, and of little Value: And whereas the Most Noble *Walter Francis* Duke of *Buccleuch* and *Queensberry* is or claims to be Lord of the Manor of *Plain Furness*, and is or claims to be entitled to such Portion of the said Tract of Land, Sea Shore, or Strand as is situated between the High and Low Water Mark within the said Manor: And whereas the Right Honourable *William* Earl of *Burlington* is or claims to be entitled to the Fisheries of *Dudden*, *Rampside*, and *Walney*, comprehending and extending over the said Sands: And whereas it would be of great Advantage if the said Tract of Land, Sea Shore, or Strand was embanked from the Sea, drained, and otherwise improved and brought into Cultivation: And whereas the said *Walter Francis* Duke of *Buccleuch* and *Queensberry* and *William* Earl of *Burlington*

[Local.] 78 0 are

Construction
of Terms.

are willing at their own Expence to undertake the Embankment, Drainage, and otherwise the Improvement of the said Tract of Land, Sea Shore, or Strand; but the same cannot be effected without the Aid and 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, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as One Person or Thing, and every Word importing the Plural Number shall extend and be applied to One Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Undertakers" shall extend to and mean the Persons for the Time being respectively who are by this Act declared to be Undertakers for executing the Purposes of this Act; and the Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure; and the Word "Corporation" shall mean a Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole, unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Undertakers
empowered
to drain
Waste
Lands, &c.

II. And be it enacted, That the said *Walter Francis* Duke of *Buccleuch* and *Queensberry* and *William* Earl of *Burlington*, their several and respective Heirs and Assigns, shall be and they are hereby declared to be the Undertakers for executing the Purposes of this Act; and such Undertakers shall be and they are hereby authorized and empowered (subject to the Provisions as to the Line of the Embankment and to the Control of the Admiralty, as herein-after mentioned,) to embank from the Sea, drain, and otherwise improve all and singular and such and so many and such Part and Parts of the said Tract of Land, Sea Shore, or Strand as lie within the Limits herein-after mentioned; that is to say, commencing from a Point on the Main Land called *Rabbit Hill Point*, in the Parish of *Dalton* in the said County Palatine of *Lancaster*, and thence proceeding along the South Side of an Embankment lately constructed by the *Furness* Railway Company to where the said Embankment crosses High-water Mark at Neap Tides; thence along the Line of such High-water Mark, or along another Embankment of the said *Furness* Railway, to such Extent as the same is or may be constructed below such High-water Mark as aforesaid, up to a Point called *Westfield Point*, in the said Parish of *Dalton*; thence in a direct Line across the Sands to the Southernmost Point of *Headen Haw*, and thence to *Rabbit Hill Point* aforesaid; and also all and singular such other Part and Parts of the said Sands called *Salthouse Sands* as are vested in or belong to the said *Walter Francis* Duke of *Buccleuch* and *Queensberry* as Lord of the Manor of *Plain Furness*, subject to such Right of Fishery of the said *William* Earl of *Burlington* as herein-before mentioned: Provided always, that nothing herein contained shall bind the said Undertakers to embank or drain, or cause to be embanked or drained, any Part or Portion of the said Tract of Land, Sea Shore,

or

or Strand as shall not in the Discretion of the said Undertakers be likely to compensate them for the Outlay necessary for such embanking and Drainage.

III. And be it enacted, That the said Tract of Land, Sea Shore, or Strand hereby authorized to be embanked and drained shall be and be deemed and considered to be locally situate in the Parish of *Dalton*, and it shall be lawful for the Magistrates at any Quarter Sessions to be holden for the County of *Lancaster*, upon the Application of the said Undertakers, to appoint any fit Person as a Commissioner to inquire into and determine what Proportion of the said Tract of Land, Sea Shore, or Strand shall be appropriated to and form Part of the respective Townships within the said Parish, and as soon as such Commissioner shall have inquired into and determined the same, and reduced his Decision into Writing, such Decision, with a Map or Plan of the said Tract of Land, Sea Shore, or Strand annexed thereto, and showing thereon the Boundaries of the respective Townships so decided by the said Commissioner, shall be filed of Record in the Office of the Clerk of the Peace for the said County of *Lancaster*: Provided always, that the said Undertakers shall give Notice of their Intention to apply for the Appointment of such Commissioner, and such Notice shall be published Three Times in some one and the same Newspaper published in the County of *Lancaster* in the Six Weeks preceding such intended Application.

Reclaimed Lands to be deemed locally situate in Dalton Parish, and Township Boundaries to be decided by a Commissioner.

IV. And be it enacted, That all Persons and Corporations who claim to be entitled to any Compensation for any Loss, Damage, Injury, or Prejudice arising to any Estate, Right, or Interest of such Person or Corporation in consequence of the Operations authorized by this Act shall deliver or cause to be delivered to the said Undertakers an Account, particular Description, or Schedule in Writing, signed by them respectively, or by their respective Husbands, Guardians, Trustees, Committees, or Agents, of such their respective Rights or Claims, and shall therein describe the Estate, Interest, or Right in respect whereof they shall respectively so claim to be entitled; and all such Claims for Compensation shall, in case the Parties cannot agree with the said Undertakers as to the Amount thereof, be decided by Arbitration.

Parties claiming Compensation to furnish Undertakers with Particulars of their Claims.

V. And be it enacted, That it shall be lawful for all or any of the following Parties to agree with the said Undertakers to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, to accept, Compensation, for any Loss, Damage, Injury, or Prejudice arising as aforesaid, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees, or Feoffees in trust for charitable or other Purposes, Executors, and Administrators, and the Power so to agree as aforesaid may lawfully be exercised by all such Parties, not only on behalf themselves and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder,

Parties under certain Disabilities enabled to accept Compensation;

or

or Expectancy after them, if incapacitated, unknown, or not to be found, and as to such married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

and to ap-
point Arbi-
trators.

VI. And be it enacted, That the Powers herein-after given to appoint Arbitrators shall extend to and may be lawfully exercised by every Party herein-before enabled to agree with the said Undertakers as to the Acceptance of Compensation.

Appoint-
ment of Ar-
bitrators.

VII. And be it enacted, That when any Question of disputed Compensation shall have arisen, then (unless both Parties shall concur in the Appointment of a single Arbitrator) each Party on the Request of the other Party shall nominate and appoint an Arbitrator to whom such Dispute shall be referred, and every Appointment of an Arbitrator shall be made on the Part of the Undertakers under the Hands of the said Undertakers, and on the Part of any other Party under the Hand of such Party, or if such Party be a Corporation Aggregate, under the Common Seal of such Corporation, or if the Title to the Estate, Right, or Interest in respect of which Compensation shall be claimed shall be in dispute, then, unless the Parties so disputing shall, upon the Request of the Undertakers, agree upon the Appointment of an Arbitrator on their Behalf, such Arbitrator shall, upon the Application of the Undertakers for that Purpose, be appointed under the Hands of Two Justices, and every such Appointment shall be delivered to the Arbitrator, and shall be deemed a Submission to Arbitration on the Part of the Party by whom the same shall be made; and after such Appointment shall have been made neither Party shall have Power to revoke the same without the Consent of the other, nor shall the Death of either Party operate as a Revocation, and when any such Dispute shall have arisen, if for the Space of Fourteen Days after a Request in Writing, in which shall be stated the Matter so required to be referred to Arbitration, shall have been served by the one Party on the other Party to appoint an Arbitrator, such last-mentioned Party shall fail to appoint such Arbitrator, then upon such Failure the Party making the Request, and having himself appointed an Arbitrator, may appoint such Arbitrator to act on behalf of both Parties, and such Arbitrator may proceed to hear and determine the Matters which shall be in dispute, and in such Case the Award or Determination of such single Arbitrator shall be final.

Vacancy of
Arbitrator to
be supplied.

VIII. And be it enacted, That if before the Matters so referred shall be determined any Arbitrator appointed by either Party shall die or become incapable a new Arbitrator shall be appointed in the
Manner

Manner herein-before provided in the Place of such Arbitrator so dying or becoming incapable, and if for the Space of Seven Days after Notice in Writing from the other. Party for that Purpose the Party by whom such new Arbitrator ought to be appointed shall fail to appoint a new Arbitrator the remaining or other Arbitrator may proceed *ex parte*, and every Arbitrator so to be substituted as aforesaid shall have the same Powers and Authorities as were vested in the former Arbitrator at the Time of such his Death or Disability as aforesaid.

IX. And be it enacted, That where more than One Arbitrator shall have been appointed, such Arbitrators shall, before they enter upon the Matters referred to them, nominate and appoint by Writing under their Hands an Umpire to decide on any such Matters in which they shall differ; and if such Umpire shall die or become incapable to act, they shall forthwith after such Death or Incapacity appoint another Umpire in his Place, and the Decision of every such Umpire on the Matter so referred to him shall be final.

Appoint-
ment of
Umpire.

X. And be it enacted, That if in either of the Cases aforesaid the said Arbitrators shall refuse, or shall for Seven Days after the Request of any Party to such Arbitration neglect, to appoint an Umpire, Two Justices shall, on the Application of any Party to such Arbitration, appoint an Umpire, and the Decision of such Umpire on the Matters on which the Arbitrators differ shall be final.

If Arbitra-
tors neglect
to appoint
Umpire,
Justices
may.

XI. And be it enacted, That if when a single Arbitrator shall have been appointed such Arbitrator shall die or become incapable to act before he shall have made his Award, the Matters referred to him shall be determined by Arbitration in the same Manner as if such Arbitrator had not been appointed.

In case of
Death of
single Arbi-
trator Mat-
ter to begin
de novo.

XII. And be it enacted, That if, where more than One Arbitrator shall have been appointed, either of the Arbitrators refuse or for Seven Days neglect to act, the other Arbitrators shall give Notice in Writing to the Party by whom such Arbitrator shall have been appointed of such Refusal or Neglect, and if the Party by whom such Arbitrator shall have been appointed shall not within Seven Days appoint another Arbitrator, or if such new Arbitrator shall refuse or for Seven Days neglect to act, the Arbitrator who shall have given such Notice may proceed *ex parte*, and his Decision shall be as effectual as if he had been the single Arbitrator appointed by both Parties.

If either
Arbitrator
refuse to act,
the other to
proceed *ex*
parte.

XIII. And be it enacted, That if where more than One Arbitrator shall have been appointed, and where neither of them shall refuse or neglect to act as aforesaid, such Arbitrators shall fail to make their Award within Twenty-one Days after the Day on which the last of such Arbitrators shall have been appointed, or within such extended Time, if any, as shall have been appointed for that Purpose by both such Arbitrators under their Hands, the Matters referred to them shall be determined by the Umpire to be appointed as aforesaid.

If Arbitra-
tors fail to
make their
Award with-
in 21 Days,
the Matter
to be re-
ferred to the
Umpire.

XIV. And be it enacted, That the said Arbitrators and their Umpire may call for the Production of any Documents in the Pos-
[Local.] session

Power of
Arbitrators
to call for
Books, &c.

session or Power of any Party to such Arbitration which they or he may think necessary for determining the Question in dispute, and may examine the Parties and their Witnesses on Oath and administer the Oath necessary for that Purpose.

Arbitrator and Umpire to make a Declaration before acting.

XV. And be it enacted, That before any Arbitrator or Umpire shall enter into the Consideration of any Matters referred to him he shall in the Presence of a Justice make and subscribe the following Declaration :

‘ I *A.B.* do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my Skill and Ability, hear and determine the Matters referred to me under the Provisions of the Salthouse Embankment Act. *A.B.*

‘ Made and subscribed in the Presence of .’

And such Declaration shall be annexed to the Award when made, and if any Arbitrator or Umpire having made such Declaration shall wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

Costs of the Arbitration how to be borne.

XVI. And be it enacted, That all the Costs of any such Arbitration and incident thereto, to be settled by the Arbitrators, shall be borne by the Undertakers, unless the Arbitrators or Umpire shall award the same or a less Sum than shall have been offered by the Undertakers, in which Case each Party shall bear their own Costs incident to the Arbitration, and the Costs of the Arbitrators shall be borne by the Parties in equal Proportions.

Award to be delivered to the Undertakers.

XVII. And be it enacted, That the Arbitrators shall deliver their Award in Writing to the Undertakers, and the Undertakers shall retain the same, and shall forthwith on Demand, at their own Expence, furnish a Copy thereof to the other Parties to the Arbitration, and shall at all Times on Demand produce the said Award, and allow the same to be inspected and examined by such Parties or any Person appointed by such Parties for such Purpose.

Submission may be made a Rule of Court.

XVIII. And be it enacted, That the Submission to any such Arbitration may be made a Rule of any of the Superior Courts on the Application of any of the Parties.

Award not void for Error in Form.

XIX. And be it enacted, That no Award made with respect to any Question referred to Arbitration under the Provision of this Act, shall be set aside for Irregularity or Error in Matter of Form.

Arbitrators not to determine Title.

XX. Provided always, and be it enacted, That nothing in this Act contained shall authorize the Arbitrators to determine any Difference or Dispute which may arise touching the Right or Title to any Part of the said Tract of Land, Sea Shore, or Strand, or to any Lands, Tenements, or Hereditaments whatsoever, nor to determine any Right between any Parties, but that the Compensation to be awarded shall follow the Event of any Suit or Suits already commenced or prosecuted, or hereafter to be commenced or prosecuted, and may be taken by the Person or Corporation who upon the Determination of such Suit or Suits shall become entitled to the same.

XXI. And

XXI. And be it enacted, That if the Parties in any Action in any way affecting or concerning the said Embankment and Drainage shall die before the same shall be completed and adjusted, the Powers and Authorities hereby given to the said Arbitrators or Umpire shall not be thereby determined or suspended, but the said Arbitrators or Umpire shall execute the Powers given to them by this Act in such Manner as they might have done if such Parties had not died, and the Amount to be awarded to the Person so dying shall be awarded to the Person who by Descent will or otherwise shall become entitled to the same, and shall be accepted by him according to the Directions of this Act, and he shall be liable to the Charges, Expences, and other Conditions of this Act.

Death of Parties entitled not to delay Arbitrators Determination.

XXII. And be it enacted, That if any Suit shall have already been commenced or prosecuted, or shall be hereafter commenced or prosecuted, touching or concerning any Estate, Right, or Interest of any Person or Corporation whomsoever in respect of which Compensation shall be claimed as aforesaid, such Suit shall not impede, delay, or hinder the said Arbitrators or Umpire, nor the said Undertakers, from proceeding in the Execution of the several Powers vested in them respectively by this Act, but the several Objects and Purposes of this Act shall be proceeded in notwithstanding such Suit, and the said Arbitrators or Umpire shall award such Value or Compensation to the Person or Corporation who shall be in the Possession or Enjoyment of any such Estate, Right, or Interest which may be involved in such Suit, and the same shall await and follow the Event of such Suit, and may be had and taken by the Person and Corporation who upon the Determination of such Suit shall become entitled to the same.

Proceeding not to be impeded by reason of Suits pending.

XXIII. And be it enacted, That if any Money shall be agreed or awarded to be paid for any Compensation under this Act in respect of any Loss, Damage, Injury, or Prejudice to any Estate, Royalty, Interest, or Right which any Trustee, Husband, Guardian, or Committee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or Cestuique Trust, or any Person or Corporation whose Lands are limited in strict or other Settlement, or any Person or Corporation under any other Disability or Incapacity, shall be entitled unto or interested in, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery in *England*, to be placed to his Account there *ex parte* the said Undertakers, according to the general Orders of the said Court, and without Fee or Reward; and shall, when so paid, in there remain until the same shall, by Order of the said Court made upon Petition to be presented to the said Court in a summary Way by the Person or Corporation entitled to the Rents and Profits of the said Estate, Royalty, Interest, or Right in respect of which such Compensation shall be agreed upon or awarded, or of his or her Trustee, Husband, Guardian, or Committee, be applied either in the Purchase or Redemption of any Quit Rent or Crown Rent, or in or towards the Discharge of any Debt or other Incumbrance affecting any such Estate, Royalty, Interest, or Right,

Application of Compensation Money amounting to 200*l*.

or

or any other Estate, Royalty, Interest, or Right standing settled to the same or the like Uses, Trusts, Intents, and Purposes, as the said Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary, or until the same shall, upon the like Application, be laid out in a summary Way by Order of the said Court in the Purchase of Lands or Hereditaments which shall be conveyed, limited, and settled to, for, and upon the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Estate, Royalty, Interest, or Right in respect of which such Compensation shall be paid stands settled or limited; and in the meantime and until such Order can be made the said Money may, by Order of the said Court, upon such Application as aforesaid, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime and until such Annuities or Securities shall be ordered by the said Court to be sold or called in or cancelled for the Purposes aforesaid, the Dividends or Interest and annual Produce thereof shall from Time to Time be paid by Order of the said Court to the Person or Corporation who would for the Time being be entitled to the Rents and Profits of the Estate, Royalty, Interest, or Right in respect of which such Compensation has been agreed upon or awarded.

Application where Money is less than 20*l*.

XXIV. Provided always, and be it enacted, That if any Money agreed or awarded to be paid for Compensation as aforesaid to any Person or Corporation under Disability or Incapacity as aforesaid shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then the same shall, at the Option of the respective Parties for the Time being entitled to any Estate, Royalty, Interest, or Right in respect of which such Compensation shall have been agreed upon or awarded, or of their respective Husbands, Guardians, Committees, or Trustees in case of Coverture, Infancy, Lunacy, or other Incapacity, be paid into the said Bank of *England* in the Name and with the Privity of the said Accountant General, to be placed to his Account as aforesaid, in order to be applied in manner hereinbefore directed, or otherwise the same may be paid, at the like Option, to Two Trustees, to be nominated by the respective Parties exercising such Option, such Nomination being approved by the said Undertakers, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom shall by such Trustees be applied in like Manner as hereinbefore directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Chancery, but without being required to obtain any Order of the said Court touching the Application thereof.

Application where Money does not exceed 20*l*.

XXV. Provided also, and be it enacted, That when any Compensation Money so agreed upon or awarded as aforesaid shall not exceed Twenty Pounds, then the same shall be paid to the respective Persons or Corporations who shall be or would have been for the Time being entitled to any Estate, Royalty, Interest, or Right in
respect

respect of which such Compensation shall be agreed upon or awarded for their own Use and Benefit, or in case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to their respective Husbands, Guardians, or Committees, to and for the Use and Benefit of the Persons respectively entitled thereto.

XXVI. And be it enacted, That where by reason of any Disability or Incapacity of any Person or Corporation, or from any other Cause, except the wilful Refusal of such Person or Corporation to accept the Compensation Money herein mentioned, the said Compensation Money shall be required to be paid into the Bank of *England*, it shall be lawful for the said Court of Chancery to order the reasonable Costs, Charges, and Expences attending the Investment of such Compensation Money in Government or Real Securities, and of the Investment of the same, or the Government or Real Securities purchased therewith, in the Purchase of Lands, or in any other Manner authorized by this Act, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders and of all other Proceedings for such Purposes, except such as may be occasioned by Litigation between Claimants, and for the Payment of the Dividends and Interest of the Government or Real Securities as aforesaid, to be paid by the Undertakers, and the said Undertakers shall from Time to Time pay such Sums of Money for the Costs, Charges, and Expences herein-before mentioned as to the said Court shall seem fit and reasonable and as the said Court shall direct.

Court of Chancery may order reasonable Expences of Investment and Costs to be paid by the Undertakers.

XXVII. And be it enacted, That in case any Person or Corporation to whom any Compensation shall be agreed or awarded as aforesaid shall refuse to accept the same, or shall refuse, neglect, or be unable to make a good Title to any Premises in respect of any Loss, Damage, or Injury to which any such Compensation shall be awarded, to the Satisfaction of the said Undertakers, or shall be absent from *England* or cannot be found, or be not known, then and in every such Case it shall be lawful for the said Undertakers to pay any Money agreed or awarded to be paid as Compensation as aforesaid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery in *England*, to be placed to his Account to the Credit of the Parties to whom such Compensation shall have been agreed or awarded, and (describing them, so far as the said Undertakers can do so,) subject to the Control and Disposition of the said Court, which said Court, on the Application of any Person or Corporation making claim to such Money or any Part thereof, by Petition, is hereby empowered in a summary Way to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Parties making claim thereunto, and to make such other Order in the Premises as to the Court shall seem proper; and the Cashier of the Bank of *England* who shall receive such Money is hereby required to give a Receipt to the said Undertakers for such Money, mentioning and specifying therein for what and for whose Use (described as aforesaid) the same is received.

Disposal of Compensation Money.

Persons in possession presumptively entitled.

XXVIII. Provided always, and be it enacted, That when any Question shall arise touching the Title of any Person or Corporation to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery in pursuance of this Act, or to Compensation as aforesaid in respect of any Estate, Right, Title, or Interest, the Person or Corporation who shall have been in possession of the Estate, Royalty, Interest, or Right at the Time of such Compensation being agreed or awarded as aforesaid, and all Persons claiming under such Person or Corporation, or consistently with the Possession of such Person or Corporation, shall be deemed to have been lawfully entitled to such Estate, Royalty, Interest, or Right, according to such Possession, until the contrary shall be shown either to the Satisfaction of the said Court, or by the Determination of some Court of competent Jurisdiction of Law or of Equity; and the Dividends or Interest of the Annuities or Securities to be purchased with such Money, and also the Capital of such Annuities or Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the Satisfaction of the said Court that such Possession was a wrongful Possession, and that some other Person or Corporation was entitled to the said Estate, Royalty, Interest, or Right, or to some Part thereof, or to some Estate or Interest therein.

Power to erect Walls and other Works, &c.

XXIX. And be it enacted, That for the Purpose of effecting the Embankment and Drainage of the said Tract of Land, Sea Shore, or Strand, and other Works hereby authorized, it shall be lawful for the said Undertakers, their Deputies, Agents, Workmen, and Servants, to make, erect, alter, and maintain good and sufficient Walls, Banks, and Fences, and also such Waterways, Tunnels, Engines, Sluices, Roads, Ways, and other Works, in, upon, through, or over the said Tract of Land, Sea Shore, or Strand, and also to divert or turn the Course over the said Tract of Land, Sea Shore, or Strand of any River, Stream, Creek, Drain, or Water which does or shall flow in, through, over, or upon the said Tract of Land, Sea Shore, or Strand, and to embank such Rivers, Streams, Creeks, Drains, or Waters, and to use and employ the said Tract of Land, Sea Shore, or Strand in such Manner as to the said Undertakers shall seem fit and proper.

Works to be under the Control of Admiralty.

XXX. And be it enacted, That it shall not be lawful for the said Undertakers to construct on the said Tract of Land, Sea Shore, or Strand, or at any other Place where and so far up the same as the Tide flows and reflows, any Embankment or Works of any Description, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Lord High Admiral or the said Commissioners may approve of, such Approval being signified as last aforesaid; and where any such Embankment or Work shall have been constructed, it shall not be lawful for the said Undertakers at any Time to alter or extend the same without obtaining, previously to making such Alteration or Extension, the like

Consent

Consent or Approval; and if any such Embankment or Work shall be commenced or completed contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral to abate and remove the same, and to restore the Site thereof to its former Condition, at the Costs and Charges of the Undertakers, and the Amount thereof shall be a Debt due to the Crown, and shall and may be recovered accordingly.

XXXI. And be it enacted, That the Line of the said Embankment by this Act authorized and empowered to be made by the said Undertakers shall take a fair Curve from *Barrow* to *Westfield Point*, not projecting to the Westward of *Headon Haw*, and such Curve and Line and all other the Works connected with the said Embankment, shall be executed to the Satisfaction of the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral of *Great Britain* and *Ireland*, to be signified in Writing under the Hand of the Secretary of the Admiralty.

Line of Embankment.

XXXII. And be it enacted, That the said Undertakers shall from Time to Time remove every Obstruction which may in the Opinion of the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral be caused by any of the Works of the said Undertakers in the *Barrow* and *Piel* Channels, or either of them, or in any Channel or Channels leading thereto, and shall keep and maintain the *Barrow* and *Piel* Channels and the said other Channels at all Times hereafter from all Injury or Detriment which in the same Opinion may be caused or be likely to arise by reason or in consequence of any of the Works of the said Undertakers; and in case the said Undertakers shall neglect or refuse to remove any such Obstruction, or shall not keep and maintain all such Channels in manner aforesaid, then the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral are to be at liberty, and they are hereby authorized and empowered, to do or cause to be done at any Time and from Time to Time all and every such Act and Acts as he or they may consider necessary to remove all and every such Obstructions or Obstruction, and to keep and maintain such Channels as aforesaid at the Costs of the said Undertakers; and the Amount of the Expences so incurred shall be a Debt due to the Crown, and shall and may be recovered accordingly; and further, that every such Debt until paid shall be a direct and the first Lien or Charge upon all the said Tract of Land, Sea Shore, or Strand hereby authorized to be embanked and drained.

Providing against Injury to the *Piel* and *Barrow* Channels.

XXXIII. And whereas Doubts are entertained whether the Depth of Water over the Bar at the Entrance of *Piel* Harbour may not be diminished, or the said Harbour be prejudicially affected, by the proposed Works, and it is desirable that Provision should be made to avoid any such Interference with the said Harbour or the Bar at the Entrance thereof; be it therefore enacted, That it shall be lawful for the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral for the Time being, upon Representation in Writing being

Providing against Injury to *Piel* Harbour.

being made to him or them that a Diminution of Water on the said Bar or an Injury to the said Harbour has been caused by the said Embankment, or by any of the Works connected therewith or hereby authorized to be made, by Writing under the Hand of the Secretary of the Admiralty for the Time being, to direct or cause Inquiry to be made whether or not by reason of such Embankment or Works any Diminution of Water on the said Bar has taken place or any Injury has been caused to the said Harbour; and if it shall appear to the said Lord High Admiral or the said Commissioners for the Time being that any such Diminution of Water or any other Injury to the said Harbour has been caused by the said Embankment or Works, it shall be lawful for the said Lord High Admiral or the said Commissioners for the Time being, by Writing under the Hand of the Secretary of the Admiralty for the Time being, to require the said Undertakers to abate and remove any Obstruction to the Water on the said Bar or in the said Harbour, and to restore the said Bar and Harbour respectively to their present Condition; and if the said Undertakers shall neglect or refuse to do so, it shall be lawful for the said Lord High Admiral or the said Commissioners for the Time being to take all such Measures as he or they may deem necessary or expedient for restoring the said Bar and Harbour respectively to their present Condition, and if necessary to abate and remove the said Embankment and Works; and the Amount of the Costs and Charges to be incurred or sustained by the said Lord High Admiral or Commissioners, as the Case may be, shall be and shall be deemed and considered to be a Debt due to the Crown from the said Undertakers, and shall and may be recovered accordingly; and further that every such Debt until paid shall be a direct Lien or Charge upon all the Tract of Land, Sea Shore, or Strand hereby authorized to be reclaimed and drained.

Providing
against In-
jury to Piel
Pier.

6 & 7 Vict.
c. 42.

XXXIV. And whereas Doubts are also entertained whether Injury may not be occasioned by the said Embankment or other Works of the said Undertakers to the Pier or other Works lately erected or now being erected by *John Abel Smith* Esquire, under the Powers of an Act of Parliament passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for erecting and maintaining a Pier in Piel Harbour in the Parish of Dalton in Furness in the County Palatine of Lancaster*, and it is expedient that Provision should be made for protecting the said Pier and other Works of the said *John Abel Smith* from any such Injury; be it therefore enacted, That it shall be lawful for the said Lord High Admiral or the said Commissioners for the Time being, upon Representation being made to him or them by the said *John Abel Smith*, his Heirs or Assigns, Owners of the said Pier for the Time being, that Injury has been caused to the said Pier or other Works of the said *John Abel Smith* by the said Embankment or other Works of the said Undertakers, to make Inquiries or to cause Inquiries to be made as to the Cause of any such Injury; and if it shall appear to the said Lord High Admiral, or the said Commissioners for the Time being, that such Injury has been caused either wholly or in part by the said Embankment or other Works of the said Undertaking, it shall be lawful for the said Lord High Admiral or the said Commissioners for the Time being

being to take all such Measures as he or they may deem necessary or expedient for abating and removing all Obstructions occasioned by the said Embankment and other Works of the said Undertakers, and for restoring the said Pier and other Works of the said *John Abel Smith* to their present Condition, in like Manner in all respects as is herein-before provided in case of any Injury or Obstruction to the said Bar and Harbour of *Piel*; and the Amount of the Costs and Charges to be incurred or sustained by the said Lord High Admiral or Commissioners, as the Case may be, shall be and shall be deemed and considered to be a Debt due to the Crown from the said Undertakers, and shall and may be recovered accordingly; and further, that every such Debt until paid shall be a direct Lien or Charge upon all the said Tract of Land, Sea Shore, or Strand hereby authorized to be reclaimed and drained.

XXXV. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to empower the said Undertakers, their Heirs or Assigns, to injure the draining of the Lands adjoining the said Tract of Land, Sea Shore, or Strand to be embanked and drained by virtue of this Act, nor to prevent or impede the free Discharge of the Waters of any of the Rivers, Streams, or Creeks running from such adjoining Lands.

Undertakers not to injure the Drainage of adjoining Lands.

XXXVI. And be it enacted, That all the said Tract of Land, Sea Shore, or Strand hereby authorized to be embanked and drained, together with all yearly and other Profits thereof, shall henceforth be and the same are hereby, subject to the Provisoes and Reservations of Rights herein contained, vested in the said Undertakers, in such Shares and Proportions as shall be agreed upon between themselves, to the Uses and in manner herein-after mentioned.

Reclaimed Lands vested in the Undertakers.

XXXVII. And be it enacted, That the Share of the said *Walter Francis* Duke of *Buccleuch* and *Queensberry* of the said Tract of Land, Sea Shore, or Strand shall remain and be to, for, and upon such and the same Uses, Trusts, Intents, and Purposes, and for such and the same Estates, Terms, and Interests, and with, under, and subject to such and the same Wills, Settlements, Limitations, and Remainders, Conditions, Charges, and Incumbrances, in all respects, as those to, for, upon, under, and subject to which the said Manor of *Plain Furness* now stands limited, settled, subject, or liable to.

Uses, &c. of Share of the Duke of Buccleuch.

XXXVIII. And be it enacted, That the Share of the said *William* Earl of *Burlington* of the said Tract of Land, Sea Shore, or Strand shall remain and be to, for, and upon such and the same Uses, Trusts, Intents, and Purposes, and for such and the same Terms, Estates, and Interests, and with, under, and subject to such and the same Wills, Settlements, Limitations, and Remainders, Conditions, Charges, and Incumbrances, in all respects, as those to, for, under, and subject to which the said Fisheries of *Rampside*, *Walney*, and *Duddon* now stand limited, settled, subject, or liable to.

Uses, &c. of Share of the Earl of Burlington.

XXXIX. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to confer upon the said Undertakers any Right, Title, Claim, or Property to or in the

Undertakers to have no Property in the Sea-

weed or
Shells out-
side the Em-
bankment.

Land, Sea Shore, or Strand, or to the Seaweed or Shells growing, deposited, or found thereon, which may be outside any Embankments that shall be constructed or formed under the Authority of this Act, contrary to or against any Right, Title, Claim, or Interest of Her Majesty in right of Her Crown, or any Corporation or Person whomsoever.

Undertakers
to provide
Roads, &c.

XL. And in order to prevent any Inconvenience which might arise from the Loss or Difficulty of Access to the Sea by the said Embankment and Drainage, be it enacted, That the said Undertakers shall continue over the said Tract of Land, Sea Shore, or Strand all the Roads which at the Time of the passing of this Act extend to or terminate in or upon or are contiguous to the said Tract of Land, Sea Shore, or Strand in as direct a Line as Circumstances will permit as far as the said Embankment; and the said Undertakers shall allow to the Public the free landing and loading over the Embankment, at the Termination of the said Roads, or in other necessary and convenient Places, of all Goods, Wares, or Merchandize, Shells, Seaweed, or Manure, but nothing herein contained shall authorize the landing or loading of Goods, Wares, or Merchandize to, from, or upon Boats, Lighters, or other Vessels at any other Parts of the said Embankment than the public and free Landing Places so to be appointed.

Power to
Undertakers
to borrow
Money for
the Purposes
of the Act.

XLI. And be it enacted, That it shall be lawful for the said Undertakers from Time to Time to borrow and take up at Interest, by way of Mortgage or on Bond, any Sum or Sums of Money on the Credit of the said Undertaking, or by way of Charge on the said Lands, and the said Undertakers are hereby empowered to mortgage and charge the said Lands and Works and other Property therewith connected, or any Part thereof respectively, by way of Security for any such Money so to be borrowed as aforesaid, with the Interest thereon, to or for the Benefit of the Party who shall lend the same, and all such Mortgages shall be in such Form as such Undertakers and Parties lending shall agree upon: Provided always, that in case any Sum of Money so to be borrowed shall be paid off, it shall be lawful for the said Undertakers either to borrow a further Sum in lieu thereof in like Manner, or to concur with the original Lender in assigning the Bond or Mortgage to a Third Party who may be willing to advance such Money.

Deed Poll,
&c. to be
executed
by Under-
takers duly
stamped.

XLII. And be it enacted, That the said Undertakers shall execute a Deed Poll declaring the Circumstances under which any Compensation Money payable under this Act shall have been awarded and paid as aforesaid, and such Deed Poll shall be duly stamped with the Stamp Duty which would have been payable upon a Deed of Conveyance made in consideration of the said Compensation Money; and every Mortgage or other Security for Money, and every Transfer of such Mortgage or other Security, to be granted or made by virtue of this Act, shall be by Deed duly stamped wherein the Consideration for the same shall be duly stated.

Limiting the
Time for
commencing
and com-

XLIII. Provided always, and be it enacted, That in case the said Embankment and Drainage shall not have commenced within Four Years after the passing of this Act, and in case the said Embankment

and Drainage shall not be completed, so that the said Tract of Land, Sea Shore, or Strand be improved and fit for Use or Occupation within Fifteen Years to be computed from the passing of this Act, then and in either of such Cases, from and immediately after the Expiration of the said several Terms, all the Powers, Authorities, and Privileges given by this Act shall absolutely cease and determine, and thereupon the said Tract of Land, Sea Shore, or Strand shall revert to the Owners thereof as if this Act had not been passed.

pleting the Works.

XLIV. Provided always, and be it enacted, 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*.

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

XLV. Saving always unto all and every Persons, Body Politic and Corporate, his, her, or their Heirs and Successors, Executors and Administrators, all such Estate, Right, Title, Interest, Claim, and Demand, other than and except such as are expressly barred and extinguished by this Act, or as are paid for or compensated for in pursuance of this Act, as they, every, or any of them could have had, held, and enjoyed of, in, to, or out of the said Tract of Land, Sea Shore, or Strand authorized to be embanked and drained by virtue of this Act or any Part thereof in case this Act had not been passed.

General Saving of Rights.

XLVI. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such.

Public Act.

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