



ANNO VICESIMO QUINTO & VICESIMO SEXTO

# VICTORIÆ REGINÆ.

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## *Cap. cxviii.*

An Act to enable the *Eden Valley* Railway Company to construct certain Extension and Branch Railways; to use Portions of other Railways; to raise additional Capital; and for other Purposes.

[7th July 1862.]

**W**HEREAS by the "*Eden Valley* Railway Act, 1858," "the *Eden Valley* Railway Company" (herein-after called the Company) was incorporated, and was authorized to construct and maintain a Railway commencing by a Junction with the *Lancaster and Carlisle* Railway near the *Clifton* Station in the Township and Parish of *Clifton*, and terminating by a Junction with the authorized Line of the *South Durham and Lancashire Union* Railway in the Township and Parish of *Kirby Stephen*, all in the County of *Westmoreland*, and for the Purposes of the said Undertaking the Company were authorized to raise a Share Capital of One hundred and thirty-five thousand Pounds, and to borrow on Mortgage or Bond Forty-five thousand Pounds: And whereas a great Portion of the said Railway is completed, but no Part thereof is yet opened for Traffic: And whereas it would be attended with public and local Advantage if the Company were authorized to construct and maintain the Extension and Branch Railway herein-after mentioned, and to alter the Levels of a Portion of their authorized Line in the Parishes of *Clifton* and *Brougham* in the

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21 & 22 Vict.  
c. xiv.



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County of *Westmoreland*: And whereas Plans and Sections, describing the Lines and Levels of the proposed new Railway, and also the Portion of the authorized Line the Levels of which are to be altered, together with a Book of Reference to the said Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which the same are respectively intended to pass or be made, have been deposited with the Clerk of the Peace for the County of *Cumberland* at his Office in *Carlisle*, and with the Clerk of the Peace for the County of *Westmoreland* at his Office in *Appleby*: And whereas it is also expedient that the Company should be empowered to raise a further Sum of Money, and that some of the Powers and Provisions of the recited Act should be altered, amended, and extended, and that further Powers should be granted to the Company over their own and other Railways, as herein-after provided, but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, in manner following; (that is to say,)

Short Title. 1. This Act may be cited for any Purpose whatsoever as "The *Eden Valley Railway Act, 1862.*"

8 & 9 Vict.  
cc. 18. & 20.  
and  
23 & 24 Vict.  
c. 106. in-  
corporated. 2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," so far as the same are not altered or otherwise provided for by this Act, shall apply to the Railways and Works by this Act authorized to be made and altered, and shall be incorporated with this Act.

Same Mean-  
ings to  
Words in  
incorporated  
Acts as in  
this Act. 3. The several Words and Expressions to which in the Acts and Parts of Acts incorporated with this Act Meanings are assigned, shall have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Lines of  
Railway. 4. The Works to be made, maintained, and altered by the Company under the Authority of this Act, comprise the following Railways, with all proper Sidings, Approaches, Stations, Works, and Conveniences connected therewith; (that is to say,)

First. A Line of Railway on the deposited Plans called "Extension Railway," to commence by a Junction with the *Eden Valley Railway*, in the Parish of *Clifton* in the County of *Westmoreland*, at or near *Wetherrigs Pottery* in the said Parish, at the Point where the *Eden Valley Railway* is crossed by the Bridge carrying the public Highway from *Penrith* to *Cliburn* over the *Eden Valley Railway*, and terminating by a Junction with the Rails of the Main Line of the



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the *Lancaster and Carlisle* Railway at or near *Clifton*, in the said Parish of *Clifton*, at a Point Forty Yards Southwards of the Bridge in the said Parish of *Clifton*, for carrying *Eamont Bridge* and *Heron-Syke* Turnpike Road over the *Lancaster and Carlisle* Railway.

Secondly. To amend, alter, or raise the Levels of the *Eden Valley* Railway in the Parishes of *Clifton* and *Brougham*, for the Space of Forty-two Chains in Length or thereabouts, Eastward of the said Point of Junction of the Extension Railway at or near *Wetheriggs* aforesaid.

5. Subject to the Provisions in this Act and "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," contained, it shall be lawful for the Company to make, alter, and maintain the Railways herein-after mentioned, with all proper Works and Conveniences connected therewith, in the Lines and according to the Levels shown upon the said Plans and Sections, and upon the Lands delineated on the said Plans and described in the said Book of Reference, and to enter upon, purchase, take, and use such of the said Lands as the Company shall think necessary or expedient to be taken for such Purposes, and the Company may use for the Purposes of this Act any of the Lands belonging to the Company.

Power to make Railways according to deposited Plans.

6. And whereas the Extension Railway passes wholly through Lands belonging to the Right Honourable *William* Earl of *Lonsdale*, the Right Honourable *Henry* Lord *Brougham and Vaux*, to the Company, and the *Lancaster and Carlisle* Railway Company; and whereas the said Earl of *Lonsdale*, for the Purpose of avoiding the Severance of certain Portions of his Estate, is desirous of having the Power to require the Company to divert a Portion of the said Railway westwardly beyond the Limits of lateral Deviation laid down on the deposited Plans, and to require the Company to construct a Passenger Station thereon with an Approach thereto over Lands of the said Earl, which the Company are willing to carry into effect, if required so to do: Therefore, if the said Earl of *Lonsdale* or his Heir, Owner of the *Lowther* Estate, shall by Notice in Writing under his Hand, within Three Months after the passing of this Act, require the Company so to do, the Company shall, and they are hereby required and authorized to construct the said Extension Railway in such Line, and upon and through such Lands of the said Earl of *Lonsdale* as the said Earl shall by such Notice require, provided that the Radius of the Curve shall not be less than Thirty Chains, and that the Gradients shall not be steeper than One in Eighty, and that the Junction of the said diverted Railway with the *Lancaster and Carlisle* Railway shall be made at the Point on that Railway shown on the deposited Plans for the Junction therewith of the Extension Railway,

Diversion to be made through the Lands of the Earl of Lonsdale.

or



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or at such other Point as shall be agreed upon with the *Lancaster and Carlisle* Railway Company, anything in "The Railways Clauses Consolidation Act, 1845," herewith incorporated limiting the Deviation from the lateral or vertical Limits of Deviation shown on the deposited Plans and Sections to the contrary thereof notwithstanding, and all the Powers and Provisions of this Act and of the Acts incorporated herewith shall apply as well to the Portions of the said diverted Railway beyond the Limits of Deviation as shown on the said deposited Plans as to the Portions thereof within such Limits.

If diverted  
Line made,  
then a Pas-  
senger  
Station to be  
made  
thereon.

7. If the said Earl of *Lonsdale* shall require the Company to divert Part of the said Railway under the Power for that Purpose hereinbefore contained, then the Company will construct on the said diverted Line of Railway a Passenger Station at the Point required by the said Earl, and will make on the Lands of the said Earl to be sold by him to the Company for the Purpose an Approach from the said Station to the Road leading from *Clifton Dyke* to *Clifton* Station on the *Lancaster and Carlisle* Railway, and will make such Approach of the Width of Twenty Feet between the Fences, and metalled for the Width of Seven Feet Six Inches on each Side of the Centre of such Road or Approach.

Land for ex-  
traordinary  
Purposes.

8. The prescribed Quantity of Land which the Company may purchase by Agreement for extraordinary Purposes connected with the Railway and Works, under "The Railways Clauses Consolidation Act, 1845," shall not exceed Two Acres.

Period for  
Completion  
of Works.

9. The Railways and Works by this Act authorized shall be completed within Three Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act or the Acts incorporated herewith granted to the Company for executing the same Railways and Works or otherwise in relation thereto, shall cease to be exercised except as to so much of such Railways and Works as shall then have been completed, and except such Powers as are by the same Acts, or any of them, declared to be continued for a longer Period.

Deposit  
Money not to  
be repaid  
unless within  
a limited  
Time Line  
opened, or  
Half the  
Capital paid  
up and ex-  
pended,  
except on  
Execution of  
Bond.

10. 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 Five thousand two hundred Pounds, being Eight *per Cent.* on the Amount of the Estimate of the Expense of the Railways authorized by this Act, and also of the Three Railways herein-after mentioned as not now comprised therein, has been deposited with the Court of Chancery in *England* in respect of the Application to Parliament for this Act: And whereas since the making of the said Deposit Three Branch Railways, which formed Part of the Undertaking in respect of which such Deposit was made, have been abandoned: And whereas the Estimate of Expense of the Extension Railway and Alteration



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tion of Levels authorized by this Act is Sixteen thousand Pounds only, in respect of which the Sum of One thousand two hundred and eighty Pounds, being Eight *per Centum* on such reduced Estimate of Expense, is the Amount of Deposit to remain with the Court of Chancery in respect of the Application to Parliament for this Act: Be it enacted, That notwithstanding anything contained in the said last-recited Act, the said Sum of One thousand two hundred and eighty Pounds, being Part of the said Sum of Five thousand two hundred Pounds so deposited as aforesaid in respect of the Application for this Act or the Interest or Dividends of such Sum of One thousand two hundred and eighty Pounds, 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 the Survivor of them, unless the 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 of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the 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 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 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 One thousand two hundred and eighty Pounds shall have been executed by the 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 One thousand two hundred and eighty Pounds if the 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 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

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expended



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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.

Inclination  
of a certain  
Road.

11. As regards the Road herein-after mentioned, it shall be lawful for the Company to make the Rate of Inclination of such Road when altered as follows, viz.:

Parish.	Number on Plan.	Description of Road.	Rate of Inclination when altered.
EXTENSION LINE.			
Clifton -	40	Highway - - -	1 in 14 on one Side and level on the other.

Mode of  
effecting  
Junction  
with the  
Lancaster  
and Carlisle  
Railway.

12. The Communication between the Railway hereby authorized and the *Lancaster and Carlisle* Railway, and all such Interferences with the Works of the said last-mentioned Railway as may be necessary for effecting such Communication shall be made and altered, repaired and maintained in a substantial Manner, by means of Connexion Rails and Points, of the Construction and laid in the Manner which the Engineer for the Time being of the *London and North-western* Railway Company shall from Time to Time require, and in case of any Difference arising as to the Mode of effecting the Communication the same shall be determined by a Referee to be appointed at the Cost of the Company by the Board of Trade on the Application of either Company.

Company  
not to take  
Lands be-  
longing to  
the London  
and North-  
western or

13. Nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company to take or enter upon or use, either permanently or temporarily, any of the Lands belonging to the *London and North-western* or *Lancaster and Carlisle* Railway Companies, or to alter, vary, or interfere with the *Lancaster and*



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and *Carlisle* Railway or any of the Works thereof, further or otherwise than is necessary for the proper and convenient Junction between their said Railway and the Railway hereby authorized and for the Purposes of the Agreement hereby confirmed, without the Consent in Writing in every Instance for that Purpose first had and obtained of the *London and North-western* and *Lancaster and Carlisle* Railway Companies.

Lancaster and Carlisle Railway Companies without Consent.

14. The *London and North-western* Railway Company during the Continuance of their Lease of the *Lancaster and Carlisle* Railway, and thereafter the *Lancaster and Carlisle* Railway Company, may from Time to Time erect, maintain, and alter such Signals and Conveniences incident to the Junction, and appoint and remove such Watchmen, Switchmen, or other Persons, as they may deem necessary for the Prevention of Danger to, Detention of, or Interference with the Traffic at or near the said Junction, and the Working and Management of such Signals, Works, and Conveniences, and the Control and Direction of such Watchmen, Pointsmen, and other Persons, whether on the Land of the said *London and North-western* and *Lancaster and Carlisle* Railway Companies or on the Land of the Company, shall belong exclusively to the *London and North-western* and *Lancaster and Carlisle* Railway Companies; and all the Expense during each Half Year of erecting, altering, repairing, and maintaining such Signals, Works, and Conveniences, and of the Wages of such Watchmen, Pointsmen, and other Persons, and all incidental current Expenses, shall at the End of every Half Year be repaid by the Company to the *London and North-western* Railway Company during such Lease, and thereafter to the *Lancaster and Carlisle* Railway Company, as the Case may be, and in default of such Repayment the Amount of such Expenses and Wages may be recovered from the Company in any Court of competent Jurisdiction.

Signals to be erected and maintained and Persons appointed by London and North-western and Lancaster and Carlisle Companies at Point of Junction.

15. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, or Powers of the *London and North-western* and *Lancaster and Carlisle* Railway Companies respectively, otherwise than is herein expressly provided.

Saving Rights of certain Railway Companies.

16. From and after the passing of this Act it shall be lawful for the Company, and they are hereby authorized and empowered (subject nevertheless to the Provisions in this Act and in "*The Eden Valley Railway Act, 1858*," contained) to demand, receive, and take for and in respect of Passengers, and of the several Articles, Matters, and Things, and of all Descriptions of Animals conveyed on the Railways by this Act authorized to be made, and also for the Use of Carriages and Locomotive Engines or other Power supplied by the Company thereon, such and the like Rates, Tolls, or other Charges as by "*The Eden Valley Railway Act, 1858*," are authorized to be demanded and received for the like Passengers, Animals, Articles, Matters, and Things conveyed on the Railway

Tolls authorized by 21 & 22 Vict. c. xiv. to be taken.



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Railway thereby authorized to be made or constructed, and for the Use of the like Carriages and Locomotive Engines or other Power, as well for Ordinary as for Special Trains supplied by the same Company on the same Railways: Provided always, that in fixing the Rates, Tolls, and Charges to be taken or charged on the Railways by this Act authorized, the same shall be calculated and imposed as if the said intended Railways formed Part of the existing Line of Railway of the Company, and not as distinct and separate Railways.

Power to  
raise addi-  
tional  
Capital.

17. It shall be lawful for the Company to raise by Contribution among themselves, or by the Admission of other Persons as Subscribers to their Undertaking, or in part by each of those Means, the Sum of Sixteen thousand Pounds in addition to the Sums of Money they are authorized to raise by the recited Act, or may be authorized to raise by any Act to be passed during the present Session of Parliament.

Additional  
Capital to be  
divided into  
new Shares  
or Stock.

18. The Capital of Sixteen thousand Pounds so to be raised shall be divided into new Shares or Stock as the Company shall think fit, and such new Shares or Stock shall be of such nominal Value, and shall be distributed in such Manner and, subject to the Provisions of this Act, upon such Terms, not being less than the nominal Value of such Shares, as any General Meeting of the Company shall hereafter direct, and shall be considered as Part of the general Capital of the Company; and all the Clauses and Provisions of "The Companies Clauses Consolidation Act 1845," which are incorporated with this Act shall, so far as the same are applicable, apply to such new Capital and new Shares, 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 same Clauses and Provisions, original Capital and original Shares, except as to the Amount and Time of making and Payment of Calls, which (subject as herein-after mentioned) the Directors of the Company shall fix from Time to Time as they shall think proper.

Power to  
attach Pre-  
ference  
to new  
Shares.

19. And whereas there are no existing Shares in the Capital of the Company entitling the Proprietors thereof to any Preference or Priority of Interest or Dividends, therefore it shall be lawful for the Company, after their Railway has been completed and opened for Traffic, with the Consent of Three Fifths of the Votes of the Shareholders present personally or by Proxy at any Meeting to be specially convened for the Purpose from Time to Time, to attach to all or any Part of the new Shares to be created under this Act for raising the said Sum of Sixteen thousand Pounds such Preference or Priority in the Payment of Interest or Dividend not exceeding Five Pounds *per Cent. per Annum* on the Amount for the Time being paid in respect of such Shares, and such other Privilege as may be agreed upon at such Meeting or Meetings.

20. Such



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**20.** Such Preference Shares shall confer on the respective Holders or Proprietors thereof the preferential Dividend which may have been appointed by the Company as aforesaid, out of the Profits of each Year, ending on the Thirty-first Day of *December*, in priority to the original Capital of the Company, but if in any Year ending on that Day there shall not be Profits of the original Undertaking available for the Payment of the full Amount of such preferential Dividend for that Year, the Deficiency shall not be made good out of the Profits of any subsequent Year, or out of any other Funds of the Company.

Preference  
Dividends  
on Shares  
how to be  
paid.

**21.** The Company from Time to Time may raise by borrowing on Mortgage any Sums not exceeding in the whole the Sum of Five thousand three hundred Pounds, in addition to the Sum which they are authorized to borrow under the recited Act, but no Part of such Sum shall be borrowed until the whole of the Capital by this Act authorized shall have been subscribed for and One Half thereof shall have been actually paid up, and the Company shall have proved to the Justice who is to certify under the Fortieth Section of the "Companies Clauses Consolidation Act, 1845," that the whole of such Capital has been subscribed for *bonâ fide* and is held by such Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable to pay the same.

Power to  
borrow on  
Mortgage.

**22.** All Mortgages, Debentures, and Bonds created by the Company under the recited Act, and which shall be subsisting at the passing of this Act, shall have Priority over all Mortgages, Debentures, and Bonds, to be created by the Company under the Powers of this Act.

Saving  
existing  
Mortgages.

**23.** All and every Sum of Money which shall be raised by Shares or by Loan under the Powers of this Act, shall be applied to the Purposes of the Railways and Works by this Act authorized, and to no other Purposes whatsoever.

Application  
of Monies.

**24.** The Company may appropriate and apply to the Alteration of the *Eden Valley* Railway, and to the other Works authorized by this Act, any of the Monies which under and by virtue of their existing Act they have raised or are or may be authorized to raise, and which shall not be wanted for the Purposes of those Acts.

Power to  
apply Monies  
raised under  
existing Act  
to Purposes  
of this Act.

**25.** All the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following Matters; (that is to say,)

Certain Pro-  
visions of  
8 & 9 Vict.  
c. 16. ex-  
tended to  
this Act.

With respect to the Construction of the Act, and of other Acts to be incorporated therewith;

With respect to the Distribution of the Capital of the Company into Shares;

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- With respect to the Transfer or Transmission of Shares ;
- With respect to the Payment of Subscriptions, and the Means of enforcing the Payment of Calls ;
- With respect to the Forfeiture of Shares for Nonpayment of Calls ;
- With respect to the Remedies of Creditors of the Company against the Shareholders ;
- With respect to the borrowing of Money by the Company on Mortgage or Bond ;
- With respect to the Conversion of the borrowed Money into Capital ;
- With respect to the Consolidation of the Shares into Stock ;
- With respect to the Powers of the Directors and the Powers of the Company to be exercised only in General Meeting ;
- With respect to the giving of Notices ; and
- With respect to the Recovery of Damages not specially provided for and Penalties ;

Shall, so far as the same are not varied by the Provisions of this Act, be incorporated with and form Part of this Act, and apply to the Company and Shareholders thereof, and to all Shares or Stock created, and to all Mortgages granted and Monies borrowed, and Notices required under the several Powers of this Act, and to the several Matters and Things relating thereto respectively, provided for by such Clauses and Provisions respectively.

Rights of  
new Share-  
holders to be  
in proportion  
to the Value  
of new  
Shares.

**26.** Subject to the Provisions of this Act, and to the Terms of Issue of any new Shares to be created thereunder, for raising the said Sum of Sixteen thousand Pounds or any Part thereof, every Person who shall become entitled to any such new Share, save and except any of such new Shares as shall have any special Preference or Priority in the Payment of Interest or Dividend attached thereto in pursuance of the Power for that Purpose in this Act contained, shall, in respect thereof, be a Shareholder in the Undertaking, and shall be entitled to Dividends rateably with the Proprietors of the original Capital or Stock of the Company in the Proportion which the Amount paid up on such new Shares shall bear to the aggregate Amount for the Time being of the general Stock of the Company, and such new Shares shall confer on the respective Holders or Proprietors 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 for such Purposes every entire Sum of Twenty-five Pounds of such nominal Value shall be equivalent to One Share of Twenty-five Pounds in the original Capital of the Company, and no Shareholder shall vote in respect of any Number of such new Shares which shall constitute a less Interest in the Capital of the Company than Twenty-five Pounds.

Calls.

**27.** Twenty 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 Holders of Shares created in respect of the Sum of Sixteen thousand



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thousand Pounds by this Act authorized to be raised, and Three Months at the least shall be the Interval between successive Calls, and Three Fourths of the nominal Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon each Share.

28. It shall not be lawful for the Company out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of 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.

Interest not to be paid on Calls paid up.

29. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purpose of such Act 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 any Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

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

30. It shall be lawful for the Company, if they shall think fit, from Time to Time to establish and lay down, and to maintain or to lease at a Rental or otherwise, or to contract with any Company or Person for laying down and maintaining along the Lines of Railway by this Act authorized One or more Lines of Telegraph.

Power to lay down Electric Telegraph.

31. The Sections of the recited Act numbered respectively Thirty-nine, Forty, Forty-one, Forty-two, Forty-three, Forty-four, and Forty-five, authorizing the Company and the *Stockton and Darlington* Railway Company to enter into Working and Traffic and other Arrangements, shall apply to the Extension and Branch Railways and also to any Railways and Stations which the Company are by this Act empowered to use, and to the Provisions of the Agreement set out in the Schedule hereto, as fully and effectually as if those Sections were repealed and re-enacted in this Act with respect to those Railways and Works respectively and were in Terms made applicable thereto.

Powers by recited Act given to Stockton and Darlington Railway Company to work the Eden Valley Railway extended to Railways to be made or used under this Act.

32. The Agreement set forth in the Schedule to this Act and made on the Tenth Day of May One thousand eight hundred and sixty-two, between the *London and North-western* Railway Company of the one Part, and the *Stockton and Darlington* Railway Company and the *Eden Valley* Railway Company of the other Part, is hereby confirmed, and all

Confirming Agreement set out in Schedule.

the



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the Provisions thereof are as binding and effectual on the Parties thereto as though the Terms and Conditions thereof were set forth and expressly enacted in this Act.

Power to enter into Arrangements as to Joint Stations.

**33.** It shall be lawful for the Company, and for any Company working the *Eden Valley* Railway and the said intended Railways and Works, and for the *Lancaster and Carlisle* Railway Company, the *London and North-western* Railway Company, and the *Cockermouth, Keswick, and Penrith* Railway Company, herein called the Three Companies respectively, or any of them, to enter into Arrangements and Agreements with regard to the Erection, Maintenance, Management, and Use of joint or separate Stations, Sidings, Station Approaches, and other necessary Works belonging to or used by them respectively at the Points where the *Eden Valley* Railway, or the said intended Railways or any of them, joins or runs into or near to the Lines of the said last-named Companies, or with respect to the Use of the Stations, Sidings, Station Approaches, and Portions of Railways leading to such Stations, and as to the Traffic passing over the same, and with respect to the Use of other Works at present existing or hereafter to be made at or near such Points, and with respect to the Construction, Use, and Management of the respective Junctions which may be authorized between the said intended and existing and authorized Railways or any of them, or which may be agreed upon between the Company and the Three Companies or any of them, and upon Payment of such Tolls, Rates, and Charges, or upon such Terms as may be agreed upon.

If Company amalgamated with any other Company, then Powers, &c. to attach to that Company.

**34.** If the Company shall be amalgamated with any other Railway Company by or under any Act to be passed in the present Session of Parliament, then all the Powers and Authorities by this Act conferred on the Company, and all the Liabilities to which the Company are by this Act made subject shall vest in and attach to the amalgamated Company.

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

**35.** Nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made, or the Company, from the Provisions 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, or the Rates for small Parcels.

Expenses of Act.

**36.** All the Costs, Charges, and Expenses of and incident to the applying for, obtaining, and passing this Act shall be paid by the Company.



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*The Eden Valley Railway Act, 1862.*

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SCHEDULE referred to in this Act.

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ARTICLES OF AGREEMENT made and entered into this Tenth Day of May in the Year of our Lord One thousand eight hundred and sixty-two between the London and North-western Railway Company, who are the Lessees of the Lancaster and Carlisle Railway, and who are herein-after designated as the North-western Railway Company, of the one Part, and the Stockton and Darlington Railway Company and the Eden Valley Railway Company of the other Part. Whereas the Stockton and Darlington Railway Company have Power to work and maintain the Eden Valley Railway: And whereas the Eden Valley Railway Company have introduced a Bill into Parliament in the present Session to authorize them to extend and enlarge the Eden Valley Railway, and for Powers and Authorities (amongst other Things) to extend the Eden Valley Railway by making and maintaining the several Lines of Railway herein-after mentioned, or some of them; (that is to say,) Firstly, a Railway commencing by a Junction with the Eden Valley Railway in the Parish of Clifton, at or near Weatherigg's Pottery, and terminating by a Junction with the Main Lines of the Lancaster and Carlisle Railway at or near Clifton in the said Parish. Secondly, a Line of Railway to commence from and out of the said first-mentioned Line of Railway in the said Parish of Clifton, and terminating in the Parish of Dacre, by a Junction with the authorized Railway of the Cockermouth, Keswick, and Penrith Railway. Thirdly, a Railway from and out of the secondly-described Railway commencing by a Junction therewith in the said Parish of Dacre, and terminating in the Parish of Penrith. Fourthly, a Railway from and out of the secondly proposed Railway commencing by a Junction therewith in the said Parish of Dacre, and terminating in the said Parish of Penrith by a Junction with the said authorized Railway of the said Cockermouth, Keswick, and Penrith Railway, and the said Eden Valley Railway Company have deposited a Bill in the Private Bill Office of the House of Commons, to carry out the Objects and Purposes of the said Notice: And whereas in order to avoid the Construction of Parallel Lines of Railway and to facilitate friendly Co-operation and the Interchange and forwarding of certain Traffic to, from, and between the said Railways of the said Companies Parties hereto, and for their mutual Benefit and the Advantage of the Public, the Companies, Parties hereto, have agreed to enter into the Arrangements herein-after contained. Now, therefore, these Presents witness that the said Companies, Parties hereto, do hereby mutually agree with each other, as follows; namely,

Firstly, That the said Railways, secondly, thirdly, and fourthly in the said Bill, and herein-before mentioned, shall be omitted from the said Bill, and be not further proceeded with by the Eden Valley Railway Company; and that so much and such Part of the said Bill as relates to such Three proposed Railways shall be withdrawn therefrom, and shall not again be applied for.

Secondly, That the said Eden Valley Railway Company shall apply for and take Powers by the said Bill for making and maintaining the Railway firstly therein and herein-before mentioned, and for such Alterations of the Levels of

[*Local.*]

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the



*The Eden Valley Railway Act, 1862.*

the existing Railway of the Eden Valley Railway Company as that Company may deem necessary or desirable, and for permissive and enabling Powers as to the Construction, Maintenance, and User of Station Accommodation and Works jointly with the said North-western Company.

Thirdly, That the London and North-western Railway Company shall consent to the said Eden Valley Railway Company making and maintaining a Branch, commencing by a Junction with the Lancaster and Carlisle Railway at some Point in the Parishes of Dacre or Penrith respectively that shall be mutually agreed by and between the said Companies Parties hereto, and terminating by a Junction with the said Cockermouth, Keswick, and Penrith Railway in such One of the said last-mentioned Parishes as shall be mutually agreed upon by and between the Companies Parties hereto and the said Cockermouth, Keswick, and Penrith Railway Company.

Fourthly, That it shall be lawful for the said Eden Valley Railway Company and for the Stockton and Darlington Railway Company, from Time to Time and at all Times hereafter, to run over and use with Engines, Carriages, and Waggons, and to convey Traffic of all Descriptions over all or any Part of the Lancaster and Carlisle Railway lying between the Junction at or near Clifton Village of the proposed Railway in the said Bill, and herein-before firstly mentioned, and the Station at Penrith of the Lancaster and Carlisle Railway and the London and North-western Railway Companies, and shall use such Station and the Appurtenances thereto belonging upon such Terms and Conditions and upon the Payment of such Tolls as to the Line of Railway as are herein-after provided; and as to the Station Accommodation, upon such Terms and Conditions as may be agreed upon, and failing Agreement as shall be settled by Arbitration in manner herein-after provided.

Fifthly, That the Eden Valley Railway Company and the Stockton and Darlington Railway Company shall account for and pay to the North-western Company in respect of all Traffic passing or conveyed over the said Portions of the said Lancaster and Carlisle Railway herein-before mentioned, by means of Engines, Carriages, or Waggons belonging to the said Eden Valley Railway Company or to the Stockton and Darlington Railway Company, the Mileage Proportion of the Fares or Rates charged in respect of the Traffic accruing on the said Portions of the said Lancaster and Carlisle Railway, less Working Expenses to be calculated at Twenty-five Pounds per Centum, such Mileage Proportion being determined on the Principle of deducting Clearing-house Terminals from the gross Rates or Fares and dividing the Residue according to the Miles traversed by such Traffic over the respective Railways of the Companies, Parties hereto: Provided always, that as regards the Fares or Rates, the same shall be agreed upon between the Stockton and Darlington Railway Company or the Eden Valley Railway Company and the London and North-western Railway Company, and failing Agreement shall be settled by Arbitration in manner herein-after provided; provided also, that as respects all Traffic (if any) passing along or over the Eden Valley Railway, to or from any Place Northwards of Penrith from or to any Place South of the River Humber or South-west of a Line drawn from Tebay to Leeds (excluding Leeds), the Powers of running over and using the said Portions of the Lancaster and Carlisle Railway herein-before mentioned shall not be exercised or used without the Consent of the North-western Company from Time to Time under their Common Seal; provided also, that such Powers shall not be used for the Purpose of carrying the local Traffic of the North-western Company.

Sixthly,



*The Eden Valley Railway Act, 1862.*

Sixthly, That in approaching, entering upon, departing from, running over, and using the said Portions of the said Lancaster and Carlisle Railway herein-before mentioned, the said Eden Valley Railway Company and the Stockton and Darlington Railway Company shall be subject to and shall obey, perform, and keep the Byelaws and Regulations for the Time being applicable to the Lancaster and Carlisle Railway.

Seventhly, That all Traffic passing over the Eden Valley Railway or any Portion thereof, and over such Portions of the Lancaster and Carlisle Railway as are herein-before mentioned and which shall be consigned or destined to any Place or Places Northwards of Penrith, shall be exchanged by the Eden Valley Railway Company and the Stockton and Darlington Railway Company with the said North-western Company at their Principal Station at Penrith aforesaid for the Conveyance forward by them.

Eighthly, That in case any Difference shall arise between the North-western Company on the one Part, and the Eden Valley Railway Company and the Stockton and Darlington Railway Company or either of them on the other Part, touching the true Intent and Construction of this Agreement, or of anything therein expressed, or touching anything to be done or omitted to be done in pursuance of this Agreement, or as to any of the Incidents or Consequences of this Agreement or otherwise relating to the Premises, the Matter in question shall be referred to Arbitration in the Manner directed or authorized by "The Railway Companies Arbitration Act, 1859."

Ninthly, This Agreement shall continue during the Subsistence of the Lease of the Lancaster and Carlisle Railway to the London and North-western Railway Company, and shall be confirmed by the said Bill now before Parliament, and the Companies, Parties hereto, shall consent thereto, and concur, if necessary, in any subsequent Application to Parliament for the Confirmation thereof. This Agreement to come into operation on the passing of the said Bill confirming the same as aforesaid. As witness the Seals of the respective Companies.

The Stockton  
and Darlington  
Railway  
Company.

THOS. MACNAY, *Secretary.*

The Eden  
Valley Railway  
Company.

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