



ANNO VICESIMO OCTAVO

# VICTORIÆ REGINÆ.

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## *Cap. lxxxiv.*

An Act to enable the *Maryport and Carlisle* Railway Company to construct "The *Derwent* Branch Railway;" to enlarge the *Bull Gill* Station; to purchase additional Lands; to raise further Monies; and for other Purposes.

[19th June 1865.]

WHEREAS by The *Maryport and Carlisle* Railway Act, 18 & 19 Vict. c. lxxix. 1855, the Acts relating to the *Maryport and Carlisle* Railway Company (in this Act called "the Company") were repealed, and were, with other Provisions, consolidated into One Act, and by that Act the Share Capital of the Company was fixed at Four hundred and twenty thousand Pounds, and they had Power to borrow One hundred and thirty-five thousand Pounds, all which Monies have been raised and expended: And whereas by "The *Maryport and Carlisle* Railway Act, 1862," the Company were empowered to make and maintain Branch Railways to *Bolton* and *Wigton*, and other Works, and to raise an additional Share Capital of Seventy-five thousand Pounds, and to borrow an additional Sum of Twenty thousand Pounds: And whereas the Branch Railways authorized by the Act of 1862 are now in course of Construction, and will, before the Expiration of the Year 1865, be completed and

[*Local.*]

12 0

opened

*The Maryport and Carlisle Railway Act, 1865.*

opened for public Traffic, and the Company have under that Act created and issued a Share Capital of Seventy-five thousand Pounds in Six thousand Ordinary Shares of Twelve Pounds Ten Shillings each, on which the Sum of Six Pounds and Ten Shillings *per* Share has been called up and paid: And whereas the Company are empowered by the secondly-recited Act to create Debenture Shares and Debenture Stock, but they have not exercised that Power: And whereas it is expedient that the Company be empowered to make and maintain the *Derwent* Branch Railway herein-after described, and to enlarge their *Bull Gill* Station, and to acquire additional Lands in the Parishes of *Cross Canonby* and *Brigham* for the Purposes of their Undertaking, and to raise additional Capital by Shares and by borrowing: And whereas Plans of the Railway and of the Lands which may be taken for the same and other the Purposes of this Act, and Sections of such Railway, and a Book of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, were deposited with the Clerk of the Peace for the County of *Cumberland* on or before the Thirtieth Day of *November* One thousand eight hundred and sixty-four: And whereas an Agreement has been entered into between the Company and the *Cockermouth and Workington* Railway Company (a Copy whereof is contained in the Schedule to this Act) with respect to Traffic Facilities between the *Maryport and Carlisle* Railway and the *Cockermouth and Workington* Railway, and to the granting of certain running Powers to the *Cockermouth and Workington* Railway Company, and it is expedient that the Agreement should be confirmed: And whereas the several 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 Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. In citing this Act for any Purpose it shall be sufficient to describe it as "The *Maryport and Carlisle* Railway Act, 1865."

8 & 9 Vict.  
cc. 18. & 20.  
23 & 24 Vict.  
c. 106., and  
26 & 27 Vict.  
c. 92. incor-  
porated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the Construction of a Railway) of "The Railways Clauses Act, 1863," shall (except where expressly varied by this Act) be incorporated with this Act.

Parts of  
8 & 9 Vict.  
c. 16. and

3. The following Clauses, Provisions, and Parts of "The Companies Clauses Consolidation Act, 1845," and "The Companies Clauses Act, 1863,"

*The Maryport and Carlisle Railway Act, 1865.*

1863," respectively, shall (except where expressly varied by this Act) be incorporated with this Act; (to wit,) 26 & 27 Vict. c. 118. incorporated.

Of "The Companies Clauses Consolidation Act, 1845," the several Clauses and Provisions—

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

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 giving of Notices;

With respect to the Provision to be made for affording Access to the Special Act by all Parties interested;

And of "The Companies Clauses Act, 1863," Part I. (relating to the Cancellation and Surrender of Shares), and Part II. (relating to additional Capital), and Part III. (relating to Debenture Stock).

4. Unless there be in the Subject or Context something repugnant to or inconsistent with such Construction, the several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings. Same Meanings to Words in incorporated Acts as in this Act.

5. The Company from Time to Time may raise an additional Share Capital not exceeding in the whole Sixty thousand Pounds, and may raise the same by the Creation and Issue of new Ordinary Shares or of new Preference Shares, or partly by new Ordinary Shares and partly by new Preference Shares. Power to raise additional Capital by new Shares.

6. Every new Share shall be of such Amount, but not less than Ten Pounds, as the Company shall by the Resolution creating the same determine, and the Directors from Time to Time may fix, as they think fit, the Amount and Times of Payment of the Calls on the new Shares: Provided always, that the Calls on such new Shares shall be made at no less Interval than Three Months, and that the Amount of every Call shall be not more than One Fourth of the nominal Amount of Amount of Shares and Calls.

*The Maryport and Carlisle Railway Act, 1865.*

of such Shares, and that the total Calls in any Year do not exceed Three Fourths of the nominal Amount of such Shares.

Shares not to vest until One Fifth Part is paid up.

7. The Company shall not issue any Share under this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

New Shares to be entitled to same Privileges, &c. as Ordinary Share Capital.

8. Except as is by this Act otherwise provided, the new Share Capital authorized by this Act, and the Shares therein, and the Holders of such Shares respectively, shall be subject and entitled to the same Powers, Provisions, Rights, Privileges, and Incidents in all respects as if such new Capital were Part of the now existing Ordinary Share Capital of the Company, and the Shares were Shares in the Ordinary Share Capital.

Power to borrow on Mortgage.

9. The Company may from Time to Time, after the whole of the new Share Capital authorized by this Act shall have been subscribed, and One Half thereof paid up, borrow on Mortgage any further Sum or Sums of Money not exceeding in the whole the Sum of Twenty thousand Pounds: Provided always, that no Part of such additional Sum of Twenty thousand Pounds shall be borrowed until Shares for the whole of the additional Capital of Sixty thousand Pounds by this Act authorized to be raised are taken up, and One Half of that Amount is 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," before he so certifies, that Shares for the whole of the said additional Capital of Sixty thousand Pounds have been *bonâ fide* taken up, and that One Half of such Capital has been paid up, and that not less than One Fifth of the Amount of each Share has been paid on the Issue of the same, and that such Shares are held by Persons or their Assigns, and for which such Persons or their Assigns are legally liable.

Power to create Debenture Stock.

10. The Company may create and issue Debenture Stock, and the Debenture Stock created under this Act, and the Interest thereon, shall have equal Priority with the Debenture Shares and Debenture Stock hereafter to be created under the secondly-recited Act, and the Interest thereon.

Priority of existing Mortgages.

11. All Mortgages or Bonds granted by the Company under the recited Acts, or either of them, and now in force, shall during the Continuance thereof have Priority over all Mortgages granted under this Act.

12. All

*The Maryport and Carlisle Railway Act, 1865.*

12. All Monies by this Act authorized to be raised by Shares or by borrowing shall be applied only for the Purposes authorized by this Act. Application of Monies.

13. Subject to the Provisions of this Act and of the Acts wholly or partially incorporated herewith, the Company may from Time to Time enter upon, take, and use all or any of the Lands defined on the deposited Plans, and described in the deposited Books of Reference. Power to take Lands.

14. 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.

15. The Company may purchase by Agreement, in addition to the Lands by this Act authorized to be purchased compulsorily, any Quantity of Land for the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845," not exceeding Ten Acres. Lands for extraordinary Purposes.

16. The Company, subject to the Provisions in this and the incorporated Acts contained, may make and maintain the Railway and other Works herein-after described, with all proper Works, Approaches, and Stations, in the Lines and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels described on the said Sections. Power to construct Works.

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

A Railway in the County of *Cumberland*, with all proper Works and Conveniences connected therewith, (to be called "The *Derwent Branch Railway*," ) commencing in the Township of *Crosby* in the Parish of *Cross Canonby* by a Junction with the Main Line of the *Maryport and Carlisle Railway* at or near a Point Two hundred and seventy-five Yards or thereabouts West of the Passenger Booking Office at the *Bull Gill Station* of the Company, and thence extending in, through, or into the said Township and Parish, the Parish of *Gilcruix*, the Township of *Dearham*, and the Parish of *Dearham*, the Townships of *Dovenby*, *Little Broughton*, *Great Broughton*, and *Papcastle*, and the Parish of *Bridelkirk*, and the Township of *Brigham* and the Parish of *Brigham*, and terminating by a Junction with the *Cockermouth and Workington Railway* at or near a Point One hundred and two Yards or thereabouts East of the Passenger Booking Office at the *Brigham Station* of the *Cockermouth and*

[*Local.*]

12 P

*Workington*

*The Maryport and Carlisle Railway Act, 1865.*

*Workington* Railway Company in the said Township of *Brigham* and Parish of *Brigham* :

The Enlargement of the *Bull Gill* Station of the Company on Lands in the said Township of *Crosby* and the said Parish of *Cross Canonby* to be acquired and taken by the Company under this Act, and the Construction on such Lands of such Accommodation Works and Conveniences as the Company think fit :

And the Construction of such Station and other Accommodation Works and Conveniences as the Company think fit on Lands in the Township of *Brigham* and Parish of *Brigham* to be acquired and taken by the Company under this Act.

Inclination  
of a certain  
Road.

18. The Company may make the Road next herein-after mentioned, when altered for the Purposes of this Act, of any Inclination not steeper than the Inclination herein-after mentioned in connexion with that Road :

Description of Road.	No. on Plan.	Parish.	Intended Inclination of Road.
Public - -	166	Bridekirk -	One in Ten on the East Side and level on the other from the Bridge to the existing Slope.

Span of cer-  
tain Bridges  
or Arches.

19. The Company may construct the Bridges or Arches for carrying the Railway over or under the Roads numbered as after mentioned on the said deposited Plans of such Dimensions as they may think fit, not being less than the following ; (that is to say,)

No. on Plan.	Parish.	Span of Arch or Width of Road, as the Case may be.	Height of Arch.	Description of Road.
10	Bridekirk -	Span of Arch and Width of Road, 30 Feet.	14 Feet -	Turnpike Road.
95	Bridekirk -	Width of Road, 30 Feet -	- -	Turnpike Road.
166	Bridekirk -	Width of Road, 20 Feet -	- -	Public Carriage-road.
213	Bridekirk -	Span of Arch and Width of Road, 20 Feet.	13 Feet -	Public Carriage-road.

Period for  
Completion  
of Railway.

20. The intended Railway shall be completed within Three Years from the passing of this Act, and if the Company fail within that Period to complete the same the Company shall be liable to a Penalty of Fifty Pounds, to be recoverable as a Debt due to the Crown, for every Day after the Period so limited until such Railway shall be completed and opened for public Traffic, but no Penalty shall accrue in respect of any Time during which it shall appear by a Certificate

*The Maryport and Carlisle Railway Act, 1865.*

a Certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such Railway by unforeseen Accident or Circumstances beyond their Control.

**21.** The Company may demand and receive in respect of the Railway by this Act authorized the like Rates, Tolls, and Charges, with the like Powers, as the Company are by the firstly-recited Act authorized to demand and receive in respect of the Railway thereby authorized or constituted, and as if the Railway by this Act authorized had originally formed Part of the Railway authorized or constituted by the firstly-recited Act.

Tolls.

**22.** An Agreement made between the Company of the one Part and the *Cockermouth and Workington* Railway Company of the other Part, and dated the Twenty-fourth Day of *September* One thousand eight hundred and sixty-four, and a Copy whereof is contained in the Schedule to this Act, is by this Act confirmed, and made binding on the Two Companies respectively Parties thereto, and shall accordingly be carried into effect by the said Two Companies respectively.

Confirmation of Agreement between the Company and the Cockermouth and Workington Railway Company.

**23.** It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay to any Shareholder Interest or Dividend on the Amount of Calls made in respect of the Shares held by him: Provided always, that the Company may pay 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 of "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Interest or Dividend not to be paid on Calls.

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

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

**25.** Nothing herein contained shall be deemed or construed to exempt the Railway 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 this or any future Session of Parliament, or from any future

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

Revision

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*The Maryport and Carlisle Railway Act, 1865.*

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Revision or Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or of the Rates for small Parcels, in respect of the Railways authorized by this Act or the recited Acts, or either of them.

Expenses of  
Acts.

**26.** All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.



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*The Maryport and Carlisle Railway Act, 1865.*

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SCHEDULE referred to in the foregoing Act.

ARTICLES OF AGREEMENT made and entered into this 24th of September 1864 by and between the Maryport and Carlisle Railway Company (herein called "the Maryport Company") of the one Part, and the Cockermouth and Workington Railway Company (herein called "the Cockermouth Company" of the other Part.

Whereas the Maryport Company intend to apply in the next Session of Parliament for an Act to enable them to make and maintain a Railway, with all proper Works and Conveniences, from and out of their existing Railway at or near Bullgill to Brigham there to form a Junction with the Railway of the Cockermouth Company at or near the Brigham Station of that Company, which proposed Railway is herein called "the Derwent Branch Railway."

And whereas in order to establish friendly Relations and working Arrangements between the respective Companies, and for the Promotion and Advancement of their respective Interests, it has been mutually arranged and agreed by and between the Parties hereto as follows; (that is to say,)

1. That after the making of the said Derwent Branch Railway by the Maryport Company, and after the same has been opened for public Traffic, the Cockermouth Company shall at all Times thereafter give and afford to the Maryport Company all reasonable and proper and necessary Facilities for sending thereby all Traffic which the Maryport Company shall from Time to Time have Occasion to send or transmit, whether such Traffic shall be destined for any Point upon the Cockermouth Railway, or for any Point beyond the Limits thereof, provided that in the latter Case the Assent of any other Company concerned in the Rate is previously obtained, and shall also afford the like Facilities in respect of the Carriage of all Traffic which shall be sent over the Cockermouth Railway for the Purpose of being thereafter transmitted on, over, or along the said Derwent Branch Railway to any Place thereon or beyond the same; and for the Purpose of conducting and carrying on the before-mentioned Traffic there shall be established between the respective Companies a System of through-booking and invoicing; and the Remuneration to be received in respect of the Carriage of such Traffic shall be calculated and ascertained upon the Principle of a Mileage Division of the aggregate total Receipts of both Companies, to be calculated as regards the Cockermouth and Workington Railway on the Distance herein-after provided, after deducting therefrom the Charges on Goods and other Articles and Things (except such as herein-after mentioned) usually agreed to be allowed between Companies using the Clearing House, called Terminal Charges; and as respects all Articles named in the Mineral Class in the Railway Clearing House Classification, including Coal and Coke, a reasonable Terminal Allowance to be settled from Time to Time between the Parties, or, failing Agreement, by Arbitration as herein-after provided.

2. That after the making of the said Derwent Branch Railway by the Maryport Company, and after the same has been opened for public Traffic, the Cockermouth Company shall have running Powers over the same in perpetuity

[*Local.*]

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*The Maryport and Carlisle Railway Act, 1865.*

for a Distance of Three Miles (measuring from the said Junction at Brigham), but such Powers shall be limited and confined to the Conveyance of such Minerals to the Cockermouth Railway as shall at any Time be raised or obtained from and out of any Lands near, or adjoining to, or connected with the said Derwent Branch Railway, within the prescribed Distance of Three Miles from the said Junction, and which Coals and Minerals shall afterwards, by means of the Cockermouth Railway, be transmitted to any Town, Port, or Place thereon, or beyond the Limits thereof.

3. The Cockermouth Company shall pay to the Maryport Company a Toll upon all the Traffic to be carried by the Cockermouth Company under the last Clause, which Toll shall be calculated at the same Rate per Mile as the Toll (exclusive of Waggon Hire) which shall for the Time being be charged by the Cockermouth Company for the Carriage of the same Traffic over their own Line, subject nevertheless to a Deduction to be made therefrom of Twenty-five per Cent. for supplying Haulage.

4. That the Distance between the Brigham Terminus of the proposed Derwent Branch and the Terminus of the Whitehaven, Cleator, and Egremont Railway at or near Marron Foot, and the Distance between the first-mentioned Terminus and the new Joint Station at Cockermouth belonging to the Cockermouth Company and the Cockermouth, Keswick, and Penrith Company jointly, and any intermediate Distance between these Termini, shall, for the Purposes of this Agreement, be respectively deemed and taken to be Three Miles each Way, and the Cockermouth Company shall therefore be paid and allowed as for that Distance for or in respect of all Traffic carried or conveyed by them from or to the said Derwent Branch Railway over and along their own Line to the before-mentioned Points or Places respectively, or any intermediate Point or Place on the Cockermouth Railway.

5. That the Maryport Company shall not charge for the Carriage of any Traffic which shall be conveyed by them over the said Derwent Branch Railway to or from the proposed Brigham Junction from or to any Point or Place on their Main Line of Railway, or beyond the Limits thereof, a higher Rate per Mile than what they for the Time being shall charge for the Carriage or Conveyance of the same or the like Description of Traffic from the Point or Place before referred to to Maryport, or from Maryport to the same Point or Place respectively.

6. That in respect of Traffic arising upon or passing over the Derwent Branch Railway, and sent from any Point or Place on the Cockermouth Railway to the Brigham Junction, or from that Junction to any Point or Place on the same Railway, the Cockermouth Company shall not charge a higher Rate per Mile than what they for the Time being shall charge for the Carriage or Conveyance of the same or the like Description of Traffic from the Point or Place indicated to Workington, or from Workington to the same Point or Place, but in all such Cases the Cockermouth Company shall be entitled to the Mileage Rate for a minimum Distance of Three Miles, as provided for by Clause 3. of this Agreement.

7. That the proposed Junction at or near Brigham shall be made at such Point as the Engineer of the Cockermouth Company for the Time being shall direct, and such Junction shall be subject to the Provisions of "The Railway Clauses Act, 1863."

8. That

*The Maryport and Carlisle Railway Act, 1865.*

8. That the proposed Bill shall be so framed as not to contain any Clause or Provision inconsistent with the foregoing Stipulations, or prejudicial to the Interests of the Cockermouth Company.

9. That the Cockermouth Company shall be at liberty, if they see fit, to appear on the Bill, but only on the Question of Clauses, the Preamble of the Bill being hereby conceded and admitted by the Two Companies Parties hereto.

10. That the Act shall be applied for in the next Session, and if the Bill be opposed by any Party, and thrown out, the Application of the Maryport Company shall be renewed in the Session of 1866, and this Agreement shall remain in force until the Expiration of that Period, when it shall cease if in the Interval the Act be not obtained, and if the Act shall be obtained then this Agreement shall remain permanently valid and binding.

11. That the said Derwent Branch Railway shall be made and executed by the Maryport Company within Two Years after the Act shall receive the Royal Assent.

12. That in case any Dispute or Difference shall hereafter arise touching or concerning the Construction or Meaning of these Presents, or of the Intention of the Parties hereto, or on any Matter hereby agreed to be referred, the same shall be referred to Arbitration under the Provisions of "The Railway Companies Arbitration Act, 1859."

In witness whereof the Companies Parties to this Agreement have hereunto respectively affixed their Common Seals the Day and Year first before written.

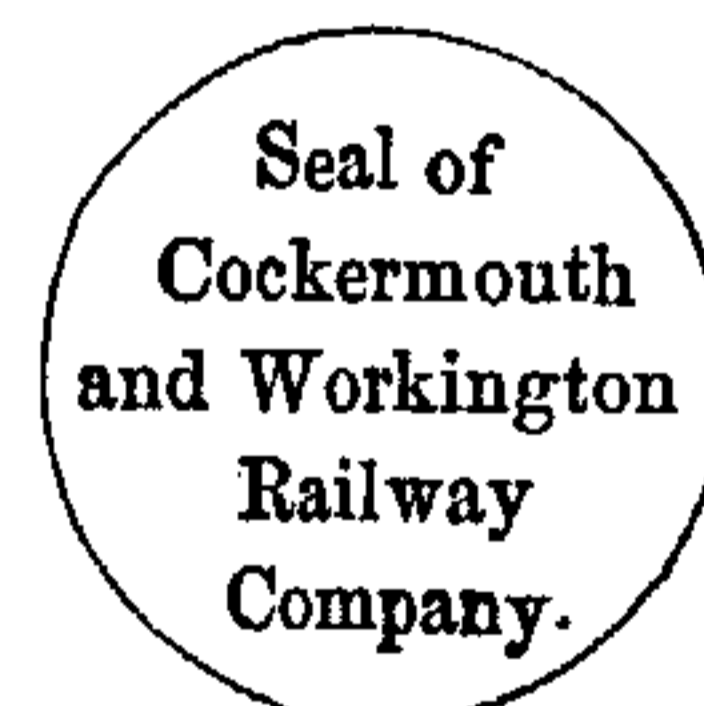
Witness to the affixing of the Common Seal of the  
Maryport Company,

JOHN ADDISON,  
Secretary.



Witness to the affixing of the Common Seal of the  
Cockermouth Company,

JOHN MAYSON,  
Secretary.



LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1865.

