



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. cx.

An Act for making a Railway from *Broughton* to
Coniston in the County Palatine of *Lancaster*;
and for other Purposes. [10th *August* 1857.]

WHEREAS the Construction of a Railway from the Terminus of the *Furness* Railway at *Broughton* in the County Palatine of *Lancaster* to *Coniston* in the same County would be of great public Advantage: And whereas the Persons hereinafter named, together with other Persons, are willing at their own Expense to carry such Undertaking into execution if authorized so to do: And whereas it is expedient that the *Furness* Railway Company should be authorized to subscribe towards and become Shareholders in the Undertaking, and to give such Guarantees as are herein-after mentioned in respect of the Dividend on a Portion of the Capital required for the Construction of the said proposed Railway: And whereas the several Matters 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 Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

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I. "The

The Coniston Railway Act, 1857.

8 & 9 Vict.
cc. 16., 18.,
and 20. in-
corporated.

I. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," so far as the same respectively are not expressly varied by the Provisions of this Act, shall be incorporated with and form Part of this Act.

Short Title.

II. In citing this Act it shall be sufficient for all Purposes to use the Expression "The *Coniston Railway Act, 1857.*"

Same Mean-
ings to
Words in
incorporated
Acts as in
this Act.

III. The several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Subscribers
incorporated.

IV. His Grace the Duke of *Buccleuch*, the Right Honourable the Earl of *Burlington*, *James Walker*, *Frederick Iltid Nicholl*, *Stephen Eddy*, *Frederick Currey*, *William Currey*, *James Ramsden*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway and Works herein-after described, with proper Works and Conveniences belonging thereto, according to the Provisions of this Act, and for other the Purposes herein and in the said incorporated Acts contained, and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Coniston Railway Company*," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase, take, and hold Lands for the Purposes of the Undertaking within the Restrictions herein and in the said incorporated Acts contained.

Capital.

V. The Capital of the Company (including the Sums of Four thousand Pounds and Six thousand Pounds herein-after mentioned, and the Sum, if any, to be subscribed by the *Furness Railway Company*) shall be Forty-five thousand Pounds, and the Number of Shares into which the said Capital shall be divided shall be Four thousand five hundred, and the Amount of each Share shall be Ten Pounds.

Calls.

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

VII. Whereas

The Coniston Railway Act, 1857.

VII. Whereas Dame *Anne Frederica Elizabeth Le Fleming* is Lady of the Manor of *Coniston* and the Owner of extensive Mines of Copper in the Neighbourhood thereof, and *John Barratt, James Humbleton,* and *Joseph Mason* are the Lessees of the Mines, and the proposed Railway will take Traffic to and from the Mines: And whereas, for the Purpose of facilitating the making the Railway, *Lady Anne Frederica Elizabeth Le Fleming* has subscribed for Shares to the Amount of Four thousand Pounds in the Capital of the Company, and *John Barratt, James Humbleton,* and *Joseph Mason* have also subscribed for Shares to the Amount of Six thousand Pounds therein, and they respectively are content to receive a fixed Dividend at the Rate of Two Pounds Ten Shillings on the Sums from Time to Time paid on those Shares respectively: And whereas the *Furness* Railway Company are of opinion that the Construction of the Railway would be of great Advantage to them, and are therefore willing to incur the Liability with respect to the Dividends to be paid on the Shares so subscribed for which is imposed on them by this Act: Therefore the Holders of the Shares so subscribed for, and amounting together to Ten thousand Pounds, shall not be entitled to any Dividend out of the Profits of the Company exceeding the Rate of Two Pounds Ten Shillings *per Centum per Annum* on the Amount from Time to Time paid on those Shares; and if and whenever the Company do not for any Half Year declare and pay a Dividend at the Rate of One Pound Five Shillings *per Centum* on the Amount so paid up, the *Furness* Railway Company shall, in priority to any Dividend for that Half Year on the ordinary Shares in their Capital, and to any Dividend for that Half Year on any preferential Shares in their Capital, created or issued by them after the passing of this Act, but not in priority to any Dividend on any preferential Shares in their Capital created or issued by them before the passing of this Act, pay to the Holders of those Shares such a Sum as is sufficient to make the Dividend thereon for that Half Year equal to One Pound Five Shillings *per Centum*: Provided always, that the Company shall issue the Certificates for those Shares on such Terms as shall sufficiently indicate the special Provisions of this Act with respect to the Dividends to be paid thereon.

Dividend to be paid on Shares for 10,000*l.* subscribed for by Owner and Lessees of *Coniston* Copper Mines.

VIII. It shall not be lawful for the Company or for the *Furness* Railway Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein contained shall be deemed to prevent the Company or the *Furness* Railway Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of

Interest not to be paid on Calls paid up.

Calls

The Coñiston Railway Act, 1857.

Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

IX. It shall not be lawful for the Company or for the *Furness* Railway Company, out of any Money by this Act authorized to be raised, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company or the *Furness* Railway Company to construct any other Railway or execute any other Work or Undertaking.

Power to borrow on Mortgage.

X. It shall be lawful for the Company to borrow on Mortgage or Bond any Sum not exceeding in the whole Fifteen thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Forty-five thousand Pounds shall have been subscribed for, and One Half Part thereof shall have been actually paid up, and all Moneys raised under the Powers of this Act, either by Shares or by borrowing, shall be applied in carrying out the Purposes of this Act only, and for no other Purpose.

Arrears may be enforced by Appointment of Receiver.

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

First Meeting.

XII. The First Ordinary Meeting of the Company shall be held within Six Months next after the passing of this Act.

Number and Qualification of Directors.

XIII. The Number of Directors of the Company shall be Three, and the Qualification of a Director shall be in the Possession in his own Right of Fifty Shares in the Undertaking.

Quorum.

XIV. The Quorum of a Meeting of Directors shall be Two.

First Directors of the Company.

XV. *Frederick Iltid Nicholl, Stephen Eddy, and Frederick Currey* shall be the First Directors of the Company.

Election of Directors.

XVI. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting held after the passing of this Act, and at such Meeting the Shareholders present, personally or by Proxy, may

The Coniston Railway Act, 1857.

may either continue in Office the Directors appointed by this Act, or a new Body of Directors may be elected to supply their Places, the Directors appointed by this Act being, if qualified, eligible for Re-election.

XVII. All Advertisements relating to the Affairs of the Company shall be inserted in at least One of the Papers published in the County of *Lancaster*. Newspapers for Advertisements.

XVIII. And whereas Plans and Sections of the proposed Railway and Works showing the Lines and Levels thereof, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same are intended to pass, or which may be required for the Purposes of the Undertaking, have been deposited with the Clerk of the Peace for the County of *Lancaster*: Therefore, subject to the Provisions of this Act, the Company may make and maintain the Railway and Works in the Lines and upon the Lands delineated on those Plans, and described in that Book of Reference, and according to the Levels described on those Sections, and may enter upon, take, and use such of the said Lands as shall be necessary for the Purposes thereof. Power to make Railway according to deposited Plans.

XIX. The Railway and Works by this Act authorized comprise the following; (to wit,) Railway and Works.

A Railway commencing by a Junction with the *Furness* Railway at or near the South End of the *Broughton* Station in the Parish of *Kirkby Ireleth* and County Palatine of *Lancaster*, and terminating in a Field belonging to *George Gelderd*, and in the Occupation of *Richard Prickett*, in the Township of *Church Coniston* and Parish of *Ulverston* and County of *Lancaster* aforesaid, which Field is situate on the North Side of the Road leading from *Church Coniston* to *Seathwaite*, and abuts upon the House and Buildings belonging to the said *George Gelderd*, and in the Occupation of the said *Richard Prickett*.

XX. The Company at the Request, not later than One Year after the passing of this Act, of the Owner and Occupier of Land lying between the Station on the Railway proposed to be made at or near to *Coniston*, as shown on the deposited Plans, and the Land lying to the North-westward of the Close, Number 120, in the Parish of *Church Coniston*, shown thereon, shall lay down and maintain within the Limits of Deviation shown thereon, and in continuation of the Railway, such additional Lines of Rail, to extend from that proposed Station to the North-western Boundary of that Close, as will be proper and sufficient for the Conveyance of Mineral and Goods Traffic between that Station and that Boundary, and shall purchase such Parts of Company, not later than One Year after passing of Act, to lay down additional Lines of Rail for Mineral and Goods Traffic.

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The Coniston Railway Act, 1857.

those Lands within those Limits as are requisite for the Purposes of such additional Lines of Rail.

Certain Roads may be crossed on a Level.

XXI. Subject to the Provisions of this Act, the Company may carry the Railway, with not exceeding the Number of Lines of Rails herein-after mentioned, across and on the Level of the several Roads numbered in the Plans deposited for the Purposes of this Act as follows; (to wit,)

Parish.	No. on Plan.	No. of Lines of Rail.
Kirkby Ireleth -	44	Two.
Kirkby Ireleth -	143	One.
Ulverston - -	20	One.
Ulverston . - -	50 a	One.
Ulverston - -	89	One.

Company to erect a Station or Lodge at Points of crossing, and abide by Rules, &c. of the Board of Trade.

XXII. For the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or a Lodge at the Point where the Railway crosses on the Level the several Roads herein-before mentioned, and the Company shall be subject to and abide by all such Rules and Regulations with respect to the crossing of those Roads on the Level, or with respect to the Speed at which Trains shall pass those Roads as are from Time to Time made by the Board of Trade; and if the Company fail to erect or at all Times maintain any such Station or Lodge, or to appoint a proper Person to watch and superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence continues after the Penalty of Twenty Pounds is incurred.

Board of Trade may require a Bridge to be erected in lieu of level Crossings.

XXIII. The Board of Trade, if it appear to them necessary for the public Safety, may at any Time, either before or after the Railway to be carried across those Roads on the Level is completed and opened for public Traffic, require the Company, within such Time as the Board of Trade direct, and at the Expense of the Company, to carry any of those Roads either under or over the Railway by means of a Bridge or Arch in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case appear to the Board of Trade best adapted for removing or diminishing the Danger arising from such level Crossings.

Span of Bridges.

XXIV. In carrying the several Roads, numbered respectively as follows on the Plans deposited for the Purposes of this Act, over or under

The Coniston Railway Act, 1857.

under the Railway, the Company may make the Bridges of the following Dimensions; (to wit,)

No. on Plan.	Description.	Parish.	Height.	Width.
110 a	Public Road - -	Kirkby Ireleth - -	15	15
120	Public Road - -	Kirkby Ireleth - -	15	15
129	Public Road - -	Ulverston - -	15	12
74	Public Road - -	Ulverston - -	15	15
109	Public Road - -	Ulverston - -	15	12

XXV. All Communications between the Railway and the *Furness* Railway shall be effected by means of Connexion Rails and Points, of the Construction most approved, laid in the Manner most approved, and to the Satisfaction of the Engineer of the *Furness* Railway Company.

Communications with the *Furness* Railway.

XXVI. The Expense of the Communications with the *Furness* Railway by this Act authorized, and of all requisite Works for effecting such Communications, and of all Repairs thereof, shall be paid by the Company, and such Works shall on every Occasion be done to the Satisfaction of the Engineer of the *Furness* Railway Company, and in such Manner as not to injure the *Furness* Railway.

Works to be done to the Satisfaction of the *Furness* Railway Company.

XXVII. The Company may purchase by Agreement, and not compulsorily, for extraordinary Purposes, as defined in "The Railways Clauses Consolidation Act, 1845," any Quantity of Land not exceeding Five Acres.

Lands for extraordinary Purposes.

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

Powers for compulsory Purchases limited.

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

Period for Completion of Works.

XXX. And 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, the Sum of Three thousand three hundred and seventy-five Pounds, being One Tenth Part of the Amount required to be subscribed in respect of the Railway authorized by this Act, has been deposited with the Court of Chancery in

Restriction as to Payment or Transfer of Sum of 3,775*l.*

England

The Coniston Railway Act, 1857.

England in respect of the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the recited Act, the Sum of Three thousand three hundred and seventy-five Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as hereinafter 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 recited Act, or the Survivor or Survivors of them, unless the Company shall, previously to the Expiration of Three Years from the passing of this Act, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the 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 Capital; and if the Period of Three Years shall expire before the Company shall either have opened the Railway for the public Conveyance of Passengers, or have given such Proofs as aforesaid to the Satisfaction of the Lords of such Committee, the Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall, immediately from and after the Expiration of such Period, be forfeited to Her Majesty, and be paid or 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 Sum of Three thousand three hundred and seventy-five 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 Sum of Three thousand three hundred and seventy-five Pounds if the Company shall not, within Three Years from the passing of this Act, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of such Committee 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 One Half of such Capital, and if such Bond shall have been deposited with the Solicitor to the Lords Commissioners, then such Sum of Money, and the Interests 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 Coniston Railway Act, 1857.

or the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the recited Act to the contrary notwithstanding; and the Moneys to be recovered upon such Bond shall be dealt with in like Manner as the 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 Solicitor to the Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of such Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

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

In respect of the Tonnage of all Articles conveyed thereon or upon any Part thereof, as follows: Tonnage on
Articles of
Merchandise.

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, Slate, Rubbish, and all undressed Materials for Repair of public 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:

For all Coals, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Copper and Copper Ore, and all other Ores, Metals, Minerals, and Semi-metals, 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 Merchandise, *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:

For all Sugar, Grain, Corn, Flour, Meal, Potatoes, Hay, Straw, Hides, Dyewoods, Earthenware, Timber, Stones, and Deals, Nails, Anvils, Vices, and Chains, *per Ton per Mile* Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Penny:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, 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:

[*Local.*]

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The Coniston Railway Act, 1857.

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform not belonging to the Company, *per* Mile not exceeding Fivepence :

And a Sum of One Penny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh.

Tolls for
Animals.

Second. In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows :

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

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

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

Tolls for
Locomotives.

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

Maximum
Tolls for
Passengers.

XXXIII. It shall not be lawful for the Company to demand or receive any greater Sum in respect to Passengers than the following ; (that is to say,)

Passengers in First-class Carriages, Threepence *per* Passenger *per* Mile :

Passengers in Second-class Carriages, Twopence *per* Passenger *per* Mile :

Passengers in Third-class Carriages, One Penny Farthing *per* Passenger *per* Mile, including the Charges for the Use of the Carriages and locomotive Power, and all other Charges incidental to such Conveyance, unless in the Case of Passengers travelling by Special Trains :

Provided always, that if any Passenger be conveyed for a less Distance than Three Miles, the Company may demand and receive Tolls for Three Miles.

XXXIV. It

The Coniston Railway Act, 1857.

XXXIV. It shall not be lawful for the Company to charge in respect of the several Articles, Matters, and Things, and of the several Descriptions of Animals, herein-after mentioned, any greater Sum, including the Charge for the Use of Carriages, Waggon, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance (except a reasonable Charge for the Expense of loading and unloading, where such Service is performed by the Company), than the several Sums herein-after mentioned; (that is to say,)

Maximum
Charges for
Goods and
Animals.

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, Slate, Rubbish, and all undressed Materials for the Repairs of public Roads or Highways, *per Ton per Mile* One Penny Halfpenny :

For all Coals, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, and all Bricks and Tiles, Clay and Sand, *per Ton per Mile* Twopence :

For all Slates, Ironstone and Iron Ore, Copper and Copper Ore, and all other Ores, Metals, Minerals, and Semi-metals, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile* Threepence :

For all Sugar, Grain, Corn, Flour, Meal, Potatoes, Hay, Straw, Hydes, Dyewoods, Earthenware, Timber, Stones, and Deals, Nails, Anvils, Vices, and Chains, *per Ton per Mile* Threepence Halfpenny :

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Articles, Matters, or Things, *per Ton per Mile* Fivepence :

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, *per Mile* Sixpence; and if weighing more than One Ton, One Penny Halfpenny for every additional Quarter of a Ton which such Carriage may weigh :

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

For every Ox, Cow, Bull, or Neat Cattle, *per Mile* Threepence :

For every Calf or Pig, Sheep, Lamb, or other small Cattle, *per Mile* One Penny :

Provided always, that if any such Animals, Carriages, Goods, Articles, Matters, or Things shall be conveyed for a less Distance than Three Miles, the Company may demand and receive Tolls for Three Miles.

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

Regulations
as to Tolls.

For

The Coniston Railway Act, 1857.

For a Fraction of a Mile, beyond Three Miles, or beyond any greater Number of Miles, the Company may demand Tolls for such Fraction in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile :

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

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

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

Tolls for
small Parcels
and single
Articles
of great
Weight.

XXXVI. With respect to small Packages and single Articles of great Weight, notwithstanding the Rates of Tolls prescribed by this Act, the Company may demand the Tolls not exceeding the following; (to wit;) for the Carriage of small Parcels on the Railway, or any Part thereof respectively, as follows :

For any Parcel not exceeding Seven Pounds in Weight, Twopence :

For any Parcel exceeding Seven Pounds but not exceeding Fourteen Pounds in Weight, Fourpence :

For any Parcel exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight, Sixpence :

For any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, One Shilling :

And for Parcels exceeding Fifty-six Pounds in Weight, but not exceeding Five Hundredweight, the Company may demand any Sum which they shall 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 not exceed Eight Tons, the Company may demand such Sum as they from Time to Time may think fit, not exceeding Sixpence *per Ton per Mile* :

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

XXXVII. Every

The Coniston Railway Act, 1857.

XXXVII. Every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and fifty 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.

XXXVIII. The Restriction as to the Charges to be made for Passengers and Goods does not extend to any Special Trains required on the Railway, but applies only to the Express and Ordinary Trains from Time to Time appointed by the Company for the conveying of Passengers and Goods upon the Railway.

Restrictions
as to Charges
not to apply
to Special
Trains.

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

Company
may take
increased
Charges by
Agreement.

XL. The Company and the *Furness* Railway Company may from Time to Time enter into Agreements with respect to the following Purposes, or any of them ; (that is to say,)

Working
Arrange-
ments with
the *Furness*
Railway
Company.

The Use and Working by the *Furness* Railway Company of all or any Part of the Railway of the Company, and the Use of the Works and Conveniences belonging thereto :

The Conveyance by the *Furness* Railway Company of the whole or any Part of the Traffic upon the said Railway :

The Division and Apportionment of such Traffic between the said Companies :

The Supply of any Rolling or Working Stock required for such Purposes :

The Management, Maintenance, and Repair of the said Railway :

The Costs and Expenses of such Working, Management, Maintenance, and Repairs :

The Collection, Delivery, and general Conduct of such Traffic :

The Collection, taking, and levying of the said Tolls, Rates, and Charges for and in respect of such Traffic :

The Division between the said Companies of the Receipts arising from the Traffic upon the Railway, or any Part thereof, subject to any Deductions to be made therefrom, or any Rent or other Consideration to be paid by either of the said Companies to the other of them by virtue of the said Agreement.

[*Local.*]

18 Q

XLI. Any

The Coniston Railway Act, 1857.

Duration of such Agreement to be approved by Board of Trade.

Agreement not to affect Third Persons.

XLI. 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 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 respective Companies, Parties thereto, in Special Meeting assembled for that Purpose, and in manner herein-after mentioned.

Appointment of joint Committee for carrying the Agreement into effect.

XLII. The said Companies may, by any such Agreement as aforesaid, appoint a joint Committee, composed of such Number of Directors of the said Companies 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 any such Agreement as aforesaid ; 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.

Agreement may be renewed with Approval of Board of Trade.

Public Notice to be given of Intention to enter into Agreement.

XLIII. At the Expiration of any such Agreement the said Companies, 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 : Provided, that before such Companies 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, and to be inserted once in each of Three successive Weeks in some Newspaper published or circulating in the County of *Lancaster*, and every such Notice 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 by the Board of Trade.

XLIV. No

The Coniston Railway Act, 1857.

XLIV. No such Agreement shall have any Operation or Effect unless and until the same shall have been submitted to and approved by a Majority of not less than Three Fifths of the Shareholders present, personally or by Proxy, at a Meeting of each Company, Party thereto, specially convened for that Purpose.

Agreement not to take effect unless approved by Three Fifths of Shareholders.

XLV. Such Meeting shall be called by Advertisements inserted for Two successive Weeks in some Newspaper published or circulating in the County of *Lancaster*, 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 Company, to be served in the Manner prescribed by "The Companies Clauses Consolidation Act, 1845," with respect to Notices requiring to be served by the Company upon the Shareholders.

Meeting, how to be convened.

XLVI. It shall be lawful for the *Furness* Railway Company at any Time or from Time to Time, with the Consent of any General or Special General Meeting, to subscribe any Sum or Sums of Money, not exceeding the Sum herein-after authorized to be raised by them, and such Sum or Sums of Money may be applied in the Purchase, in the Name and on behalf of the *Furness* Railway Company, of Shares in the Undertaking.

Power to the *Furness* Railway Company to subscribe.

XLVII. It shall be lawful for the *Furness* Railway Company, for the Purpose of such Purchase of Shares, to raise any Sum or Sums of Money not exceeding in the whole the Sum of Ten thousand Pounds, and such Sum may be raised by the Creation of new Shares in the *Furness* Railway Company, and such Shares shall, in respect of any Calls made in respect thereof, be subject to all the Provisions and Regulations to which the Capital of the *Furness* Railway is subject.

Amount to be raised by the *Furness* Railway Company.

XLVIII. It shall be lawful for the *Furness* Railway Company from Time to Time, by the Authority of any General or Special General Meeting, to declare that there shall be paid out of the general Revenues of that Company and to pay a Dividend at any Rate not exceeding Five Pounds *per Centum per Annum* upon the Sum of Ten thousand Pounds hereby authorized to be raised by Shares in that Company, and to declare that such fixed Dividend shall be paid half-yearly, and either for a limited Period or for ever.

Power for *Furness* Railway Company to pay a fixed Dividend.

XLIX. Provided always, That no Guarantee, Preference, or Priority in the Payment of Dividend which may be granted in respect of any Shares raised for the Purposes in this Act mentioned, shall prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares which may have been granted by the *Furness* Railway Company by or in pursuance of, or which may

Saving Rights of existing Preference Shares.

The Coniston Railway Act, 1857.

may have been confirmed by any Act of Parliament passed prior to the passing of this Act, or which may otherwise be lawfully subsisting.

Subscription
Contract to
be valid.

L. The Subscription Contract which, pursuant to the Standing Orders of Parliament, was entered into with respect to the Undertaking authorized by this Act previously to the Commencement of the last Session of Parliament, shall be as valid and shall be construed as if this Act had been passed in the said last Session.

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

LI. Nothing herein contained shall be deemed or construed to exempt the Railway or Company or the *Furness* Railway Company from the Provisions of any General Act relating to Railways, or to the better or 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.

Saving
Rights of the
Crown.

LII. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the said Company to take, use, or in any Manner interfere with any Lands, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty first had and obtained for that Purpose, which Consent such Commissioners are hereby respectively authorized to give, or to take away, prejudice, diminish, or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Expenses of
Act.

LIII. The Costs and Expenses of obtaining and passing this Act, and preparatory or incidental thereto, shall be paid by the Company.

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