



ANNO DECIMO SEXTO & DECIMO SEPTIMO

# VICTORIÆ REGINÆ.

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## *Cap. cxix.*

An Act to authorize the Abandonment of the *Carlisle* Canal, and the making of a Railway in lieu thereof, from the *Newcastle-upon-Tyne* and *Carlisle* Railway, at *Carlisle*, to *Port Carlisle*; to repeal the Acts relating to the *Carlisle* Canal and Docks, and to re-incorporate the Company; to authorize the raising of a further Sum of Money; and to confer additional Powers; and for other Purposes. [4th August 1853.]

**W**HEREAS by the Local and Personal Act, 59 *George III.*, Chapter 13, intituled *An Act for making and maintaining a navigable Canal from or from near the City* 59 G. 3.  
c. xiii.  
of *Carlisle* to the *Solway Frith* at or near *Fisher's Cross* in the *Parish* of *Bowness* in the *County* of *Cumberland*, and herein-after referred to as "the *Canal Act*," certain Persons were incorporated by the Name of "The *Carlisle* Canal Company," and were thereby empowered to make and maintain a Cut or Canal for the Navigation of Boats, Barges, and other Vessels from or from near the City of *Carlisle*, in or through the several Townships and Parishes in the

[*Local.*] 21 N said

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c. lx.

said Act mentioned, to the *Solway Frith* at or near *Fisher's Cross*, since known by the Name of "*Port Carlisle*," in the said Parish of *Bowness*, together with other Works and Conveniences connected therewith: And whereas the Company were by the said Act authorized to raise by Shares such Sums of Money as they should think necessary for the Purposes of the said Undertaking, not exceeding in the whole the Sum of Eighty thousand Pounds; and in case the said Sum of Eighty thousand Pounds should be found insufficient, the Company were authorized to raise, either among themselves or by the Creation of new Shares, or to borrow and take up at Interest on the Credit of the said Undertaking, any further Sum or Sums of Money not exceeding the Sum of Forty thousand Pounds: And whereas the Company, under the Powers of the said Act, have made and completed the said Canal: And whereas by the Local and Personal Act, 6 and 7 *William IV.*, Chapter 60, intituled *An Act to enable the Carlisle Canal Company to make a Dock or Docks at Port Carlisle otherwise Fisher's Cross, and for amending and enlarging the Powers and Provisions of the Act for making and maintaining the said Canal*, and herein-after referred to as "*the Dock Act*," the Company were empowered to make and construct a Dock or Docks or Basin or Basins in and upon the Land or Ground of the Company at *Port Carlisle* in the Parish of *Bowness* in the County of *Cumberland*, and the Beach or Strand in front of or adjoining thereto, and the Company were authorized to make, construct, erect, build, and maintain, and from Time to Time to keep in repair, such Piers, Jetties, Breakwaters, Quays, Wharfs, Slips, Walls, Banks, Locks, Weirs, Sluices, Tunnels, Cuts, Channels, and other Works, and to do, execute, and perform all such Acts, Matters, and Things in and upon such Land or Ground, Beach or Strand, and in the Channel of the said *Solway Frith*, as they should think necessary and proper for making, constructing, and maintaining the said Dock or Docks, Basin or Basins, and for making the same fit for the Reception, Accommodation, and Security of Ships and Vessels resorting to the said Canal, and for the more convenient lading and unlading of such Ships and Vessels, and for facilitating the Access to and increasing the Convenience or Security of the said Dock or Docks or Basin or Basins, and for preventing Mud, Gravel, Soil, Filth, and other Matters from stopping up and injuring the same, and also to erect and build such Warehouses and other Buildings for the Reception and safe Custody of Goods, Wares, and Merchandise, and all such Dwelling Houses and Conveniences as should be necessary for the Purposes of the said Docks or Basins, and to demand certain Tolls or Rates for the Use thereof: And whereas by the Dock Act the Company were empowered, for the Purposes of the Works thereby authorized, to raise by

Mortgage

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Mortgage on the Credit of their said Undertaking any Sum not exceeding the Sum of Forty thousand Pounds; and in order to provide for the Liquidation of the Debt owing by the Company under the Authority of the Canal Act and Dock Act, or either of them, the Company were empowered to raise the whole or any Part of the said Debt by the Issue of new Shares in the Manner therein mentioned, or to divide the said Debt proportionally amongst the whole of the Shares for the Time being of the Company, burdening each Share with a Sum bearing the same Proportion to the whole Debt which such Share bore to the total Number of Shares, and with Interest on such proportional Sum at a Rate to be fixed by the Company, and after such Division or Apportionment every Share should be liable to the Payment of the proportional Sum and Interest charged thereon, and should not be liable for any other Part of the said Debt, but subject nevertheless and without Prejudice to the Rights and Remedies of any Creditor as against the Company: And whereas, under the Powers of the Dock Act, the Company have constructed a Dock and Basin and other Works at *Port Carlisle*, and by means of the *Carlisle Canal*, and of the *Newcastle-upon-Tyne and Carlisle Railway*, which runs into the Station of the said Canal Company at *Carlisle*, a direct Communication is formed between *Port Carlisle* and *Newcastle-upon-Tyne*: And whereas the Company, under the Powers of the Canal Act, issued One thousand four hundred and seventy-five Shares of Fifty Pounds each, but Sixty-three of the said Shares have since been forfeited for the Non-payment of Calls, and the Share Capital of the Company now consists of the Sum of Seventy thousand six hundred Pounds, divided into One thousand four hundred and twelve Shares of Fifty Pounds each, all paid up in full: And whereas the Company, under the Powers of the Canal Act, have raised various Sums of Money, and there is now owing on the Security of Mortgages, and of Promissory Notes in the Nature of Mortgages, created under that Act, and constituting the First Charge on the said Undertaking, various Principal Sums of Money amounting together to the Sum of Forty-four thousand three hundred and seventy Pounds: And whereas the Company, under the Powers of the Dock Act, have raised various Sums of Money, and there is now owing on the Security of Mortgages created under that Act, and constituting the Second Charge on the said Undertaking, various Sums of Money amounting together to the Sum of Twenty-seven thousand six hundred and forty-five Pounds: And whereas, in the Year One thousand eight hundred and forty-four, the Company, for the Purpose of raising Money to pay off the Mortgage Debts of the Company, apportioned the said Debts amongst the Shares of the Company in the Manner authorized by the Dock Act, but such Apportionment has proved prejudicial to the Proprietors, and has not enabled the Company to obtain from them  
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the Money necessary to discharge the said Mortgage Debts, the Sum of One thousand five hundred and twenty-two Pounds Ten Shillings only having been paid by Eight of the Shareholders, who have received Interest thereon up to the Thirtieth Day of *June* One thousand eight hundred and fifty-one at the Rate of Four Pounds Ten Shillings *per Centum per Annum*, which Sum of One thousand five hundred and twenty-two Pounds Ten Shillings was applied in paying off the like Amount of the then existing Mortgage Debt of the Company: And whereas the Traffic on the said Canal has greatly diminished, and the Revenue of the Company arising from the said Canal and Dock is insufficient to pay the Interest on the existing Mortgage Debt or Securities of the Company, and the whole of the Interest upon such Debt from the First Day of *January* One thousand eight hundred and fifty-one is owing to the Holders of such Securities: And whereas it would be beneficial to the Proprietors and Mortgagees of the said Canal and Dock, and also to the Public, if the said Canal were converted into a Railway, and such Railway were made to communicate with the *Newcastle-upon-Tyne and Carlisle* Railway at *Carlisle*, so as to form One continuous Line of Railway Communication from the Dock of the Company at *Port Carlisle* to *Newcastle-upon-Tyne*: And whereas nearly the whole of the Line and Lands of the said Canal can be used for the Site of the said Railway, and it is estimated that such Railway can be constructed at a Cost not exceeding Thirty-five thousand Pounds: And whereas it is expedient that the Company should be authorized to raise the Sum of Thirty-five thousand Pounds by the Creation of Preference Shares bearing a guaranteed Rate of Dividend, and entitling the Holders thereof to Priority over the existing Mortgage and other Debts of the Company: And whereas the existing Mortgagees of the Company, holding Securities to the Amount of Seventy thousand eight hundred and sixty-five Pounds, and the Holders of the said Sum of One thousand five hundred and twenty-two Pounds Ten Shillings, have consented to the Conversion of the said Canal into a Railway, and to the Creation of such Preference Shares taking Priority over their existing Mortgages and other Securities, and the Holders of the Sum of One thousand one hundred and fifty Pounds, the Residue of the said Mortgage Debt, having received Notice of the Application for the said Bill, have not dissented thereto: And whereas there are no existing Preference Shares in the Capital of the Company: And whereas it is expedient that the Company should be authorized to raise Money by the Creation of Preference Shares or Stock, for the Purpose of paying off and capitalizing the existing Mortgage Debts of the Company, and it would be convenient and advantageous to the Company if the original paid-up Share Capital of the Company were consolidated into Stock: And whereas, for effectuating the Objects and Purposes aforesaid, and making Provision for the convenient  
working

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working of the said Railway, it is expedient that further Powers should be granted to the Company, and the same could be most conveniently effected if the said recited Acts were repealed, and the Company re-incorporated, and new and further Powers conferred on the Company; but this cannot be done 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, in manner following; that is to say,

I. That this Act may be cited for all Purposes as "The *Port Carlisle Dock and Railway Act, 1853.*" Short Title.

II. That, subject as herein-after provided, the said recited Acts shall be and the same are hereby repealed: Provided always, that so long as any Portion of the said Canal shall continue to be used for the Purposes of Navigation, so much of the Clauses and Provisions of the Canal Act as authorizes the Company to demand and recover Rates, Tolls, and Duties for Articles, Matters, and Things conveyed upon the Canal, and as regulates the Mode of charging such Rates, Tolls, and Duties, and authorizes the varying or altering of such Rates, Tolls, or Duties, and as provides for the Mode of ascertaining the Weight of Goods, and requires Masters of Boats to give Account of Lading, and provides for Disputes respecting the Weight of Goods, and for Payment of the Costs of weighing, and as empowers Justices, upon Application of the Company, to fix the Sums to be paid for Parcels, and as provides that the Navigation shall be free upon the Payment of Tolls, and as prohibits Persons from keeping a Passage Boat without the Licence of the Company, and imposes Penalties on Persons evading Tolls, and as prescribes the Build and Construction of Vessels to be used on the said Canal, and as regulates the Mode in which Vessels shall pass the Locks on the said Canal, and imposes a Penalty on Persons leaving open Drawbridges or unnecessarily opening the same, and as imposes a Penalty on Boats obstructing the Navigation, and as requires Boats sunk to be weighed up, and as requires the Names of the Owners of Boats to be painted on the Outside, and as requires the Masters of Boats to permit the same to be gauged when required by the Company, and graduated Indexes to be affixed thereto, and as makes the Owners of Boats answerable for Damage done by their Vessels, Horses, or Servants, and as enables Owners to recover Penalties and Damages from their Servants, and as imposes a Penalty on Persons floating Timber on the Canal contrary to the Directions of the Company, or in any Manner obstructing the Navigation, or throwing Ballast, Stones, or Rubbish into the Canal, or unnecessarily opening the Locks, or wasting the Water, or hindering

Recited Acts  
repealed.

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the Execution of the Canal Act, and as imposes a Penalty on Persons bathing in the Canal, and also so much of any other Provisions of the said Act as are necessary for the working, Management, and Protection of the said Canal and the Traffic thereof and the Revenue arising therefrom, shall, notwithstanding the Repeal of the Canal Act, be and remain in full Force, and shall and may be exercised and put in force by or against the Company hereby incorporated, in the same Manner in all respects as if such Company or the Directors thereof had been named in such Clauses and Provisions, instead of the Company incorporated by the Canal Act, or the Committee of Management thereof.

8 & 9 Vict.  
cc. 16., 18.,  
and 20., ex-  
tended to  
this Act.

III. 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.

Certain Pro-  
visions of  
10 & 11 Vict.  
c. 27. ex-  
tended to  
this Act.

IV. That "The Harbours, Docks, and Piers Clauses Act, 1847," except Sections 14 and 15, as to Accommodation for Custom House Officers, Sections 16 and 17, as to providing Life Boats, and Sections 18 and 19, as to providing Tide Gauge and Barometer, shall be incorporated with and form Part of this Act.

Interpreta-  
tion of  
Terms.

V. That in construing "The Companies Clauses Consolidation Act," "The Lands Clauses Consolidation Act," and "The Harbours, Docks, and Piers Clauses Act," as incorporated with this Act, the Expression "the Special Act" shall mean this Act; and the Expression "the Works," or "the Undertaking," shall mean the Dock, Canal, and Works by this Act vested in the Company incorporated by this Act, as well as the Railway and Works by this Act authorized; the Expression "the Harbour, Dock, or Pier" shall mean the said Dock and Works; the Expression "the Promoters of the Undertaking," or "the Undertakers," shall mean the Company incorporated by this Act; and in construing this Act the Word "Company" shall mean the Company incorporated by this Act; the Word "Undertaking" shall mean the Dock, Canal, and Railway Undertakings of the Company; the Word "Mortgages" shall include Promissory Notes in the Nature of Mortgages created or issued under the Canal Act; and the Expression "Mortgage Debts" shall include Sums secured by such Promissory Notes, as well as Sums secured by Mortgages; unless in any of the Cases aforesaid there be something either in the Subject or Context repugnant to such Construction.

Re-incorpo-  
ration of  
Company.

VI. That from and immediately after the passing of this Act the several Persons and Corporations who immediately before the passing thereof were Proprietors of Shares in the Company incorporated by the

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the Canal Act, and all other Persons and Corporations who shall hereafter subscribe towards the Undertaking of the Company hereby incorporated, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of maintaining and working the Docks and Works made or authorized to be made by the Dock Act, and also, until the same shall be used for the Purpose of the Railway authorized by this Act, of maintaining and working the Canal and Works made under the Authority of the Canal Act, and also of making, maintaining, and working the Railway and Works by this Act authorized; and for the Purposes aforesaid such Persons and Corporations shall be incorporated by the Name of "The *Port Carlisle* Dock and Railway Company," and by that Name shall be a Body Corporate, and have a Common Seal, with perpetual Succession, and shall have Power to purchase, hold, sell, and dispose of Lands for the Purposes of the said Undertaking so vested in them or authorized by this Act; and the Common Seal of the Company incorporated by the Canal Act shall be the Common Seal of the Company hereby incorporated, until a new Common Seal be made and adopted by the Company.

VII. That the Dock Undertaking of the Company hereby incorporated shall consist of the Docks and Basins at *Port Carlisle* aforesaid, and the Locks, Quays, Wharfs, Piers, Jetties, and other Works and Lands connected therewith, or with the Channels and Entrances thereto, which at the Time of the passing of this Act were vested in or authorized to be constructed by the Company incorporated by the Canal Act, and of all additional Works to be connected with the said Docks and Basins which may be executed by the Company under the Powers contained in the Dock Act, and re-enacted by this Act.

Defining the Dock Undertaking of the Company.

VIII. That the Canal Undertaking of the Company hereby incorporated shall consist of the Canal from the City of *Carlisle* to *Port Carlisle*, and of the Reservoirs, Cuts, Drains, Quays, Landing Places, Tramways, Warehouses, Yards, Engines, and other Works connected therewith or used for the Purposes thereof which immediately before the passing of this Act were vested in or authorized to be made by the existing Company, under the Powers of the Canal Act, or of so much thereof as shall not be abandoned or relinquished under the Powers for that Purpose herein-after contained.

Defining the Canal Undertaking of the Company.

IX. That the Railway Undertaking of the Company hereby incorporated shall consist of the Railway and Works by this Act authorized to be executed and maintained by the Company.

Defining the Railway Undertaking of the Company.

X. That all the Docks, Basins, Outfalls, Improvements, Piers, Jetties, Wharfs, Quays, Canals, Navigations, Cuts, Reservoirs, Tramways, and

Docks, Canals, and Works

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vested in the  
Company.

and other Works, Lands, Buildings, Rents, Tenements, Rights, Powers, Privileges, Exemptions, Easements, Hereditaments, and Real Estate whatsoever, and the Benefit of all Contracts, Agreements, and Proceedings in any way relating thereto, and also all Choses in Action and Personal Estate and Effects whatsoever, which were respectively vested in or belonged to the Company incorporated by the Canal Act immediately before the passing of this Act, or which would have become vested in or belonged to them if this Act had not been passed, shall after the passing of this Act be well and effectually vested in and belong to the Company hereby incorporated, for their absolute Benefit.

Grants, Con-  
veyances,  
&c. to con-  
tinue in  
force.

XI. That all Acts of Parliament and Provisions of Acts, other than and except the Acts and Provisions of Acts hereby specially repealed, and all Gifts, Grants, Conveyances, Leases, Assignments, Assurances, Purchases, Sales, Titles by Possession and otherwise, Covenants, Contracts, Agreements, Debts, Mortgages, Bonds, Promissory Notes, Securities, Liabilities, Verdicts, Judgments, Decrees, Orders, Inquisitions, Processes, Awards, Consents, Approvals, Certificates, Notices, and other Matters and Things enacted, made, executed, entered into, acquired, obtained, issued, incurred, served, published, or given to, with, from, by, upon, in favour of or against or in reference to the Company incorporated by the Canal Act, shall from and after the passing of this Act be as good, valid, and effectual upon or in favour of or against or in reference to the Company hereby incorporated as the same respectively were good, valid, and effectual immediately before the passing of this Act upon or in favour of or against or in reference to the Company incorporated by the Canal Act, and the Company hereby incorporated shall be considered as identical with the Company incorporated by the Canal Act, in reference to all such Matters, as well as in reference to all other Transactions of and Matters relating to the said Company.

Actions, &c.  
not to abate.

XI. That no Action, Suit, Prosecution, Appeal or Notice of Appeal, Order or Decision of Justices, or Matter pending before Justices, Distress, Entry, Execution, Arbitration, or other Proceeding whatsoever, commenced, carried on, levied, given, or made by, against, or in reference to the Company incorporated by the Canal Act, previously to the passing of this Act, shall abate or be discontinued, annulled, or prejudicially affected by this Act, but, on the contrary, the same shall continue and take effect in favour of or against or in reference to the Company hereby incorporated, in the same manner in all respects as the same would have continued and taken effect in favour of or against or in reference to the said Company incorporated by the Canal Act if this Act had not been passed; and all Penalties incurred by or for any Offence against the Provisions of the



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the hereby repealed Acts, or any of them, or against any Byelaw or Regulation of or concerning the Company incorporated by the Canal Act, previously to the passing of this Act, shall and may be sued for, proceeded for, and recovered, and all Offences which may have been committed before the passing of this Act against the Provisions of the hereby repealed Acts, or either of them, or any such Byelaw or Regulation, may be prosecuted, in such or the like Manner, to all Intents and Purposes, as the same might have been sued for and prosecuted respectively if this Act had not passed, the Company hereby incorporated being, in reference to the Matters aforesaid, in all respects considered identical with the Company incorporated by the Canal Act.

XIII. That nothing in this Act contained shall be held to prejudice or affect any Right or Cause of Action or Suit, or any Remedy, which the Company incorporated by the Canal Act had against any Person or Corporation, or which any Person or Corporation had against the said Company, at the Time of the passing of this Act, but that all such Rights, Causes, and Remedies may be enforced and prosecuted by or against the Company hereby incorporated, in like Manner and within the same Periods as the same might have been enforced or prosecuted by or against the Company incorporated by the Canal Act if this Act had not been passed.

Rights of  
Action  
saved.

XIV. That nothing in this Act contained shall be held or construed to annul, prejudice, or affect any Resolution or Order of any Meeting of the Proprietors of the Company incorporated by the Canal Act, or of the Committee of Management thereof, or of any Committee of such Committee, nor any Call, Notice of Call, Register of Shareholders, Shareholders' Address Book, Register of Transfers, Shares, Mortgages, Bonds, Promissory Notes, Books of Account, or other Registers or Books whatsoever, of or relating to the same Company, or any of them, but all such Resolutions and Orders, Calls, Notices, Registers, and Books respectively shall, notwithstanding the passing of this Act, continue in full Force and Effect, and be applicable (subject to the Provisions of this Act) to the Company hereby incorporated, in like Manner and to the like Extent as they would have continued and been applicable to the Company incorporated by the Canal Act if this Act had not been passed.

Act not to  
affect Reso-  
lutions or  
Orders of  
Meetings of  
Proprietors,  
Directors,  
&c.

XV. That in all Cases in which, under the Provisions of either of the Acts hereby repealed, any Sum of Money has already been paid by the Company incorporated by the Canal Act into the Bank of *England*, or to any Trustee or Trustees, on account of the Purchase of any Land or any Interest therein, or for any Compensation or Satisfaction, or on any other Account, such Sum, or the Stocks, Funds, or Securities in or upon which the same has been or shall be

Monies be-  
longing to  
incapacita-  
ted Persons  
to be applied  
according to  
Provisions of  
Acts under  
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chase made.

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invested,

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invested, either by the Order of the Court of Exchequer or the Court of Chancery, or otherwise howsoever, and the Interest, Dividends, and annual Produce thereof, shall be applied and disposed of pursuant to the Act or Acts under which the same has been so paid into the Bank of *England* or to such Trustee or Trustees as aforesaid, or pursuant to the Act or Acts under which the same would have been applied and disposed of if this Act had not been passed; and all the Clauses, Provisions, Powers, and Authorities contained in such Act or Acts respectively in relation to such Monies, Stocks, Funds, and Securities, and the Interest, Dividends, and annual Produce thereof, shall for the Purposes of this Act remain in full Force, and shall be construed and taken as if the Company hereby incorporated were named in each such Act instead of the Company to which such Act relates.

Present Officers, &c. continued until removed.

XVI. That all Arbitrators, Umpires, Valuers, Surveyors, Receivers of Tolls, Constables, Auditors, Officers, Clerks, Servants, and Nominees whatsoever, appointed by or for or relating to the Company incorporated by the Canal Act, at the Time of the passing of this Act, shall continue in and hold their respective Appointments, Offices, and Employments, according to the Terms and Exigencies thereof, until the Determination thereof, or until the Removal therefrom by the Company hereby incorporated, or otherwise in due Course of Law; and all such Arbitrators, Umpires, Valuers, Surveyors, Receivers, Constables, Auditors, Officers, Clerks, Servants, and Nominees shall have the same Duties, Powers, Privileges, and Advantages, and shall be liable to the same Responsibilities, Penalties, Obligations, Restrictions, and Regulations, as if they had been appointed under this Act, and all Acts, Matters, and Things made, done, or permitted by them respectively, in their respective Appointments, Offices, and Employments, before the passing of this Act, shall be as good, valid, and effectual, to all Intents and Purposes, and have reference to the Company hereby incorporated, in like Manner and to the like Extent as they would have been good, valid, and effectual, and had reference to the Company incorporated by the Canal Act, if this Act had not been passed.

Officers under former Acts to account.

XVII. That all Officers and Persons who on the passing of this Act shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, or any Effects, under or by virtue of either of the Acts relating to the Company incorporated by the Canal Act, shall account for and deliver up all such Money, Books, Documents, Papers, Writings, or other Effects to the Company hereby incorporated, or to such Person as they shall appoint to receive the same, in the same Manner, and subject to the same Process, Pains, and Penalties for Refusal or Neglect, as if such  
Officers

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Officers or Persons had been appointed and had become possessed of such Money, Books, Documents, Papers, Writings, or other Effects under the Provisions of this Act.

XVIII. That all Tolls, Rates, and Charges, and all Byelaws, Rules, and Regulations, which immediately before the passing of this Act were in force upon, concerning, or in respect of the Dock and Canal Undertakings of the Company incorporated by the Canal Act, or any of them, shall after the passing of this Act continue and be in full Force and Effect upon, concerning, or in respect of the same Undertakings respectively, subject nevertheless as the same may be specially repealed or altered under the Powers of this Act.

Existing  
Tolls and  
Byelaws to  
remain in  
force.

XIX. That all Share Registers and other Registers, Books, Verdicts, and other Matters of Record and Documents whatsoever, and all Byelaws, Rules, and Regulations, and all certified and other authenticated Copies or Extracts of or from Registers, Books, Records, Documents, Byelaws, Rules, and Regulations, made, kept, recorded, certified, and authenticated under or in pursuance of the Acts hereby wholly or in part repealed, and which by any such Acts or otherwise were made Evidence or authorized to be given in Evidence, shall, notwithstanding the Repeal of such Acts, and the Re-incorporation by this Act of "The *Carlisle* Canal Company" by the Name of "The *Port Carlisle* Dock and Railway Company," be admitted as Evidence in all Courts of Law and Equity and elsewhere, as fully and effectually as the same respectively would or might have been admitted if this Act had not passed.

Books, &c.  
to be Evi-  
dence.

XX. That the several Maps, Plans, Sections, and Books of Reference, and Corrections and Certificates of Correction of Maps, Plans, Sections, and Books of Reference, which, prior to or in pursuance of the herein-before recited Acts or either of them, have been deposited with the Clerk of the Peace of the County of *Cumberland*, the Town Clerk of the City of *Carlisle*, or any Parish Clerk of the several Parishes and Places to which the same relate, or any Parishes and Places adjoining thereto, shall remain in the Custody of the said Clerk of the Peace, Town Clerk, and Parish Clerks respectively, to the end that all Persons interested in any Manner therein may at all reasonable Times have Liberty to inspect the same, and to take Copies thereof or Extracts therefrom, at their Pleasure, such Persons paying to such Clerk of the Peace, Town Clerk, and Parish Clerks from whom such Inspection or Copy or Extracts may be demanded respectively the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copy or Extract; and the said Maps, Plans, Sections, and Books of Reference, and the said Corrections and Certificates of Correction

Maps, &c.  
deposited, to  
remain with  
the Clerks of  
the Peace,  
and to be  
open for In-  
spection, &c.

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Correction thereof, or any Copy thereof respectively, or of so much thereof respectively as shall relate to any Matter which may be in question, certified to be a true Copy by the respective Clerks of the Peace or Town Clerk who have made the same, shall be admitted as Evidence in all Courts of Law and Equity or elsewhere, as fully and for all the like Intents as if this Act had not been passed.

Forfeited Shares cancelled.

XXI. That all Shares in the Company incorporated by the Canal Act which at the Time of the passing of this Act have been forfeited, and the Forfeiture of which has been duly confirmed, shall on the passing of this Act be and the same are hereby cancelled, and all Rights, Claims, and Demands in respect thereof shall be and are hereby absolutely extinguished.

Paid-up Share Capital to be consolidated into Stock.

XXII. That after the passing of this Act the Sum of Seventy thousand six hundred Pounds, being the existing paid-up Share Capital of the Company, shall be converted into the Sum of Seventy thousand six hundred Pounds Consolidated Stock, and shall be called "The Original Stock" of the Company; and the several Holders of such Stock shall, subject to the Charges on the Revenue of the Company created or to be created under this Act, be entitled to participate in the Dividends and Profits of the Company according to the Amount of their respective Interests in such Stock.

Persons possessing paid-up Shares to become entitled to a corresponding Amount of Original Stock.

XXIII. That after the passing of this Act every Person and Corporation who immediately before the passing of this Act was possessed of or entitled to One or more paid-up Share or Shares of Fifty Pounds each in the existing Capital of the Company incorporated by the Canal Act shall for each such Share of Fifty Pounds be possessed of or entitled to the Sum of Fifty Pounds of the Original Stock of the Company created by this Act, without making any Payment in respect thereof, and such Sums of Original Stock are hereby vested in such Persons and Corporations accordingly.

Original Stock to be subject to same Trusts as Original Shares.

XXIV. That all Corporations and Persons in whom any of the Original Stock of the Company shall be vested as aforesaid shall stand and be possessed thereof upon the same Trusts, and subject to the same Powers, Provisions, Declarations, and Agreements, Charges and Incumbrances, upon or to which the Share or Shares in the Capital of the Company incorporated by the Canal Act in respect of which such Original Stock was so vested was or were subject and liable immediately before the passing of this Act, and so as to give Effect to and not revoke any Will or other testamentary Instrument disposing of or affecting such Share or Shares.

Power to raise addi-

XXV. That for the Purpose of enabling the Company to construct the Railway and Works authorized by this Act, and to carry the other

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other Provisions thereof into execution, it shall be lawful for the Company to raise, by the Creation of Preference Shares, or by the Creation of Preference Stock (the Amount of such Stock being paid up at once), the Sum of Thirty-five thousand Pounds, in addition to the Original Stock of the Company, and to any Debenture Shares or Stock to be created under this Act for paying off the Mortgage and other Debts of the Company; and the said Sum of Thirty-five thousand Pounds to be raised by virtue of this Act shall be applied to the Railway and Works and Purposes by this Act authorized, and to no other Purpose whatsoever.

tional Money  
by Creation  
of Prefer-  
ence Shares.

XXVI. That the Shares or Stock to be created by the Company for the Purpose of raising the said Sum of Thirty-five thousand Pounds shall be issued subject to the Provisions of this Act, and shall entitle the Holders thereof to a guaranteed Interest or Dividend at the Rate of Five Pounds *per Centum per Annum* on the Amount actually paid up on such Shares or Stock, subject to Reduction at the Expiration of Seven Years, or to the Amount of the said Shares or Stock being paid off by the Company at any Time after the Expiration of the said Period of Seven Years.

New Shares  
to bear a  
guaranteed  
Dividend  
of 5l. per  
Cent. for  
Seven Years.

XXVII. That the Interest or Dividend for the Time being payable upon the said Shares or Stock, or upon any new Shares or Stock to be created for the Purpose of paying off the same, shall be the first Charge on the Undertaking and Revenue of the Company, and shall be paid before the Principal or Interest of any of the existing Mortgages or Charges upon the Undertaking of the Company created under the Authority of the repealed Acts, and by this Act transferred to and made a Charge upon the Undertaking of the Company hereby incorporated, and before the Interest or Dividend on any Debenture Shares or Stock created for paying off such Mortgages and Debts, or on any Money borrowed under the Authority of this Act.

The Divi-  
dend on  
Preference  
Shares to be  
the first  
Charge on  
the Com-  
pany.

XXVIII. That if the said additional Capital shall be raised by the Creation of Shares, then such new Shares shall be of such nominal Value, and shall (subject to the Provisions of this Act) be distributed in such Manner and upon such Terms as any General Meeting of the Company shall direct.

As to the  
nominal  
Value of  
New Shares  
and their  
Distribution.

XXIX. That every Person and Corporation who has subscribed any Sum of Money towards the said Sum of Thirty-five thousand Pounds shall be entitled, on Payment of the Sums of Money which (in accordance with the Terms of such Subscription and with the Provisions of this Act) he or they shall be liable to pay in respect thereof, to receive from the Company Preference Shares or Stock created under this Act to the same Amount as he or they shall have

New Sub-  
scribers to  
be entitled to  
Shares or  
Stock in  
Proportion  
to their Sub-  
scription.

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so subscribed towards the said Sum of Thirty-five thousand Pounds; and every Person who shall become entitled to any such Shares or Stock shall in respect thereof be a Shareholder in the Undertaking of the Company hereby incorporated.

Calls.

XXX. Provided always, That if the said Sum of Thirty-five thousand Pounds shall be raised by Shares, then Twenty-five Pounds *per Centum* on the nominal Amount of a Share shall be the greatest Amount of any One Call which the Company may make on the Holder of such Shares, and Two Months at the least shall be the Interval between successive Calls, and the Amount to be called up in any One Year upon any Share shall not exceed Four Fifths of the Amount of such Share.

Company empowered after Seven Years to call in and pay off Preference Shares.

XXXI. That, subject to the Provisions of this Act, it shall be lawful for the Company, after the Expiration of Seven Years from the Creation of any Preference Shares or Stock for raising the said Sum of Thirty-five thousand Pounds, by the Direction of a Special General Meeting of the Proprietors convened for the Purpose, to call in all or any of the Preference Shares or Stock so created, and to cancel the same, on paying to the Proprietors of the Shares or Stock so called in, such Sum of Money as shall be equal to the Sum which shall have been actually paid by way of Deposits and Calls on each Share or Sum of Stock so called in, together with Dividends on the Sums so repaid, after the Rate for the Time being payable on such Shares or Stock for the Period (if any) which shall have elapsed between the last Day of Payment of Dividend on such Shares or Stock and the Day appointed for paying off and cancelling the same.

Order in which Shares shall be called in, and Notice thereof.

XXXII. That when and as often as the Company shall direct any Sum of Money to be applied in paying off any of the said Preference Shares or Stock for raising the Sum of Thirty-five thousand Pounds, the Directors shall (in case such Sum shall be insufficient to pay off the whole of such Shares or Stock) decide by Lot which of such Shares or Stock shall be paid off; and when the whole or any Part of such Shares or Stock shall be directed to be paid off, the Directors shall cause a Notice, signed by the Secretary, to be given to the Proprietors of the Shares or Stock so to be paid off, and such Notice shall state the Numbers of the Shares or the Amount of the Stock proposed to be paid off, and that the Sum to be paid in respect thereof will be paid on a Day to be therein named, not being less than Six Months from the Date of such Notice, and at a Place to be therein mentioned for paying the same.

Notice of Intention to pay off

XXXIII. That the Notice of the Intention to pay off any of the said Preference Shares or Stock, or to repay any of the Sums paid in advance

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advance of Calls thereon, shall be given to the Proprietor thereof by sending the same by Post in a registered Letter addressed to him at his last Address as entered in the Books of the Company; and if any Proprietor to whom any such Notice shall have been sent shall for the Period of One Month after the Day named in such Notice for such Payment refuse or neglect to accept such Payment, and in case such Notice be of the Intention to pay off any of the said Shares or Stock, then to surrender to the Company the Shares or Stock referred to in such Notice, then all Dividends which would in case no such Notice had been given have accrued due and been payable in respect of such Shares or Stock, or Sums paid in advance of Calls, as the Case may be, after the Day mentioned in such Notice for such Payment, shall cease and determine, anything in this Act to the contrary thereof notwithstanding, unless, on Demand of Payment to be made pursuant to such Notice, or at any Time thereafter, the Company shall fail to pay to the Proprietor the Sum mentioned in such Notice as intended to be paid to him.

Shares to be sent by Post.

XXXIV. That if after the Creation and Issue of Preference Shares or Stock for the Purpose of raising the said Sum of Thirty-five thousand Pounds or any Part thereof, and the Expiration of the Period of Seven Years during which the guaranteed Dividend of Five Pounds *per Centum per Annum*, is by this Act made payable thereon, the Company shall be able to raise Money by Preference Shares or Stock bearing a lower Rate of Interest than Five Pounds *per Centum per Annum*, it shall be lawful for the Company, from Time to Time, for the Purpose of paying off the said Five *per Cent.* Preference Shares or Stock, and with the Approbation of Three Fifths at least of the Votes of the Proprietors present, in Person or by Proxy, at any Meeting of the Company specially convened for the Purpose, to raise by the Creation of Preference Shares or Stock any Sum not exceeding the Sum by such Meeting directed to be applied in paying off the then existing Five *per Cent.* Preference Shares or Stock; and all and every Part of the Sum to be raised by the Creation of such new Preference Shares or Stock shall be applied to the Purpose of paying off the said Five *per Cent.* Preference Shares or Stock, and to no other Purpose whatsoever, and the Five *per Cent.* Shares or Stock which shall be so paid off shall be thereupon cancelled and destroyed; provided that the aggregate Amount of the Capital to be raised by the Issue of any such new Preference Shares or Stock shall not exceed the aggregate Amount of the nominal Value of the Preference Shares or Stock to be called in, cancelled, or redeemed, and in lieu of which such new Preference Shares or Stock shall be issued.

Power to create Preference Shares at a lower Rate of Interest, to pay off those at a higher Rate.

XXXV. That such new Preference Shares or Stock shall be offered to the Holders of the Preference Shares or Stock then proposed to be paid

New Shares to be offered to the exist-

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ing Share-  
holders.

paid off in proportion to the existing Preference Shares or Stock then held by them respectively; and such Offer shall be made by Letter under the Hand of the Secretary, given to or sent by Post addressed to each Shareholder according to his Address in the Shareholders' Address Book, or left at his usual or last known Place of Abode.

Shares to  
vest in the  
Parties ac-  
cepting,  
otherwise to  
be disposed  
of as Com-  
pany think  
fit.

XXXVI. That such new Preference Shares or Stock shall vest in and belong to the Shareholders who shall accept the same, and pay the Value thereof to the Company, at the Time and by the Instalments which shall be fixed by the Company; and if any Shareholder fail for One Month after such Offer of new Shares or Stock to accept the same, and pay the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such new Shares or Stock in such Manner as they shall deem most for the Advantage of the Company.

As to Divi-  
sion of Pre-  
ference  
Shares cre-  
ated to pay  
off those  
bearing a  
higher Rate  
of Interest.

XXXVII. That any new Preference Shares or Stock to be created for the Purpose of paying off the said Five *per Cent.* Preference Shares or Stock shall be divided in such Manner, and be of such nominal Value, and be distributed in such Manner, and subject to the Provisions of this Act, upon such Terms, and with such Preference or Priority and Amount of Dividend not exceeding Four Pounds Ten Shillings *per Centum per Annum*, and payable either in perpetuity or for such Term of Years, as any General Meeting of the Company shall hereafter direct.

New Shares  
to be subject  
to Provisions  
of 8 & 9  
Vict. c. 16.

XXXVIII. That the Companies Clauses Consolidation Act, 1845, incorporated with this Act, shall apply to all the new Capital and new Shares or Stock to be created under this Act, and the respective Proprietors thereof for the Time being, in the same Manner in all respects as if the same were, within the Meaning of the several Clauses and Provisions of the said Act, Original Capital and Original Shares, except as to the Payment of Dividends or Interest, and except as to the Time for making and Payment of Calls, which Calls, subject as herein mentioned, the Directors of the Company shall fix from Time to Time as they shall think proper; and every Person who shall become entitled to any of such new Shares or Stock shall in respect thereof be a Shareholder in the Undertaking, and such new Shares or Stock shall be Personal Estate.

Scale of  
voting.

XXXIX. That the Scale according to which Shareholders may vote or qualify in respect of their Original Stock or new Shares shall be as follows; that is to say,

For every Sum of Fifty Pounds up to Five hundred Pounds Consolidated Stock, One Vote for every Fifty Pounds:

For every Sum of Two hundred and fifty Pounds over and above the



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the first Five hundred Pounds, an additional Vote for every such additional Sum of Two hundred and fifty Pounds up to Five thousand Pounds :

For every Sum of Five hundred Pounds over and above the Sum of Five thousand Pounds, an additional Vote for every such additional Sum of Five hundred Pounds :

And the new Shares shall confer on the Holders thereof Rights of voting and Qualifications in proportion to the aggregate nominal Value of such Shares, and not in proportion to the Number thereof, and every entire Sum of Fifty Pounds of such nominal Value shall be equivalent to Fifty Pounds Original Stock ; and no Shareholder shall vote in respect of any Number of new Shares or any Amount of new Stock which shall constitute a less Interest in the Capital of the Company than Fifty Pounds.

XL. That after the passing of this Act the several Mortgages which immediately before the passing of this Act were Charges upon the Undertaking of the Company incorporated by the Canal Act, and also the said Sum of One thousand five hundred and twenty-two Pounds Ten Shillings applied in paying off the like Amount of Mortgage Debts of the Company, shall, with all Interest due and to become due thereon, be and become valid and subsisting Charges upon the Undertaking of the Company incorporated by this Act ; and the several Persons and Corporations entitled to such Mortgages and Sum of One thousand five hundred and twenty-two Pounds Ten Shillings shall have the same Powers, Rights, and Remedies for recovering and receiving the Principal Monies secured by such Mortgages, and the said Sum of One thousand five hundred and twenty-two Pounds Ten Shillings, with the Interest due thereon from the First Day of *January* One thousand eight hundred and fifty-one and the First Day of *July* One thousand eight hundred and fifty-one respectively, as such Persons and Corporations would have been entitled to in case such Mortgages had been created under this Act, and the said Sum of One thousand five hundred and twenty-two Pounds Ten Shillings had been secured by a Mortgage created thereunder, except that such Mortgages and the said Sum of One thousand five hundred and twenty-two Pounds Ten Shillings and Interest shall, with any Debenture Shares or Stock created under this Act, be the Second Charges on the Undertaking, and shall rank immediately after the Dividend or Interest for the Time being payable in respect of the Preference Shares created for the Purpose of raising the said Sum of Thirty-five thousand Pounds, or any Preference Shares or Stock to be created for paying off the same : Provided always, that the Persons and Corporations entitled to the said Mortgages and Sum of One thousand five hundred and twenty-two Pounds Ten Shillings and Interest shall as between themselves be entitled to the same Priorities as they are now entitled to under the said repealed Acts.

Existing  
Mortgages,  
&c. made a  
Charge upon  
the Under-  
taking.

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Notices from  
or to Hold-  
ers of Secu-  
rities where  
no Period of  
Payment is  
stipulated.

XLI. That where in any Mortgage granted under either of the repealed Acts no Time has been fixed for the Repayment of any Sum of Money borrowed under the Authority of such Act, the Party entitled to any such Mortgage may demand Payment of the Principal Monies thereby secured, with all Arrears of Interest, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Mortgage, upon giving Six Months Notice in Writing to the Company: Provided nevertheless, that the Company may at all Times pay off all such Mortgages in which no Time has been fixed for the Payment thereof, or any Part of the Money thereby secured, on giving Six Months Notice in Writing in the Manner prescribed by the Companies Clauses Consolidation Act, 1845; and at the Expiration of the said Six Months all Interest shall cease to be paid on the said Principal Money, unless the Company shall, on Demand, make default in Payment thereof, in pursuance of such Notice.

Power to  
borrow for  
the Purpose  
of paying off  
existing  
Mortgages.

XLII. That in case the Persons entitled to any Part of the Mortgage Debts or of the said Sum of One thousand five hundred and twenty-two Pounds Ten Shillings now owing on the Security of the said Undertaking shall require Payment thereof, and the Company shall be able to borrow and take up at Interest any Sum of Money on Mortgage of the Undertaking, it shall be lawful for the Company, by the Order of any General Meeting of the Company, to raise, by Mortgage of the Undertaking, any Sum of Money which such General Meeting shall direct, and to apply the same in Payment of any of the said Principal Sums then charged on the said Undertaking: Provided always, that the Sum so to be raised by Mortgage shall not exceed the Amount of Principal Money so to be paid off: Provided also, that any Mortgage so to be created shall not confer upon the Holder thereof any other Priority or other Rights than were under the Provisions of this Act attached to the Mortgage or Mortgages so paid off.

Power to  
convert  
Mortgage  
Debts into  
guaranteed  
Shares or  
Stock.

XLIII. And whereas the said Principal Sums of Forty-four thousand three hundred and seventy Pounds and Twenty-seven thousand six hundred and forty-five Pounds now owing upon Mortgages of the Company, together with Interest due thereon from the First Day of *January* One thousand eight hundred and fifty-one up to the Thirtieth Day of *December* One thousand eight hundred and fifty-three, will amount to the Sum of Eighty-two thousand eight hundred and seventeen Pounds Five Shillings, which, with the Sum of One thousand five hundred and twenty-two Pounds Ten Shillings due to the Shareholders who advanced the same, together with the Interest due thereon from the said First Day of *July* One thousand eight hundred and fifty-one up to the Thirtieth Day of *December* One thousand eight hundred and fifty-three, will together amount to the  
Sum

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Sum of Eighty-four thousand five hundred and thirty Pounds One Shilling and Threepence: Be it enacted, That for the Purpose of enabling the Company to raise Monies or Funds to pay off the said Debts, it shall be lawful for the Company from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders thereof present, in Person or by Proxy, at any General Meeting of the Company specially convened, with due Notice of such Object, to raise all or any Part of the said Sum of Eighty-four thousand five hundred and thirty Pounds One Shilling and Threepence by the Creation and Issue or Disposal, at such Times, in such Manner, on such Terms, subject to such Conditions, and with such Rights and Privileges (not being inconsistent with this Act), as the Company shall, with such Consent as aforesaid, resolve and determine, of new and additional Shares or Stock of the Company, to be called "*Carlisle Dock and Railway Debenture Shares or Stock*," instead of and to the same Amount as, or, if so agreed, in exchange for the whole or any Part of the Money which is now or may at any Time hereafter be owing by the Company, and at such Meeting to fix the nominal Amount of the Shares which shall then be created, and to guarantee to such Shares or Stock a fixed Dividend or Interest, payable half-yearly on the First Day of *January* and the First Day of *July* in each Year, and to commence at once, or at any future Time or Times, when and as any such Shares or Stock shall be issued, or as such Meeting shall resolve, such Dividend or Interest to be at any Rate or Rates not exceeding the Rate of Four Pounds Ten Shillings *per Annum* for every net Amount of One hundred Pounds of the Capital or Money *bonâ fide* raised by such Shares or Stock, or for which the same shall be given in exchange, and to be paid in the Order of Preference or Priority by this Act provided.

XLIV. That in case any of the said Debenture Shares or Stock shall be created and issued subject to a Right or Power to call in, cancel, or redeem the same, it shall be lawful for the Company (but subject nevertheless and without Prejudice to the Terms on which any such Shares or Stock shall have been created and issued) from Time to Time, by the Direction and with the Consent of Three Fifths of the Votes of the Shareholders of the Company present, in Person or by Proxy, at any General Meeting of the Company specially convened for the Purpose, to resolve and determine or authorize that the whole or any Number or Portion of the Debenture Shares or Stock to be created and issued under the Authority of this Act be called in, cancelled, or redeemed; and thereupon, or when and as such Meeting shall (but subject as aforesaid) direct or authorize, the Debenture Shares or Stock so resolved to be called in, cancelled, or redeemed shall be paid off and redeemed, by and out of any Capital which the Company may raise, as herein-after provided; and upon any

Power to  
redeem  
Debenture  
Shares.

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any such Debenture Shares or Stock being so paid off or redeemed the same shall be cancelled and destroyed.

Power to issue new Debenture Shares in lieu of those to be redeemed.

XLV. That for the Purpose of raising Money to pay off or redeem any such Debenture Shares or Stock so resolved to be called in and cancelled as aforesaid, and of replacing the Capital represented thereby, it shall be lawful for the Company, from Time to Time, with such Consent as aforesaid, to create and issue such Number or Amount of new Debenture Shares or Stock, under the Powers herein-before contained, as any such Meeting shall determine, provided that the aggregate Amount of Capital to be raised by the Issue of any such new Debenture Shares or Stock shall not exceed the aggregate Amount of the nominal Value of the Debenture Shares or Stock to be called in, cancelled, or redeemed, and in lieu of which such new Debenture Shares or Stock shall be issued.

Debenture Shares to be a permanent Charge on Undertaking.

XLVI. That the Debenture Shares or Stock to be created under the Authority of this Act, and the Dividends or Interest thereof, shall (subject nevertheless to such Power of Redemption, if reserved, as herein-before authorized) be a permanent Charge upon the general Undertaking, and the Lands, Tenements, Hereditaments, Property, and Effects, of whatsoever Nature, of the Company, but shall be transmissible and transferable as other Shares or Stock of the Company, and shall in other respects have the Incidents of Personal Estate.

Dividends on Debenture Shares to rank with the unpaid Mortgages.

XLVII. That the Dividends or Interests on such Debenture Shares or Stock shall, together with the Mortgages for the Time being subsisting and unpaid, be a Charge on the Undertaking immediately after the Dividends or Interest for the Time being payable in respect of the Preference Shares created for the Purpose of raising the said Sum of Thirty-five thousand Pounds, but shall for ever have Priority of Payment over all other Dividends or Interest on any other Stock or Shares of the Company, whether ordinary, or preference, or guaranteed; but nevertheless the several Persons entitled to the Debenture Shares or Stock to be so from Time to Time created shall not, as between themselves, be entitled to any Preference or Priority whatever.

Arrears may be enforced by Appointment of a Receiver.

XLVIII. That the Powers and Provisions contained in Sections 53 and 54 of "The Companies Clauses Consolidation Act, 1845," with respect to the Recovery of Interest or Arrears of Interest due on Mortgages or Bonds, shall be applicable, so far as may be, to the Recovery of the Dividends or Interest on the said Preference Shares or Stock, or Debenture Shares or Stock, if and when the same shall be

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be in arrear; and the Amount of such Preference Shares or Stock, or Debenture Shares or Stock, entitling the Holder or Holders thereof to require the Appointment of a Receiver, shall be Ten thousand Pounds whereon Arrears of Dividend or Interest shall then be due.

XLIX. That if the Dividends or Interest on any such Preference Shares or Stock, or Debenture Shares or Stock, shall be in arrear for Thirty Days next after any of the respective Days whereon the same shall be due, the Proprietor for the Time being of such Share or Shares or Stock may (without Prejudice to his Power to apply for the Appointment of a Receiver) recover such Arrears, with Costs, by Action or Suit against the Company in any Court of competent Jurisdiction.

Arrears may be recovered by Action or Suit.

L. That the Company shall cause an Entry or Registration of the Debenture Shares or Stock so from Time to Time created to be made in some Book or Books to be kept for that Purpose; and to be called "The Register of Holders of *Port Carlisle* Dock and Railway Debenture Shares and Stock," wherein they shall enter the Names and Additions of the several Persons and Corporations from Time to Time entitled to any such Debenture Shares or Stock, with the respective Numbers of such Shares or Amounts of such Stock to which such Parties shall be respectively entitled; and such Books shall be accessible for Inspection and Perusal at all reasonable Times to every Mortgagee or Bondholder, Debenture Share or Stock Holder, or other Shareholder or Stockholder of the Company, without the Payment of any Fee or Charge.

Debenture Shares and Stock to be registered.

LI. That the Debenture Shares or Stock hereby authorized to be created shall not entitle the Holders thereof to be present or vote at any Meetings of the Company, but shall, in all respects not otherwise by this Act provided for, be taken and considered as entitling the Holders thereof to the Rights and Powers of Mortgagees of the said Undertaking, other than the Right to require Repayment of the Principal Money paid up in respect of the said Debenture Shares or Stock.

Holders of Debenture Shares not to vote.

LII. That separate and distinct Accounts shall be kept by the Company, showing how much Money has been received by Calls or otherwise for or on account of the said Debenture Shares or Stock, and how much Money borrowed on Mortgage or Bond has been paid off by such Shares or Stock; and all Monies raised by such Debenture Shares or Stock, for the Purpose of paying off existing Mortgages or Bonds, or of redeeming other Debenture Shares or Stock,

Accounts of Debenture Share Money, and its Application, to be kept.

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shall be applied to such Purposes respectively, and to no other Purpose whatsoever.

Provisions as to Calls, &c. on Debenture Shares.

LIII. That in case any such Debenture Shares shall be issued otherwise than as Shares or Stock paid up in full at the Time of such Issue, such Shares shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as are in and by this Act expressed and provided for with respect to the other Shares by this Act authorized to be created.

Interest not to be paid on Calls paid up.

LIV. That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the 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-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

LV. That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum 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 Company to construct any other Railway or execute any other Work or Undertaking.

First and subsequent General Meetings.

LVI. That the First Ordinary Meeting of the Company hereby incorporated shall be held within Two Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held once in each Year in the Month of *July*, as the Directors may appoint; and all Meetings, whether ordinary or extraordinary, shall be held in *Carlisle*, or such other Place as the Directors of the Company may from Time to Time direct.

Quorum of General Meetings.

LVII. That the Quorum for every General Meeting of the Company shall be Ten Shareholders holding in the aggregate not less than Five thousand Pounds in the Capital of the Company.

LVIII. That

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LVIII. That (subject to the Provision herein contained for reducing the Number of Directors) the Number of Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Fifty Pounds in Shares or Stock in the Undertaking.

Number and  
Qualification  
of Directors.

LIX. That it shall be lawful for the Company to reduce the Number of Directors, provided that the reduced Number be not less than Four.

Power to  
vary the  
Number of  
Directors.

LX. That *William James, William Marshall, Jonathan Dodgson Carr, John Dixon, George Dixon, and John Clarke Ferguson* shall be the First Directors of the Company.

First Di-  
rectors.

LXI. That the Directors appointed by this Act 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.

First Elec-  
tion of Di-  
rectors.

LXII. That at the First Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected, the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others shall have been elected in their Stead in the Manner provided by "The Companies Clauses Consolidation Act, 1845."

Future  
Directors.

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

Quorum of  
Directors.

LXIV. That the Number of Directors of which Committees appointed by the Directors shall consist shall be Three, and the Quorum of such Committees shall be Two.

Committees  
of Directors.

LXV. And whereas Plans and Sections showing the Line and Levels of the Railway hereby authorized to be made, and of the other Works to be connected therewith, together with a Book of Reference to such Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands

Power to  
make Rail-  
way ac-  
cording to  
deposited  
Plans.

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Lands through which the same are intended to pass or be made, have been deposited in the Office of the Clerk of the Peace of the County of *Cumberland*: Be it enacted, That, subject to the Provisions in this Act and the several Acts incorporated herewith, or any of them, contained, it shall be lawful for the Company to make and maintain the Railway and Approaches and Works, and Conveniences connected therewith, in the Lines and upon the Lands shown upon the said Plans and described in the said Book of Reference, and according to the Levels shown on the said Sections, and to enter upon, purchase, take, and use such of the said Lands as shall be necessary for such Purposes or any of them.

Line of  
Railway and  
Works.

LXVI. That the Line of Railway and Works to be made and maintained under the Authority of this Act shall be the following; that is to say,

A Railway commencing by a Junction with the Line of the *Newcastle-upon-Tyne and Carlisle* Railway at a Point about Sixty-nine Yards on the North Side of the Street called *Caldcoats* in the Township of *Caldewgate* in the Parish of *Saint Mary Carlisle* in the City of *Carlisle*, and marked A upon the said deposited Plans, and passing thence in or through the several Parishes, Townships, and Places following; (that is to say,) the Township of *Caldewgate* and Parish of *Saint Mary Carlisle*; the Parish of *Grinsdale*; the Parish of *Kirkandrews-upon-Eden*; the Parish of *Beaumont*; the Townships of *Moorhouse Burgh Head*, and *Burgh West-end*, *Longburgh*, and *Boustead Hill*, in the Parish of *Burgh-by-Sands*, and the Parish of *Burgh-by-Sands*; the Townships of *Drumburgh* and *Bowness* in the Parish of *Bowness*, and the said Parish of *Bowness*; and terminating in a Parcel of Ground belonging to the Company near the existing Basin of the Company at *Port Carlisle* in the said Parish of *Bowness*, and at or near the Point marked B on the said deposited Plans; all in the County of *Cumberland*:

A Diversion of the public Carriage Road from the Village of *Burgh-by-Sands* in the Township and Parish of *Burgh-by-Sands* to *Port Carlisle* in the Parish of *Bowness*, such Diversion commencing on the North Side of the said Canal at a Point marked C in the Lands numbered 44 A in the said Parish of *Bowness*, on the said deposited Plans, and thence crossing the proposed Line of Railway by a Bridge, and proceeding on the South Side of the said intended Line of Railway to and terminating by a Junction with the same Road at a Point in or near to *Port Carlisle* aforesaid in the said Parish of *Bowness*, marked D on the said deposited Plans, the whole of which said diverted or new Road will pass or be made within the said Parish of *Bowness*.

LXVII. That



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*The Port Carlisle Dock and Railway Act, 1853.*

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LXVII. That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Ten Acres.

Lands for extraordinary Purposes.

LXVIII. 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 Two Years from the passing of this Act.

Power for compulsory Purchase of Lands limited.

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

Period for Completion of Works.

LXX. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter 20, a Sum of Two thousand eight hundred and thirty-five Pounds, being more than One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been deposited with the Court of Chancery in *England*, in respect of the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Two thousand eight hundred and thirty-five Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the said Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway hereby authorized to be made, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the said Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the said Company shall either have opened the said Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's

For securing the Completion of the Railway within the Time limited.

*The Port Carlisle Dock and Railway Act, 1853.*

Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*; provided that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Two thousand eight hundred and thirty-five Pounds shall have been executed by the said Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of and such Surety or Sureties to be approved by the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Two thousand eight hundred and thirty-five Pounds, if the said Company shall not, within the Time limited for the Completion of the said Railway, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the said Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them; and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money and the Interest or Dividends thereof would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Power to  
take Tolls  
herein men-  
tioned.

LXXI. That it shall be lawful for the Company to demand and receive, in respect of Passengers, and of the several Articles, Matters, and Things, and of the several Descriptions of Animals herein-after mentioned, conveyed on the Railway or any Part thereof, any Tolls not exceeding the following; that is to say,

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

For

*The Port Carlisle Dock and Railway Act, 1853.*

For all Pig Iron, Iron not manufactured into Utensils or into other Articles or Merchandise, Pitching and Paving Stones and other Kinds of Stone, Bricks, Tiles, Draining Pipes, Slates, Clay, and Sand, *per Ton per Mile* not exceeding Twopence; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* not exceeding One Penny:

For all Sugar, Grain, Corn, Flour, Hides, Hemp, Dyewoods, Earthenware, Timber, Deals, Lead Ore, Metals (except Pig Iron), *per Ton per Mile* not exceeding Threepence; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* not exceeding One Penny:

For all Coals, Coke, Culm, and Cinders, *per Ton per Mile* not exceeding One Penny Halfpenny; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny:

For the like Articles, Goods, and Things which shall be intended for Shipment, *per Ton per Mile* not exceeding One Penny; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny:

For all Vitriol, *per Ton per Mile* not exceeding Fourpence; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* not exceeding One Penny:

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

For every Carriage, of whatever Description, and not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform not belonging to the Company, any Sum not exceeding Fivepence *per Mile*; and a like Sum of One Penny Halfpenny *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 or provided by the Company, an additional Sum *per Mile* not exceeding Twopence:

For every Passenger conveyed in a First-class Carriage, *per Mile* not exceeding Twopence; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum *per Mile* not exceeding One Penny:

For every Passenger conveyed in a Second-class Carriage, *per Mile* not exceeding One Penny Halfpenny; and if conveyed in  
or

*The Port Carlisle Dock and Railway Act, 1853.*

or upon any Carriage belonging to or provided by the Company, an additional Sum *per* Mile not exceeding One Halfpenny :

For every Passenger conveyed in a Third-class Carriage (except by the Government Trains), *per* Mile not exceeding One Penny; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum *per* Mile not exceeding One Farthing :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, *per* Mile not exceeding Fourpence; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum *per* Mile not exceeding One Penny :

For every Ox, Cow, Bull, or Neat Cattle, *per* Head *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum *per* Mile not exceeding One Penny :

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

Tolls for  
propelling  
Power.

LXXII. That the Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Power to  
charge for  
loading and  
unloading.

LXXIII. That nothing herein contained shall be construed to prevent the Company from charging any reasonable Sum for loading and unloading, collecting, receiving, or delivering, and providing Covers for Minerals, Goods, Articles, or Animals.

Regulations  
as to Tolls.

LXXIV. 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 Four Miles the Company may demand Tolls as for Four entire Miles :

For a Fraction of a Mile beyond Four Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Merchandise for such Fraction in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers every Fraction of a Mile beyond an integral Number of Miles shall be deemed a 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

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*The Port Carlisle Dock and Railway Act, 1853.*

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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.

LXXV. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following ; that is to say, Tolls for small Parcels and Articles of great Weights.

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 Stone or Timber, 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 such Sum as they think fit not exceeding the Sum of One Shilling *per Ton per Mile* :

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

LXXVI. 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, Forty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof. Passengers' Luggage.

[*Local.*]

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LXXVII. That

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Limiting  
Charges for  
Conveyance  
of Pas-  
sengers.

LXXVII. That it shall not be lawful for the Company to demand or receive any greater Sum in respect of the Carriage of Passengers conveyed on the Railway by this Act authorized than Threepence *per Passenger per Mile* in respect of any Passenger travelling in a First-class Carriage, Twopence *per Passenger per Mile* in respect of any Passenger travelling in a Second-class Carriage, and One Penny Farthing *per Passenger per Mile* in respect of any Person travelling in a Third-class Carriage, including the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance, unless in the Case of Passengers travelling by special Trains.

Limiting  
Charges  
for the Con-  
veyance of  
Goods and  
Cattle.

LXXVIII. That it shall not be lawful for the Company to charge, in respect of the several Articles, Matters, and Things, and of the several Descriptions of Animals herein-after mentioned, conveyed on the Railway by this Act authorized, any greater Sum, including the Charges for the Use of Carriages, Waggon, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance, than the several Sums herein-after mentioned; that is to say,

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

For all Pig Iron, Iron not manufactured into Utensils or into other Articles or Merchandise, Pitching and Paving Stones and other Kinds of Stone, Bricks, Tiles, Draining Pipes, Slates, Clay, and Sand, *per Ton per Mile* Threepence :

For all Sugar, Grain, Corn, Flour, Hides, Hemp, Dyewoods, Earthenware, Timber, Deals, Lead Ore, Metals (except Pig Iron), *per Ton per Mile* Fourpence :

For all Coals, Coke, Culm, and Cinders, *per Ton per Mile* Twopence :  
For the like Articles, Goods, and Things which shall be intended for Shipment, *per Ton per Mile* One Penny Halfpenny :

For all Vitriol, *per Ton per Mile* Fivepence :

For all Cotton and all other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Articles, Matters, and Things not before enumerated, *per Ton per Mile* Fourpence Halfpenny :

For every Carriage, of whatever Description, and not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, Sixpence *per Mile*; and for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh, Twopence *per Mile* :

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

For

*The Port Carlisle Dock and Railway Act, 1853.*

For every Ox, Cow, Bull, or Neat Cattle, *per Head per Mile* Three-pence :

For every Calf, Pig, Sheep, Lamb, or other small Animal, *per Head per Mile* One Penny.

LXXIX. That nothing herein contained shall be held to prevent the Company from taking any increased Charges, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods either in respect of the Conveyance of such Goods other than small Parcels by Passenger Trains, or by reason of any other special Service performed by the Company in relation to such Goods.

Company may take increased Charges.

LXXX. That all Communications between the Railway hereby authorized and the *Newcastle-upon-Tyne and Carlisle* Railway, and all such Openings in the Ledges or Flanches thereof as may be necessary or convenient for effecting such Communication, shall be made and maintained under the Direction and Superintendence of the Engineer for the Time being of the *Newcastle-upon-Tyne and Carlisle* Railway Company, at the Expense of the Company incorporated by this Act.

As to Junction with Newcastle-upon-Tyne and Carlisle Railway.

LXXXI. That when any Portion of the said Canal shall have been taken for the Site of the said Railway it shall be lawful for the Company to abandon and relinquish the whole of the Canal Undertaking of the Company, and to use the Site thereof and of the Towing Paths thereof, or of any Part thereof respectively, for the Purposes of the Railway authorized by this Act, and of the Works connected therewith.

Power to abandon Canal.

LXXXII. That it shall be lawful for the Company to purchase the Interests of any Landowners or other Persons having any Interests in or Right over the said Canal or the Towing Path thereof, or any Wharf thereon, or any Basin or Works belonging thereto, and to pay such Landowners or other Persons such Compensation as may be agreed upon between them and the Company; and if such Landowners or other Persons and the Company cannot agree as to the Amount of such Compensation, then the same shall be ascertained and determined in the Manner provided by the "Lands Clauses Consolidation Act" incorporated herewith for settling Cases of disputed Compensation.

Company to make Compensation to Landowners and others having Interests in the Canal.

LXXXIII. That in case any Portions of the said Canal Navigation, or of the Reservoirs, Lands, or Works used therewith or for the Purposes thereof, or belonging to the Company, shall, in consequence of

Site of Canal not required for Purposes of Railway to be sold.

*The Port Carlisle Dock and Railway Act, 1853.*

of the making of the said Railway, or of stopping up the said Canal or any Part thereof, be no longer required for the Purposes of this Act, then and in every such Case the Lands, or the Site or Portion of the said Canal or Reservoir and Works which shall be so stopped up, or no longer required by the Company, may be sold by the Company, in the Manner provided by the "Lands Clauses Consolidation Act, 1845," with respect to the Sale of superfluous Lands, and the Monies produced by the Sale thereof may be applied to any of the Purposes of this Act.

Company to  
make  
Drains, &c.  
to carry the  
Water from  
adjoining  
Lands.

LXXXIV. That the Company shall, at their own Expense, make such Arches, Tunnels, Culverts, Drains, or other Passages over, under, or by the Side of the Railway authorized by this Act, of such Depth, Breadth, and Dimensions as shall be sufficient at all Times to convey the Water clear from the Lands adjoining or lying near to and above the said Railway, without obstructing or impounding the same, and also to make Watering Places for Cattle in all Cases where by means of the Abandonment of the said Canal the Cattle of any Person occupying Lands adjacent to the said Canal shall be deprived of their ancient Watering Places, and supply the same at all Times with Water; and that all such Arches, Tunnels, Culverts, Drains, Back Drains, and other Passages shall from Time to Time be maintained and cleansed and kept in sufficient Repair by the Company; and if at any Time after One Month's Notice in Writing shall, by or on behalf of any Owner or Occupier of Land adjoining or lying near to and above the said Canal, be given to the said Company, that the said Arches, Tunnels, Drains, Back Drains, or other Passages, or any of them, is or are not made, cleansed, repaired, and maintained, according to the true Intent and Meaning of this Act, it shall be lawful for any Person to apply for and obtain an Order in Writing from any Two Justices of the Peace for the County of *Cumberland*, from Time to Time, as often as there shall be Occasion, and the said Justices are hereby authorized and empowered, at their Discretion, to grant such Order as aforesaid, enabling such Person to cleanse and repair such Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages accordingly, and the reasonable Expenses thereof (to be ascertained by such Justices) shall be defrayed by the Company, and in case of Neglect or Refusal to pay such Expenses for the Space of Two Months after Demand thereof made upon the Company, such Expenses may be recovered and levied in such Manner as any other Money is by this Act directed to be recovered from the Company: Provided always, that such Owner or Occupier of the said contiguous or adjoining Lands shall at the Time of making such Complaint have his own Ditches, Drains, Passages of Water, and Watercourses leading to or from the Drains, Culverts, and Passages of the Company, and each and every of them, sufficiently cleansed and open to convey Water into, from, or along the same.

LXXXV. That



*The Port Carlisle Dock and Railway Act, 1853.*

LXXXV. That if at any Time hereafter the Ditches or Drains belonging to any Owner or Occupier of Lands adjoining or lying contiguous to the said Railway and other Works, or any of them, shall, by reason of their not being sufficiently cleansed or opened, hinder and obstruct the free Passage of the Water from the Drains, Culverts, and Passages belonging to the Company, and if the same shall not be perfectly cleansed and opened within Twenty-one Days after Notice in Writing shall have been given thereof to such Owner or Occupier, it shall then be lawful for the Company (an Order in Writing for the said Company having been first obtained from any Two or more Justices of the Peace for the said County of *Cumberland*), from Time to Time, as often as there shall be Occasion, to open and cleanse the said Ditches or Drains, and the reasonable Expenses thereof, when ascertained and allowed by the said Justices or any Two of them, shall be repaid to the Company by such Owner or Occupier as aforesaid, and in case of Refusal to satisfy the same for the Space of Three Months after Demand shall have been made thereof such Charges and Expenses may be recovered and levied in such Manner as Forfeitures and Penalties are herein-after directed to be recovered.

Company enabled to cleanse adjoining Water-courses, at the Land-owners' Expense.

LXXXVI. That the Dock Undertaking of the Company shall be deemed to be comprised within the following Limits or Boundaries; that is to say, the Line of the said intended Railway from *Kirkland Bridge* to the Western End of the said Railway and the Station thereof on or towards the South, the Northern Side of the said Station, the Western Boundary of the Land belonging to the Canal Company, and the Western Side of the Jetty, on or towards the West Low-water Mark on the South Side of the River *Eden* on or towards the North, to the Point where Low-water Mark is met by the Eastern Boundary of the Land belonging to the said Company, and by the said Eastern Boundary of the Land of the said Company on or towards the East and North-east and East, to the Point where such Boundary meets the Line of the said intended Railway at or near *Kirkland Bridge* aforesaid, which said Boundaries on the South and West and East are shown by a Red Line on the Plans deposited as herein-before mentioned; and within the Limits aforesaid it shall be lawful for the Company to exercise all the Powers and Authorities by this Act vested in them in reference to the Dock Undertaking of the Company.

Limits of Dock Undertaking.

LXXXVII. And whereas under the Dock Act the Powers for the Maintenance and Improvement of the Dock and the Approaches thereto contained in this Section are vested in the Company incorporated by the Canal Act, and it is expedient that the same Powers should be vested in the Company incorporated by this Act: Be it

Power to maintain Docks, &c.

[Local.]

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therefore

*The Port Carlisle Dock and Railway Act, 1853.*

therefore enacted, That it shall be lawful for the Company to maintain the existing Docks or Basins in and upon the Land or Ground of the Company at *Port Carlisle* in the Parish of *Bowness* in the County of *Cumberland*, and the Beach or Strand in front of or adjoining thereto; and the Company are hereby authorized and empowered to make, construct, erect, build, and maintain, and from Time to Time to keep in repair, such Piers, Jetties, Breakwaters, Quays, Wharfs, Slips, Walls, Banks, Locks, Weirs, Sluices, Tunnels, Cuts, Channels, and other Works, and to do, execute, and perform all such other Acts, Matters, and Things, in and upon such Land or Ground and Beach or Strand, and in the Channel of the said *Solway Frith*, as they shall think necessary and proper for maintaining the said Docks or Basins, and for making the same fit for the Reception, Accommodation, and Security of Vessels resorting thereto, and for the more convenient lading and unlading of such Vessels, and for facilitating the Access to and increasing the Convenience or Security of the said Docks or Basins, and for preventing Mud, Gravel, Soil, Filth, and other Matters from stopping up and injuring the same, and also to erect and build such Warehouses and other Buildings for the Reception and safe Custody of Goods, Wares, and Merchandise, and all such Dwelling Houses and Conveniences as shall be necessary for the Purposes of the Docks or Basins of the Company.

Power to  
Company to  
take Dock  
Rates herein  
mentioned.

LXXXVIII. That it shall be lawful for the Company to demand and take, in respect of every Vessel entering into any Dock of the Company, and of any Goods, Wares, and Merchandise, Articles, Matters, and Things, brought, loaded, or discharged within any Dock of the Company, any Sum not exceeding the several Rates following; (that is to say,)

For every Vessel from any Port or Place in *Great Britain, Ireland, the Isle of Man, or any of the Islands of Guernsey, Jersey, Alderney, and Sark*, which shall enter into any such Dock, any Sum not exceeding the Sum of Ninepence *per Ton*:

For every Vessel from any other Port or Place which shall enter any such Dock, any Sum not exceeding Three Shillings *per Ton*:

For every Vessel which shall remain in any such Dock for a longer Period than One Month, any Sum not exceeding Threepence *per Ton* for each entire Month such Vessel shall so remain: Which several before-mentioned Rates shall be payable by the Master of the Vessel:

For all Goods, Wares, and Merchandises, Corn, Grain, Timber, Cattle or other Live Stock, not conveyed along the Railway authorized by this Act for the Distance of Six Miles or upwards, and which shall be loaded in or upon or discharged from  
or

*The Port Carlisle Dock and Railway Act, 1853.*

or out of any Vessel lying in any such Dock, any Sum not exceeding One Shilling and Sixpence *per* Ton :

For every Raft of *American, Baltic,* or other Foreign Timber brought into any such Dock, in addition to the last-mentioned Rate or Duty, any Sum not exceeding Two Shillings *per* Ton : Which several before-mentioned Rates shall be payable by the Owner of the Goods and other Articles liable to such Rates.

LXXXIX. Provided always, That if any Vessel for which the Rates or Duties shall have been paid shall leave the said Dock, and shall within the Space of Twenty-four Hours next after such Departure, either from Accident, Stress of Weather, or any other Cause, be obliged to return to the same, then and in every such Case such Vessel shall not be again liable to the Payment of the said Rates or Duties in consequence of so returning to the said Dock, anything in this Act contained to the contrary notwithstanding.

Vessels putting back from Stress of Weather not to be liable to Second Payment of Rates.

XC. And whereas the Company have erected Wharfs, Staiths, and Cranes for the loading and landing and Sheds for the Protection of Goods, Wares, Merchandise, and Commodities at *Port Carlisle* and also at their Station at *Carlisle* : Be it enacted, That it shall be lawful for the Company, from Time to Time and at all Times hereafter, to ask, demand, take, and receive, for their own Use, for every Ton of Goods, Wares, Merchandise, Commodities, and other Things which shall be loaded from or landed upon any of the said Wharfs or Staiths, and which shall remain thereupon, or under any Sheds belonging to the Company, not more than Forty-eight Hours, any Sum not exceeding Threepence, and for every Day or Part of a Day that they shall so remain after the first Forty-eight Hours such further Sum not exceeding One Penny as the Company shall determine : Provided always, that nothing herein contained shall authorize the Owners to keep any Goods, Wares, Merchandise, or Commodities upon any such Wharfs or Staiths for a longer Time than shall be allowed by the Byelaws of the Company.

Rates for Use of Wharfs and Cranes.

XCI. That it shall be lawful for the Company to demand and take, for the Use of any Warehouses and Weighing Machines erected by the Company, from the Owner or Person having charge of any Goods, Articles, or Things deposited therein, or weighed or measured by means thereof, such reasonable Rates as the Company shall for the Time being appoint.

Rates for the Use of Warehouses.

XCII. That the Limits within which the Powers of the Harbour and Dock Master, for the Regulation of the Harbour and Dock, shall be exercised, shall be the Limits of the Dock Undertaking of the Company,

Limits within which the Harbour Master may

*The Port Carlisle Dock and Railway Act, 1853.*

exercise his  
Authority.

Company, and One hundred Yards from such Limits into the Waters of the *Solway Frith*.

Officers of  
Customs to  
have free  
Access to  
Docks with-  
out Payment  
of Toll.

XCIII. That it shall be lawful for all Officers of Customs, being in the Execution of their Duty, to have free Ingress and Egress into and out of the said Dock and Premises, and through the Gates and Entrances of the same, and also freely to pass with their Vessels and Boats through the Locks and Water Communications of the said Dock and Premises, at all Times (provided the State of the Tide and Water Communications of the said Dock and Premises will admit of such passing), without Payment of any Toll or Sum for so doing.

Power to  
appoint  
Weighers  
and Mea-  
surers.

XCIV. That it shall be lawful for the Company to appoint and license a sufficient Number of Persons to be Meters and Weighers within or in the Harbour and Dock.

Power to  
erect Light-  
houses and  
place Buoys.

XCV. That the Company shall have full Power and Authority from Time to Time to contract and agree for the Purchase or Hire of any Lands, Tenements, and Hereditaments, with the Consent of the Owner thereof, in any Situation in the County of *Cumberland* near to *Port Carlisle* or to the *Solway Frith*, for the Purpose of erecting or maintaining One or more Lighthouse or Lighthouses or other Beacons or Sea Marks thereon, for the Safety of Vessels navigating to and from the said Port, and shall also have full Power and Authority, with the Consent of the Master and Elder Brothers of the Corporation of the *Trinity House, Deptford Strond*, to make and maintain such Lighthouses, Beacons, and Sea Marks, and also to set up such Poles or other Marks in and near the Channel of the *Solway Frith*, and to lay down such Warping and Mooring Buoys, with their necessary Anchors and Tackling, and from Time to Time to remove, and, with the like Consent, to alter such Lighthouses, Beacons, Sea Marks, Floating Lights, Buoys, Poles, and other Marks, and to erect, place, or lay down others in their Stead, as to the said Company shall appear necessary or advantageous for the Protection of or for facilitating the Navigation to and from the said Port.

Dues to be  
taken for  
Support of  
Lights, &c.

XCVI. And in order to enable the Company to place, establish, and maintain all such Lighthouses, Buoys, Beacons, and Lights, be it enacted, That it shall be lawful for the Company to demand and take from all and every the Masters, Owners, Agents, or Consignees of every Vessel (Her Majesty's Ships of War and others employed in the Queen's Service wholly exempted), the several Dues or Duties herein-after mentioned; that is to say,

For every Ship or other Vessel passing the said Buoys, Light or Lights, or any of them, to *Port Carlisle* aforesaid, *Silloth Bay*,  
or

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or any Port or Place Northward of *Silloth Bay*, any Sum not exceeding One Penny Halfpenny *per Ton* :

For every Ship or other Vessel passing the said Buoys, Light or Lights, or any of them, from *Port Carlisle* aforesaid, *Silloth Bay*, or any Port or Place Northward of *Silloth Bay* aforesaid, any Sum not exceeding One Penny Halfpenny *per Ton*.

XCVII. That the said last-mentioned Dues or Duties shall be paid respectively at the Office of the Company or at the respective Custom Houses at the Port of *Carlisle* or *Dumfries*, according as every such Ship or Vessel shall lade or discharge her Goods wholly or in part at either of those Places or within the Limits of either of the said Ports, to such Person or Persons as the Company shall from Time to Time nominate and appoint for such Purpose.

Dues to be paid at Port Carlisle or Dumfries.

XCVIII. That a separate and distinct Account shall be kept by the Company of all Monies which shall be expended by them in the constructing, erecting, building, placing, maintaining, and supporting such Lighthouses, Beacons, Floating and other Lights, Buoys, Sea Marks, and other Works as aforesaid, for the Safety or Guidance of Vessels navigating to and from the said Port, and also of all Monies which shall be received by the Company for Light Dues or Duties under the Authority of this Act; and such Accounts shall be kept distinct from and shall not be intermixed with the Accounts of the Monies expended by the Company in the making of the said Railway, or the maintaining of the said Dock or other Works by this Act vested in or authorized to be made, or with the Canal, Railway, or Dock Dues or Tolls or other Monies received by the Company, in respect of the said Canal or Docks or Railway or either of them, or from any other Source whatever; and no Part of the said Light Dues or Duties shall be applicable or applied to any Use or Purpose whatever, other than and except the constructing, erecting, placing, and maintaining such Lighthouses, Beacons, Floating and other Lights, Buoys, Sea Marks, and other Works connected therewith; and such Light Dues or Duties shall not be charged or chargeable with any Sum or Sums of Money borrowed or taken up at Interest by the Company upon any Mortgage or other Security, or with any Interest thereof, anything herein-before contained to the contrary thereof notwithstanding; and that the Company shall, as soon as may be after the First Day of *January* in every Year, cause a Statement in Writing, signed by the Clerk of the Company, of all Monies received by them on account of such Light Dues or Duties during the preceding Year up to that Time, and all Monies expended by them during the same Period in constructing, erecting, placing, and maintaining such Lighthouses, Beacons, Floating and other Lights, Buoys, Sea Marks, and other Works, to be transmitted to the Clerk of the

Distinct Account to be kept of Expenditure and Receipts in respect of Lights, &c.

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Peace for the said County of *Cumberland*, to be by him laid before the Justices assembled at the First General Quarter Sessions of the Peace in and for the said County of *Cumberland* which shall be held next thereafter; and all Persons shall at all reasonable Times have full Liberty to inspect and peruse the same Statements or Accounts, and to take Copies thereof, upon paying to the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and the Sum of Sixpence for every Copy or Extract not exceeding Seventy-two Words, and so after that Rate for any greater Number of Words.

Board of Trade may appoint an Auditor to examine Accounts as to Light Dues and Duties.

XCIX. That if, upon Complaint made to the Board of Trade by any Person interested, in Writing under his Hand, it shall appear to the Board of Trade that there is reasonable Ground for believing that the Accounts of the Company with respect to the said Light Dues and Duties have not been duly kept, or that any such Dues or Duties have been improperly or unfairly levied by them, or have not been applied in accordance with the Directions of this Act, the Board of Trade may appoint an Auditor to examine the Accounts of the Company with respect to the said Dues and Duties, and to examine into the Matters so complained of, and to report to them thereon; and the Company shall, upon Demand, produce to such Auditor all or any of their Accounts, Books, Deeds, Papers, Writings, and other Documents relating to the said Dues and Duties, or the Expenditure thereof, and afford to him all reasonable Facilities for examining and comparing the same; and in case any Matter complained of shall be found to be true, the reasonable Expenses of such Auditor shall be paid by the Company out of the Monies coming to their Hands under this Act, and may be recovered in any of the Superior Courts as a Debt due to the Crown.

When the Money expended in erecting Lighthouses, &c. shall have been repaid, with Interest, and the annual average Expense ascertained, Dues to be lowered.

C. That when and as soon as the whole of the Money which shall have been expended by the Company in and about the constructing, erecting, building, placing, and maintaining such Lighthouses, Beacons, Floating and other Lights, Buoys, Sea Marks, and other Works as aforesaid, together with Interest thereon at and after the Rate of Five Pounds *per Centum per Annum*, shall have been repaid to the Company, and the average Expense of maintaining the same shall have been ascertained, the said Dues and Duties shall be lowered in such Proportion as to leave a Sum equal to such average Expense, together with a further Sum amounting annually to One Fifth Part of such Sum; and such Surplus shall be deemed to be a Fund in the Hands of the Company applicable to the Purpose of repairing, replacing, and maintaining such Lighthouses, Beacons, Floating and other Lights, Buoys, Sea Marks, and other Works as aforesaid, in case of any Loss or Damage or any other unforeseen Accident happening to the same respectively.

CI. Pro-

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CI. Provided always, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the Company to exhibit or alter any Light, Beacon, or other Sea Mark, or place or lay down any Buoy for the Guidance of Ships and Vessels navigating to or from the said Port, without having from Time to Time first obtained the Sanction in Writing of the Corporation of *Trinity House of Deptford Strond* as to the Description and Power of any such Light, and the Character of any such Beacon or Sea Mark, and the Mode of exhibiting the same respectively, and the Description and Situation of any such Buoy.

No Light to be exhibited or Buoy laid down, without the Sanction of the Trinity House of Deptford Strond.

CII. That in case any Master or other Person having Charge or Command of any Vessel which shall be moored within any Dock or Basin belonging to the Company shall refuse or neglect, upon Demand of any Harbour-master or Dock-master, to unloose or slacken the Rope or Chain by which such Vessel shall be so moored, in order to give a convenient Passage to any other Vessel which shall be coming into or going out of or mooring in any such Dock or Basin, or in case there shall be no Person on board or in charge of any such Vessel so moored, or no Person who shall answer to and obey the Call of the said Harbour-master or Dock-master for the Purpose aforesaid, then and in every such Case it shall be lawful for the said Harbour-master or Dock-master to cut the Rope or slacken the Chain by which such Vessel shall be so moored as aforesaid, in order to give a convenient Passage for the Vessel which shall be so coming into or going out of or mooring in any such Dock or Basin.

Power for Harbour-master to cut Ropes of Vessels, in case of Neglect of Masters of Vessels.

CIII. That before any such Harbour-master or Dock-master shall cut any Rope or slacken any Chain by which any Vessel shall be moored, having no Person on board, or no Person who shall answer to and obey the Call for the Purpose aforesaid of the said Harbour-master or Dock-master, such Harbour-master or Dock-master shall and he is hereby authorized to put on board or in charge of such Vessel such Number of Persons as he may think proper for the Protection and Security from Injury of such Vessel; and all reasonable Charges and Expenses which shall be thereby incurred (to be ascertained by any One of Her Majesty's Justices of the Peace for the said County of *Cumberland*) shall be forthwith paid by the Master or Owner of such Vessel, and in default of Payment of such Charges and Expenses, the same shall and may be levied by Distress and Sale of the Goods and Chattels of such Master or Owner, or by Distress and Sale of the Tackle, Apparel, and Furniture of such Vessel, or, in the Case of a Raft, of the Timber of which such Raft shall consist, by Warrant under the Hand and Seal of any Justice of the Peace of the said County of *Cumberland*, which Warrant the said Justice is hereby authorized and empowered to grant.

Harbour-master to put Persons on board before cutting Ropes.

CIV. That

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Penalty on taking Ballast from the Shore.

CIV. That if any Person shall take any Ballast, Stones, or other Materials from any Part of the Shore or Beach extending in front of the Grounds and Works of the Company between *Binnacle House* in the said Parish of *Bowness* and *Kirkland House* in the same Parish, every Person so taking away any Ballast, Stones, or other Materials shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds.

Penalties how to be applied.

CV. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application of which is not herein otherwise expressly provided for, be it enacted, That the Justices by whom any such Penalty or Forfeiture shall be imposed shall order the same to be paid, one Half to the Informer, and the other Half to the Company, unless such Penalty shall be incurred by the Company, in which Case the same shall be paid, one Half to the Informer, and the other Half to the Overseers of the Poor of the Parish, Township, or Place within which the Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Parish, Township, or Place, anything in "The Railways Clauses Consolidation Act, 1845," incorporated herewith, to the contrary thereof notwithstanding.

Saving Rights of the Earl of Lonsdale.

CVI. Provided always, That nothing in this Act contained shall extend or be construed to extend to lessen or abate or in any Manner to affect or prejudice the Rights, Titles, or Privileges of the Right Honourable *William Earl of Lonsdale*, Lord of the Manor of *Drumburgh* in the Barony of *Burgh*, or the Lord of the said Manor and Barony for the Time being, to any Customs, Tolls, Rights, Profits, Anchorage, Royalties, and all other Things which are now or shall happen to come within the Limits of the said Manor and Barony, or other Benefits or Advantages belonging or in anywise appertaining thereto, other than such Tolls, Rates, and Duties as are by this Act authorized and directed to be collected, received, and paid, and that nothing herein contained shall extend or be construed to extend to defeat, lessen, or prejudice the Right, Title, or Interest of the said *William Earl of Lonsdale*, or of the Lord of the said Manor and Barony for the Time being, of, in, and to the free Liberty of Anchorage for any Barques, Barges, Boats, or other Vessels within any Part of the Flood Mark or Shore adjoining to or belonging to any Land or Ground heretofore Parcel of the Commons and Waste Lands within the Parish of *Bowness*, as also to erect, build, or set up Houses, Edifices, Buildings, or Storehouses upon the said Shore within any Part of the Lands and Grounds heretofore Parcel of the said Commons and Waste Lands, for the more safe keeping, laying, and stowing of any Sort of Goods, Wares, or Merchandises whatsoever which may at any Time hereafter be there imported by any Barques,

Barges,



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Barges, Boats, or other Vessels whatsoever, or for the Exportation of all such Goods, Wares, or Merchandises, but that he the said *William* Earl of *Lonsdale*, and the Lord of the said Manor and Barony for the Time being, shall and may take, receive, have, and enjoy all such Rights, Titles, and Privileges, in as full, large, ample, and beneficial a Manner as the same were reserved to him by the Dock Act, or as he could have taken, received, had, and enjoyed the same if this Act had not been passed: Provided always, that nothing herein contained shall, as against the Queen's Majesty, Her Heirs and Successors, operate as a Recognition or Confirmation of any Title, Interest, or Claim of the said *William* Earl of *Lonsdale*, or the Lord of the said Manor and Barony for the Time being, or to vest in him or such Lord as aforesaid any larger or other Estate or Interest than he or they had before the passing of this Act.

CVII. Provided also, That the Lord or Lady of the Manor of *Drumburgh* in the Barony of *Burgh* for the Time being shall receive from every Ship or Boat or Vessel which shall enter any such Dock such Sum of Money as the Lord of the said Manor has been heretofore of Right accustomed to receive as Toll in respect of Anchorage for or in respect of every Ship, Boat, or Vessel which has anchored upon or been moored to any Part of the Shore or Beach within the Limits of the said Manor.

Lord of the Manor of *Drumburgh* to receive Toll as heretofore.

CVIII. That nothing whatsoever contained in this Act, or in any of the Acts herein recited or referred to, shall extend to authorize the Company to purchase, take, use, or otherwise interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give, or to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which now are, or hereafter may be, or but for the Provisions of the same Act or Acts might have been vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Saving the Rights of the Crown.

CIX. And 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 said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*;

Railway to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 9 & 10 Vict. cc. 57. and 105., and

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14 & 15 Vict.  
c. 64.

and another Act was passed in the Eighth Year of the 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 Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled respectively *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways*; and an Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her said Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the Railway by this Act authorized, or the Company hereby incorporated, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company, so far as the same shall be applicable thereto.

Railway, &c.  
not exempt  
from Pro-  
visions of  
future Gene-  
ral Acts.

CX. That nothing herein contained shall be deemed or construed to exempt the Railway or the Company from the Provisions of any General Act relating to this Act, or of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Dock, &c.  
not exempt  
from Pro-  
visions of  
future Gene-  
ral Acts.

CXI. That nothing in this Act contained shall be deemed or taken to exempt the Dock or the Company from the Provisions of any General Act relating to Docks or Dues on Shipping which may be passed during the present or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of Parliament, of the Tolls, Rates, Dues, or Duties by this Act authorized.

Expenses  
of Act.

CXII. That all the Costs, Charges, and Expenses of and attending the passing of this Act, or incidental thereto, shall be paid by the Company.

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