



ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. Ixiv.

An Act for making a Railway from the *Whitehaven and Furness Junction* Railway, near *Whitehaven*, to *Egremont*, in the County of *Cumberland*, with a Branch therefrom to *Frizington* in the same County, to be called the *Whitehaven, Cleator, and Egremont* Railway; and for other Purposes.

[16th June 1854.]

WHEREAS the making of a Railway to commence at and by a Junction with the *Whitehaven and Furness Junction* Railway, near *Mirehouse*, in the Township of *Preston Quarter* and Parish of *Saint Bees* in the County of *Cumberland*, and to terminate at the Town of *Egremont* in the Parish of *Egremont* in the same County, and also a Branch Railway therefrom, to commence at or near *Moor Row* in the said Parish of *Egremont*, and to terminate near *Hole Beck* in the Township of *Frizington* and Parish of *Arlecdon* in the said County, would be of great public Advantage: And whereas the Persons herein-after named, together with other Persons, are willing at their own Expense to carry such Undertaking into execution, but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and

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be

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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,)

8 & 9 Vict.
c. 16. & 18.
incorporated
with this
Act.

I. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act, save as to such Parts thereof as may be expressly varied or altered by the Provisions of this Act.

Short Title.

II. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Whitehaven, Cleator, and Egremont Railway Act, 1854.*"

Subscribers
incorporated.

III. The Right Honourable *William Earl of Lonsdale*, the Honourable *Henry Cecil Lowther*, Sir *Wastel Brisco* Baronet, Lieutenant General *Henry Wyndham*, *Robert Charles Hildyard*, *Samuel Irton*, *George Head Head*, *Thomas Hartley*, *Samuel Lindow*, *Robert Cowen*, *Anthony Benn Steward*, *Robert Brisco*, *George Pew*, *John Lindow*, *John Stirling*, *Peter Fisher*, *Richard Barker*, *Joseph Spencer*, *Henry Jefferson*, *John Tyson*, *George Buckham*, *William Miller*, *John Moore*, *William Grisdale*, and *Joseph Henry Robinson*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railways herein-after authorized, with proper Works and Conveniences belonging thereto or connected therewith, according to the Provisions of this Act and of the said Acts incorporated herewith, and for other the Purposes herein and in the said Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the name of "The *Whitehaven, Cleator, and Egremont Railway Company*," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein and the said Acts contained.

Capital.

IV. The Capital of the Company shall be Fifty thousand Pounds.

Shares.

V. The Number of Shares into which the said Capital shall be divided shall be Two thousand five hundred, and the Amount of each Share shall be Twenty Pounds.

Calls.

VI. Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Fifteen Pounds

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Pounds *per* Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Three Months at the least shall be the Interval between successive Calls.

VII. It shall be lawful for the Company to borrow on Mortgage of their Undertaking or on Bond any Sums of Money not exceeding in the whole the Sum of Sixteen thousand six hundred Pounds, but no Part of that Sum shall be borrowed until the whole of the said Capital of Fifty thousand Pounds shall have been subscribed and One Half thereof paid up; and all Monies, whether raised by Shares, or Mortgages, or Bonds, shall be applied in carrying the Purposes of this Act into execution, and for no other Purpose.

Power to borrow Money on Mortgage.

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

Arrears may be enforced by appointment of Receiver.

IX. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay Interest or Dividends to any Shareholder on the Amount of Calls made in respect of the Shares held by him in the Capital of the Company: Provided always, that nothing herein contained shall be deemed to prevent the Company from paying any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as shall be in conformity with the Provisions in "The Company's Clauses Consolidation Act, 1845," in that Behalf contained.

Interest or Dividend not to be paid on Calls.

X. The Company shall not, 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, 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 any Act authorizing the Company to construct any other Railway, or execute any other Work or Undertaking.

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

XI. The Number of Directors of the said Company shall be Twelve, and the Qualification of a Director shall be the Possession in his own Right of Twenty-five Shares in the Undertaking.

Number and Qualification of Directors

XII. It

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Power to vary the Number of Directors.

XII. It shall be lawful for the Company, by the Vote of any General or Special General Meeting, to reduce, and again from Time to Time to increase or reduce, the Number of Directors for the Time being, but so that the Number of Directors shall at no Time be greater than Twelve nor less than Six.

First Directors.

XIII. The Honourable *Henry Cecil Lowther*, Lieutenant General *Henry Wyndham*, *George Head Head*, *Thomas Hartley*, *Robert Cowen*, *Anthony Benn Steward*, *Robert Brisco*, *Samuel Lindow*, *Peter Fisher*, *Richard Barker*, *John Stirling*, and *Joseph Spencer* shall be the first Directors of the Company.

Election of Directors at First General Meeting.

XIV. The Directors appointed by this Act, or such of them as shall not die or resign, or become disqualified, or be removed, shall continue in Office until the First General Ordinary Meeting to be held after the passing of this Act; and at such Meeting the Shareholders present, personally or by Proxy, may continue in Office the Directors appointed by this Act or any Number of them, or may elect new Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible to be elected as Members of such new Body.

Subsequent Election of Directors.

XV. That at the First Ordinary General Meeting to be held in every Year after the First General Meeting, 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 contained in "The Companies Clauses Consolidation Act, 1845;" and the several Persons elected at any such Meeting, being neither removed nor disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by "The Companies Clauses Consolidation Act, 1845."

Quorum of Directors.

XVI. The Quorum of a Meeting of Directors shall be Four.

Committee of Directors.

XVII. The Number of Directors of which Committees appointed by Directors shall consist shall be such Number as the Directors shall from Time to Time think fit, not being less than Three nor more than Five; and the Quorum of a Meeting of a Committee of Directors shall be Three, if the Committee consist of more than Three Members, and if it shall consist of Three only Two shall be a Quorum.

Qualification of Auditors.

XVIII. Every Auditor appointed under this Act shall be possessed of and have in his own Right at least Fifteen Shares in the Company.

XIX. The

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XIX. The Periods to which the Books of the Company shall be brought to balance shall be the Thirty-first Day of *December* and the Thirtieth Day of *June* in each Year.

Periods for Balance and Inspection of Books.

XX. The First Ordinary Meeting of the Company shall be held within Three Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly in the Months of *February* and *August*; and the first of such subsequent Ordinary Meetings shall be held in *February* One thousand eight hundred and fifty-five; and all Meetings, whether ordinary or extraordinary, of the Company and of the Directors, shall be held in *Whitehaven*.

First and other Meetings of Company.

XXI. All Advertisements relating to the Affairs of the Company shall be inserted in at least One Paper published in the County of *Cumberland*.

Newspaper for Advertisements.

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

Money payable to Persons under Disability.

XXIII. The Quorum for every Meeting of the Company, whether ordinary or extraordinary, shall be Five Shareholders, present personally or by Proxy, and holding in the aggregate not less than Five thousand Pounds in the Capital of the Company.

Quorum at Meetings of the Company.

XXIV. The Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall not be less than Ten Shareholders holding in the aggregate not less than Ten thousand Pounds in the Capital of the Company.

Shareholders may convene Extraordinary Meetings.

XXV. And whereas Plans and Sections of the intended Railways and Works, showing the Situation, Lines, and Levels thereof respectively, and the Limits within which the same are to be constructed, and also a Book of Reference thereto, containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands upon or through which the same are intended to be made and pass, or which may be required to be taken for the Purposes of the Undertaking, have been deposited with the Clerk of the Peace of the County of *Cumberland*: Be it enacted, That, subject to the Provisions in this Act and in the Acts incorporated herewith contained, it shall be lawful for the Company to make and maintain the several Railways and Works herein-after mentioned, in the Situation and Lines and upon the Lands delineated on the said

Power to make Railways according to deposited Plans.

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Plans,

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Plans, and described in the said Book of Reference, and according to the Levels defined on the said Sections, and within the Limits aforesaid to make and maintain all such Roads, Stations, Works, and Conveniences connected therewith, and Approaches thereto respectively, as may be necessary for the Purposes of the said Railways respectively, and to enter upon, take, purchase, hold, and use such of the said Lands as shall be deemed necessary for the Purposes aforesaid.

Lines of
Railway.

XXVI. The Railways and Works by this Act authorized shall be the following; (that is to say,)

First, a Railway commencing at and proceeding from the *Whitehaven and Furness Junction* Railway, in the Township of *Hensingham* and Parish of *Saint Bees* in the County of *Cumberland*, at a Point Thirty Chains or thereabouts on the North Side of *Mirehouse Bridge* in the said Township, and marked (A.) upon the said Plans; which said intended Railway and other Works connected therewith will pass from, in, through, or into, or be situate within the several Parishes, Townships, and Extra-parochial Places, or other Places following, or some of them, (that is to say,) *Hensingham, Preston Quarter, Saint Bees, Keekle, Low Keekle Side, Montreal, Curwen Moors, Deane's Land, Cleator, and Egremont*, all in the County of *Cumberland*; and terminating in or near to a Close called *The Croft*, belonging to *Thomas Hartley* Esquire, and occupied by *John Ward* and *William Arden*, situate in the Parish of *Egremont* in the said County, near the Toll Gate in the said Parish of *Egremont*:

Second, a Branch Railway commencing at and by a Junction with the above-mentioned Railway in the Parish of *Egremont* in the County of *Cumberland*, in or near to a Pasture Field called *Near Moor Field*, belonging to *Thomas Henry Dalzell*, and occupied by *John Iredale*, and marked (B.) upon the said Plans, and situated near *Moor Row* in the said Parish of *Egremont*, and adjoining to the Highway leading from *Montreal* in the Township of *Hensingham* to *Moor Row* aforesaid, and will pass from, in, through, or into, or be situate within the several Parishes, Townships, and Extra-parochial Places, or other Places following, or some of them, (that is to say,) *Hensingham, Saint Bees, Montreal, Keekle, Low Keekle Side, Curwen Moors, Deane's Land, Egremont, Cleator, Cleator Moor, Frizington, and Arlecdon*, all in the County of *Cumberland*, and terminating in or near to a Close called *Near Intack*, belonging to *John Yeats*, and occupied by *William Crosthwaite*, situate in the Township of *Frizington* in the said County, at or near *Hole Beck*, in the same Township, which Railway shall be called *The Frizington Branch of the Whitehaven, Cleator, and Egremont Railway*.

XXVII. Subject

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XXVII. Subject to the Provisions in this Act and in "The Railways Clauses Consolidation Act, 1845," contained, in reference to the crossing of Roads on the Level, it shall be lawful for the Company in the Construction of the said intended Railway first herein-before described, to carry the same across and on the Level of the several public Roads in the Parish of *Egremont*, numbered 33, 66, and 67 respectively on the Plans deposited as herein-before mentioned, at or near the Points marked on the said Plans for the crossing thereof respectively.

Power to cross certain Roads on the Level.

XXVIII. For the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railway shall cross the before-mentioned Roads on the Level, and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations; and if the said Company shall fail to erect, or at any Time to maintain, any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence forfeit and be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Station or Lodge to be erected at Points of Crossing.

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

Board of Trade may require Bridges instead of level Crossings.

XXX. The Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Thirteen Acres.

Land for extraordinary Purposes.

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

Period for compulsory Purchases limited.

XXXII. The

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Period for
Completion
of Works.

XXXII. The Railways shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period all the Powers hereby granted to the Company for making the Railways hereby authorized, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed.

Tolls.

XXXIII. It shall be lawful for the Company to demand any Tolls for the Use of the Railways hereby authorized, not exceeding the following; (that is to say,)

Tonnage on
Articles of
Merchan-
dize.

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

Class 1. For all Iron Ore, Ironstone, Coal, Stone, Lime, and Limestone, Compost, Dung, and all Sorts of Manure, and all undressed Materials for the Repairs of Roads or Highways, *per Ton per Mile* not exceeding One Penny; and if conveyed in Carriages belonging to the Company an additional Sum *per Ton per Mile* not exceeding One Halfpenny, and if propelled by an Engine belonging to the Company a further Sum *per Ton per Mile* not exceeding One Penny Halfpenny :

Class 2. For all Coke, Culm, Charcoal, and Cinders, all wrought Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandize, *per Ton per Mile* not exceeding Twopence; and if conveyed in Carriages belonging to the Company an additional Sum *per Ton per Mile* not exceeding One Halfpenny, and if propelled by an Engine belonging to the Company a further Sum *per Ton per Mile* not exceeding One Penny Halfpenny :

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

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

Class 5. For every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing

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

In respect of Animals conveyed in Carriages upon the Railway, as follows : Tolls for
Animals, &c.

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

Class 7. For every Calf, Pig, Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing, and if propelled by an Engine belonging to the Company an additional Sum *per* Mile not exceeding One Penny :

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

For any Person conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence, and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny Halfpenny, and if propelled by an Engine belonging to the Company an additional Sum *per* Mile not exceeding One Penny Halfpenny.

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

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

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

For every Fraction of a Ton the Company may demand Tolls according to the Number of Quarters of a Ton in such Fraction; and if there be a Fraction of a Quarter of a Ton, such Fraction shall be deemed a Quarter of a Ton :

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

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

Tolls for
small Par-
cels and
Articles of
great
Weight.

XXXV. 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,)

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

For any Parcel exceeding Seven Pounds and not exceeding Fourteen Pounds in Weight, any Sum not exceeding Sixpence :

For any Parcel exceeding Fourteen Pounds and not exceeding Twenty-eight Pounds in Weight, any Sum not exceeding One Shilling :

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

And for Parcels exceeding Fifty-six Pounds and not exceeding Five hundred Pounds in Weight, the Company may demand any Sum which they think fit :

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages :

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand any Sum not exceeding Sixpence per Ton *per* Mile ; and if conveyed in or upon any Carriage belonging to the Com-
pany

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pany an additional Sum *per Ton per Mile* not exceeding Fourpence, and if propelled by an Engine belonging to the Company an additional Sum *per Ton per Mile* not exceeding Threepence:

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

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

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

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

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

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

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

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

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

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

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

For any Carriage mentioned in Class 5, not weighing more than One Ton, not exceeding Eightpence *per Mile*; and if weighing more

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more than One Ton, not exceeding Twopence *per* Mile for every Quarter of a Ton above a Ton :

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

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

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

Special
Trains.

XXXIX. The Restriction as to the Charge to be made for Passengers shall not extend to any Special Train that may be required to run upon the said Railways, but shall apply only to the Express and Ordinary Trains appointed or to be appointed from Time to Time by the Company, and for the Conveyance of Passengers and Goods upon the said Railways.

Company
may take
increased
Charges by
Agreement.

XL. Nothing herein contained shall be held to prevent the Company from taking any increased Charge 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, except small Parcels by Passenger Trains, or by reason of any other special Services performed by the Company in relation to such Goods.

As to Com-
munication
with the
Whitehaven
and Furness
Junction
Railway.

XLI. The first-mentioned Railway hereby authorized shall communicate with the *Whitehaven and Furness Junction* Railway at such Point or Points only, at or near to the Junction shown on the said Plans, as shall be determined by the Engineer of that Company ; and such Communication, when so determined on, shall be effected in the most approved Manner, with all necessary Works, and to the Satisfaction of the said Engineer for the Time being ; and the Expenses of such Communication and incident thereto, and of all necessary Openings in the Rails of the *Whitehaven and Furness Junction* Railway, and all Points and other Works from Time to Time requisite for effecting, altering, and maintaining such Rails and Points, and regulating the same, shall be paid by the Company hereby incorporated, and at their Expense shall at all Times be altered, repaired, and maintained to the Satisfaction of the Engineer for the Time being of the said *Whitehaven and Furness Junction* Railway Company ; and shall at all Times be made and maintained in such Manner as not to impede, obstruct, or interfere with the free, uninterrupted, and safe Passage along the said *Whitehaven and Furness Junction* Railway.

XLII. Nothing

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XLII. Nothing in this Act contained shall authorize the Company hereby incorporated to enter upon, take, or use any of the Land or Property of the said *Whitehaven and Furness Junction* Railway Company, or in any Manner to alter, vary, or interfere with their said Railway or any of the Works appertaining thereto, save only for the Purpose of effecting the Junction hereby authorized in manner last aforesaid, except with the Consent of the *Whitehaven and Furness Junction* Railway Company for that Purpose from Time to Time first had and obtained; and (except as hereby expressly authorized) nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities of or vested in or belonging to the said *Whitehaven and Furness Junction* Railway Company, but all their Rights, Privileges, Powers, and Authorities (under their several Acts of Parliament or otherwise) are hereby expressly saved and reserved, except as aforesaid.

Company not to interfere, &c. with the Property of Whitehaven and Furness Junction Railway Company without Consent.

XLIII. And whereas it hath been arranged by and between the Company hereby incorporated and the *Whitehaven and Furness Junction* Railway Company, that all Iron Ore, Stone, Lime, and Coals, conveyed upon the *Whitehaven and Furness Junction* Railway to or from the first-mentioned Railway by this Act authorized, shall be carried and conveyed on the Terms and in manner herein-after mentioned, and it is expedient that such Arrangement should be made permanent and binding upon the said Companies respectively: Be it enacted, That it shall be lawful for the *Whitehaven and Furness Junction* Railway Company, their Successors and Assigns, and they are hereby authorized and required, from Time to Time to carry and convey all Traffic, consisting of Iron Ore, Stone, Lime, and Coals, at a Rate or Toll not exceeding in the whole Eightpence *per* Ton, and so in proportion for any fractional Part of a Ton, upon, over, and along their Lines of Railway, as well between the Point of Junction therewith of the *Whitehaven, Cleator, and Egremont* Railway, by this Act authorized, and such Piers and Shipping Places of the Harbour of *Whitehaven*, as the *Whitehaven and Furness Junction* Railway Company now have or may hereafter have connexion with or access to by means of their Lines of Railway made or authorized to be made, as also between the said Point of Junction of the said Railway by this Act authorized and the *Whitehaven Junction* Railway near *Bransty* in the Township of *Preston Quarter*, and for such Purposes shall and they are hereby authorized and required to find and provide all such Engines or other locomotive Power, and such Men, Apparatus, and Horses, as shall be proper or necessary: Provided always, that the said *Whitehaven and Furness Junction* Railway Company, their Successors and Assigns, shall not be required to find or provide any Trucks or Waggon for such Mineral Traffic as aforesaid, unless they shall think fit, and in that Case they shall be

Maximum Tolls for Minerals which may be taken by the Whitehaven and Furness Junction Railway Company.

[Local.]

10 X

entitled

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entitled also to charge and be paid an extra Toll for the Use thereof, nor shall the said Company be required to provide Siding Room in the event of any Obstruction of their Lines of Railway by such Traffic, or in case such Traffic should not be carried forward from their said Lines of Railway.

Limiting
Tolls on the
White-
haven and
Furness
Junction
Railway in
certain
Cases.

XLIV. It shall not be lawful for the said *Whitehaven and Furness Junction* Railway Company to demand or receive in respect of any other Description of Goods whatsoever, or in respect of any Passenger or Animal which may be carried upon the herein-before mentioned Portions of their said Lines of Railway, or any Part thereof, to or from the Railway by this Act authorized, any greater Toll or Charge for the same respectively, or for the Use of Carriages, or for locomotive Power, by which the same shall be carried or propelled, than for the Number of Miles actually traversed, and the Fraction of a Mile, if any, according to the Tolls for such Mileage and fractional Part, authorized to be taken by the Acts relating to their said Railways: Provided always, that in case the Number of Miles so traversed shall be less than Three Miles, it shall be lawful for the said *Whitehaven and Furness Junction* Railway Company to demand and receive such Tolls or Charges as aforesaid as for Three Miles.

Power to
enter into
certain
Traffic Ar-
rangements
with other
Companies.

XLV. The Company hereby incorporated may from Time to Time enter into any Agreement or Agreements with the *Whitehaven and Furness Junction* Railway Company, and also with the *Whitehaven Junction* Railway Company, or either of them, with respect to the following Purposes, or any of them; (that is to say,)

The Use by the Company hereby incorporated of all or any Part of the Railways of the *Whitehaven and Furness Junction* Railway Company, and of the *Whitehaven Junction* Railway Company, which are or shall be situated in the several Townships or Parishes of *Hensingham, Preston Quarter, Whitehaven, and Saint Bees*, all in the County of *Cumberland*, or any of them, and the Use of the Works and Conveniences belonging thereto respectively:

The Conveyance by the Company hereby incorporated of the whole or any Part of the Traffic upon the said Portions of the said Railways:

The fixing of the Tolls, Rates, and Charges to be levied or taken by the said Companies in respect of the Traffic conveyed over their several Railways, or any Part thereof respectively, not exceeding the maximum Tolls, Rates, and Charges authorized by this Act and the Acts of Parliament relating to such Railways respectively:

The collection, taking, and levying of the said Tolls, Rates, and Charges:

The Reference to Arbitration of any Differences or Disputes which may happen or arise between the said Companies, or either of them

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them, respecting the Premises, in the Manner prescribed by "The Railway Clauses Consolidation Act, 1845."

XLVI. Any such Agreement shall not be for more than Ten Years, and no such Agreement shall have any Operation until the same shall have been approved of by the Board of Trade; and no such Agreement as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls, Rates, or Charges which the said Companies shall for the Time being be respectively authorized and entitled to demand and receive from any Person or any other Company, but all other Persons and Companies shall, notwithstanding any such Agreement, be entitled to the Use and Benefit of the Railways to which the said Agreement may relate, upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges, as they would have been in case no such Agreement had been entered into: Provided always, that the said Board shall not approve such Agreement without being satisfied that the same has been duly assented to by the Shareholders of the several Companies, Parties thereto, in Special Meeting assembled for that Purpose.

Duration of Agreement, which shall be approved by Board of Trade, and not to affect Persons not Parties thereto.

XLVII. The said Companies may, by any such Agreement as aforesaid, appoint a joint Committee, composed of such Number of Directors of the said Companies respectively as the said Companies may think proper, and from Time to Time may alter, vary, and renew any such Committee as Occasion may require, and may regulate the Proceedings of such Committee, and delegate to such Committee all such Powers of the said Companies respectively as may be necessary for carrying into effect the Purposes of such Agreement; and every such joint Committee so appointed shall have and may exercise the Powers so for the Time being delegated to them in like Manner as the same might have been had and exercised by the said Companies respectively or their respective Directors.

Appointment of Joint Committee for carrying Agreement into effect.

XLVIII. At the Expiration of any such Agreement, the said Companies respectively, with the Consent in Special Meeting of the Shareholders of such Companies respectively, and subject to the Approval of the Board of Trade, may enter into a further Agreement for all or any of the Purposes aforesaid, and so from Time to Time, but not for a longer Period than Ten Years at any One Time: Provided, that before such Companies respectively shall enter into any such further Agreement as aforesaid, they shall give Notice of their Intention to enter into such Agreement by Advertisement, in a Form to be approved of by the Board of Trade, inserted once in each of Three successive Weeks in some Newspaper published or circulating in each County in which any Part of the Railway or Railways to which such proposed Agreement relates is situated; and every such Notice shall

Agreement may be renewed with the Approval of the Board of Trade, but public Notice to be given of the same.

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shall set forth within what Time and in what Manner any Company or Person aggrieved by such proposed Agreement, and desiring to object thereto, may bring such Objections before the Board of Trade; and no such Agreement shall be valid at Law or in Equity until the same shall have been approved of by the Board of Trade.

Working
• Arrange-
ments, &c.
not to take
effect unless
approved by
Three Fifths
of the Share-
holders.

XLIX. That none of the Powers and Provisions of this Act with respect to the Use of the said Portions of the said Railways, or with respect to the Interchange of Traffic between the said Companies respectively (as the Case may be), shall have any Operation or Effect unless and until the Contracts or Arrangements intended to be made for such Purposes respectively shall have been submitted to and approved by a Majority of not less than Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at a Meeting of each of the said Companies being Parties to such Agreements or proposed Agreements, specially convened for that Purpose.

Meeting,
how to be
convened.

L. Every such Meeting shall be called by Advertisements inserted once at least in Two successive Weeks in a Morning Newspaper published in *London* and in some Newspaper of the County in which the principal Office of the Company is situate, the last of which Advertisements shall be published not less than Seven Days before such Meeting, and also by a Circular addressed to each Shareholder entitled to vote at Meetings of the said respective Companies, to be served in the Manner prescribed by "The Companies Clauses Consolidation Act, 1845," with respect to Notices requiring to be served by the Companies respectively upon the Shareholders.

Sum de-
posited pur-
suant to
Standing
Orders not
to be repaid
except in
certain
Events.

LI. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Three thousand six hundred Pounds, being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway, Branch Railway, and Works respectively 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 Act of the Ninth Year of Her present Majesty, the said Sum of Three thousand six hundred 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 Railways hereby authorized to be made, either open the said Railways for the public Conveyance of Passengers, or prove to the
Satisfaction.

The Whitehaven, Cleator, and Egremont Railway Act, 1854.

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 Railways 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 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 Three thousand six hundred 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 Three thousand six hundred Pounds, if the said Company shall not, within the Time limited for the Completion of the said Railways, either open the said Railways 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 of the Ninth Year of Her present Majesty 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.

[Local.]

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LII. Whereas

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Railway to
be subject
to Pro-
visions of
1 & 2 Vict.
c. 98.
3 & 4 Vict.
c. 97.
5 & 6 Vict.
c. 55.
7 & 8 Vict.
c. 85.
9 & 10 Vict.
cc. 57. 105.

LII. 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*; 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 another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her present 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 said Railway and Branch Railway, or the said Company, from the Provisions of the said several Acts respectively, but such Provisions shall be in force in respect of the said Railway and Branch, and Company, so far as the same shall be applicable thereto.

Nothing to
exempt Rail-
way from
Provisions of
future
General
Acts.

LIII. Nothing in this Act contained shall be deemed or construed to exempt the Railway and Branch by this Act authorized, 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 the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or of the Tolls for small Parcels, authorized by this Act.

Expenses
of Act.

LIV. All the Costs, Charges, and Expenses of and attending the passing of this Act, or preparatory or incidental thereto, shall be paid by the Company.

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