



ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

Cap. lxx.

An Act for altering and enlarging the Powers of
the Act relating to the *Maryport and Carlisle*
Railway. [12th July 1843.]

WHEREAS by an Act passed in the First Year of the
Reign of Her present Majesty, intituled *An Act for* 7 W. 4. &
making a Railway from the Town and Port of Maryport 1 Vict. c. 101.
to the Borough of Carlisle, to be called the Maryport and Carlisle
Railway, certain Persons were incorporated by the Name of
“The *Maryport and Carlisle* Railway Company,” and were thereby
empowered to make and maintain a Railway, with all proper Works
and Conveniences connected therewith, commencing at and from
the South Quay of the Harbour and Port of *Maryport* in the Town-
ship of *Ellenborough* in the Parish of *Dearham* in the County of
Cumberland, and near to a certain Coal Steath or Shed there situate,
then the Property and in the Occupation of *Humphrey Senhouse*
Esquire, and passing from thence into and through the several and
respective Parishes, Townships, and Places in the said Act men-
tioned, and terminating by a Junction with the *Newcastle-upon-Tyne*
and Carlisle Railway, at, in, or near a certain Field or Close of Land
called by the Name of *Bogfield*, in the Township of *Botchergate* in
the Parish of *Saint Cuthbert, Carlisle*, in the said County: And
whereas the said Company were in and by the said Act empowered
to raise amongst themselves any Sum of Money for the Purposes of
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the said Act not exceeding in the whole the Sum of One hundred and eighty thousand Pounds, and in case the said Sum of One hundred and eighty thousand Pounds should be found insufficient for the Purposes of the said Act, the said Company were empowered, at any Time after One Half Part of the said Capital Sum of One hundred and eighty thousand Pounds should have been actually raised and paid, to borrow and take up at Interest any additional Sum, not exceeding in the whole the Sum of Sixty thousand Pounds, on the Credit of the said Undertaking: And whereas the said Company have made considerable Progress in the said Undertaking, and a Part of the said Railway has been completed and is now open to the Public, and thereby the Transit of Passengers, Merchandize, and Materials within the said County of *Cumberland*, as well for Home Consumption as for Exportation or Shipment to *Ireland*, *Scotland*, and other Places, is greatly facilitated, and the Convenience and Advantage of the Public in general greatly promoted: And whereas in the Progress of the said Undertaking many Alterations and Improvements in the Line and Course of the said Railway, as originally authorized to be made, have been suggested; and it is found expedient that the said Company should be enabled to purchase and take Lands for the several Purposes aforesaid, and that the Powers and Provisions of the said recited Act should be in other respects extended; but these Objects cannot be effected without the Aid and 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, That all the Powers, Provisions, Matters, and Things contained in the said recited Act (except such Parts thereof as are by this Act repealed, altered, or otherwise provided for) shall extend to this Act and to the Purposes and Things hereby authorized or required to be effected and done, and shall be in force in respect to the Objects and Purposes of this Act as effectually, to all Intents and Purposes whatever, as if the same Powers, Provisions, Authorities, Matters, and Things were re-enacted in this Act and made Part thereof.

Powers of
recited Act
to extend to
this Act.

Capital.

II. And whereas the estimated Expence of making the said Alterations of the said Line of Railway is One hundred and seventeen thousand nine hundred and forty-six Pounds; be it enacted, That the said Sum of One hundred and seventeen thousand nine hundred and forty-six Pounds shall be added to the existing Capital of the said Company.

Power to
raise an ad-
ditional Sum
of Money by
Subscription.

III. And be it further enacted, That it shall be lawful for the said Company forthwith, or from Time to Time and at any Time hereafter, to raise for the Purposes of the said recited Act or of this Act, or either of them, in addition to the Sums authorized to be raised by the said recited Act, such further Sum of Money, not exceeding the Sum of One hundred and seventeen thousand nine hundred and forty-six Pounds, by the Issue of new Shares of such nominal Value or Amount, and at such Discount or Price, and with such

such Preference or Priority in the Payment of Dividends over the other Shares in the said Company, and with or without Interest upon such new Shares, and with such other Advantages and in such Manner as shall be agreed on by the Votes of Three Fifths of the Proprietors who may be present, either personally or by Proxy, at any Special General Meeting of the Proprietors of the said Undertaking.

IV. And be it enacted, That every new Share to be created in pursuance of the Powers of this Act shall be deemed Personal Estate, and transmissible as such, and shall not be of the Nature of Real Estate.

New Shares
to be deemed
Personal
Estate.

V. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital, and subject to the same Provisions in all respects, whether with reference to the Payment of Calls or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Times of making the Calls for such additional Capital and the Amount of such Calls, which respectively it shall be lawful for the Company from Time to Time to fix as they shall think fit.

New Shares
to be con-
sidered the
same as ori-
ginal Shares.

VI. And be it enacted, That the several Persons who have subscribed any Money towards the said Undertaking shall pay the Sums respectively by them subscribed, or such Portions thereof as shall from Time to Time be called for by the Company, at such Times and Places as shall be directed by the Company; and the Company shall have the same Powers for enforcing the Payment of such Subscriptions as in the said recited Act are given with respect to the enforcing Payment of Calls by the Shareholders.

To compel
Payment of
Subscrip-
tions.

VII. Provided always, and be it enacted, That no Proprietor of any additional Capital hereby authorized to be created shall be entitled to vote at any Meeting of the Company in respect of a less nominal Amount of such Capital than Fifty Pounds, into whatever Number of Shares the same may be distributed; and that every such last-mentioned Amount of the said new Capital, into whatever Number of Shares the same may be distributed, shall, for the Purpose of determining the Right of voting, or the Number of Votes to which the Holder thereof shall be entitled, be accounted as One original Share of the said Undertaking.

As to voting,
in respect of
new Shares.

VIII. And be it enacted, That after the whole of the said Sum of One hundred and seventeen thousand nine hundred and forty-six Pounds shall have been subscribed for, and One Half thereof actually paid up, it shall be lawful for the Company to borrow on Mortgage such Sums of Money (in addition to the Sums of Money authorized by the said recited Act to be borrowed) as shall from Time to Time be authorized to be borrowed by an Order of a General or Special General Meeting of the Company, not exceeding in the whole the Sum of Thirty-nine thousand Pounds, upon such Terms as to Priority of ranking amongst the Bodies Politic or Corporate, or other Person

Power to bor-
row a further
Sum on
Mortgage.

Person or Persons lending the same, as may be agreed on between them and the Company, and for securing the Repayment of the Money so borrowed, with Interest, to mortgage the Railway, and the future Calls on the Shareholders of the Company.

Mortgages
under former
Act to have
Priority.

IX. Provided always, and be it enacted, That all Mortgages already entered into under the Powers of the said recited Act shall have Priority over the Mortgages by this Act authorized to be made.

If Money
paid off, the
Company
may raise the
Amount
again.

X. And be it enacted, That if after having borrowed any Part of the Money which by this or the said recited Act they are authorized to borrow the Company shall pay off the same, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time; but such Power of reborrowing shall not be exercised without the Authority of a General Meeting of the Company, unless the Money be so reborrowed in order to pay off any existing Mortgage.

Evidence of
Authority for
borrowing.

XI. And be it enacted, That the Certificate of a Justice of the Peace that One Half of the said Sum of One hundred and seventeen thousand nine hundred and forty-six Pounds has been raised and paid, together with a Copy of the Order of a General Meeting of the said Company authorizing the borrowing of any Money, certified by One of the Directors, or by their Secretary, to be a true Copy, shall be sufficient Evidence of the Fact of the Capital required to be paid up having been so paid up, and of the Order for borrowing Money having been made; and upon Production to any Justice of the Books of the Company, or of such other Evidence as he shall think sufficient, such Justice shall grant the Certificate aforesaid.

Powers of re-
cited Act to
be applicable
to Money
herein-before
authorized to
be borrowed.

XII. And be it enacted, That all the Powers and Provisions contained in the said recited Act with respect to the Sum of Money thereby authorized to be borrowed, so far as the same shall not be repugnant to the Provisions of this Act, shall be considered as applicable to the Sum of Thirty-nine thousand Pounds herein-before authorized to be borrowed.

Power to
create new
Shares for
paying off
Money bor-
rowed.

XIII. And be it enacted, That it shall be lawful for the Company, if they shall think fit, to raise the additional Sum hereby authorized to be borrowed, or any Part thereof, by creating new Shares of the Company, instead of borrowing the same, or, having borrowed the same, it shall be lawful for them to continue at Interest only a Part of such additional Sum, if they so think fit, and to raise the Remainder thereof, or any Part of the Remainder thereof, by creating new Shares of the Company; but no such Augmentation of Capital shall take place without the Authority of an Order of a General Meeting of the Company called for the Purpose previously obtained.

New Shares
to be con-
sidered same
as original
Shares.

XIV. And be it enacted, That the Capital so to be raised by the Creation of new Shares as last aforesaid shall be considered as Part of the general Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the

Forfeiture

Forfeiture of Shares or Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Times of making Calls for such additional Capital, and the Amount of such Calls, which respectively it shall be lawful for the Company from Time to Time to fix as they shall think fit.

XV. And be it enacted, That when by Death or Resignation, or any other Cause than that of going out by Rotation, as provided for by the said recited Act, the Number of Directors shall at any Time be reduced below Fifteen (and so often as the same shall happen), it shall not be necessary for the remaining Directors to proceed to fill up such Vacancy previous to the General Meeting of the Company which will be held in the Month of *August* then next ensuing; and if it shall appear to any such Meeting that it is inexpedient to fill up the said Vacancy, and such Meeting shall come to a Resolution to that Effect, then the Number of Directors of the Company shall be reduced accordingly; and all the Acts of the said Directors, when so reduced in Number, shall be valid and effectual as if the Number of the said Directors had not been reduced: Provided always, that during such Time as the Number of Directors shall, under the Provisions herein contained, be less than the Number authorized by the said recited Act, the Number to go out of Office by Rotation at the General Meetings of the Company in the Month of *August* shall be as follows; namely, if the total Number of Directors shall be more than Fourteen the Number to go out by Rotation shall be Four; if the total Number of Directors shall be more than Twelve, and not exceeding Fourteen, the Number to go out by Rotation shall be Three; and in case (with reference to the Provision that the Directors who have been longest in Office shall go out) any Difficulty shall arise from the Alteration in the total Number of the Directors, then it shall be determined by the said Directors, by Lot among themselves, which of the Directors whose Turn it would have been to go out by Rotation shall go out of Office.

Power to reduce the Number of the Directors;

XVI. Provided always, and be it enacted, That if at any Time after the Number of Directors shall be reduced under the Provision herein-before contained, a General or Special General Meeting of the Company shall resolve that it is expedient that the Number of Directors should be again raised, then the Number of Directors shall be again raised to such Number as shall be fixed by such Resolution of the said Company, and at the same or some subsequent General or Special General Meeting One or more Person or Persons shall be appointed for the Purpose of supplying the Number fixed by such Resolution: Provided also, that at no Time shall the whole Number of Directors exceed the Number originally appointed under or by virtue of the said recited Act, or be reduced, under the Provision herein-before contained, to a less Number than Twelve.

and again to raise the Number, not exceeding the original Number.

XVII. And for the Purpose of providing for the proper rating of the Railway to the Relief of the Poor, be it enacted, That the Company shall keep an Account of the whole Tolls or other Sums and Profits received by them, and rateable for the Relief of the Poor, showing the gross Amount of the monthly Receipts in respect of

Accounts of Tolls rateable to the Poor to be kept.

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such

such Tolls or other Sums and Profits received in every Year, and the Amount and Particulars of the Expenditure in every such Year on account of any Expences, the probable annual Average of Costs of which is to be taken into account in ascertaining the net annual Value of the Railway, for the Purpose of rating the same for the Relief of the Poor; and if the Company carry for their own Benefit any Passengers, Cattle or other Animals, Goods or other Matters, they shall keep a separate Account, showing the Amount of Tolls or Sums which would have been received by the Company in every such Year for the Use of the Railway in respect of such Passengers, Cattle, Goods, or other Matters if the same had been carried by any other Party, and the Amount of Tolls or Sums which shall have been actually received by the Company for the Carriage of the same.

Power to
Overseers of
the Poor to
inspect Ac-
counts.

XVIII. And be it enacted, That at any Time during the first Fourteen Days in the Months of *February* and *August* in each Year it shall be lawful for the Overseers of the Poor of the several Parishes through which the Railway shall pass to inspect such Accounts; and if the Company fail to keep such Accounts, or to permit such Inspection thereof, they shall forfeit to each Overseer who shall demand the said Accounts, or who shall be refused the Inspection of such Accounts, or either of them, for every such Failure to keep such Accounts, Thirty Pounds, and for every Day during which the Refusal to permit such Inspection may continue the Sum of Ten Pounds *per Day*; and such Penalties shall be recoverable by Action of Debt or on the Case in any of the Superior Courts, and shall be applied for the Benefit of the Poor of the Parish within which such Failure may occur.

Annual Ac-
count to be
made up, and
a Copy trans-
mitted to the
Clerk of the
Peace.

XIX. And be it enacted, That the Company shall every Year cause an annual Account in abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Thirtieth Day of *June* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Directors, or some of them, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County of *Cumberland* on or before the Thirty-first Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours on Payment of One Shilling for every such Inspection: Provided always, that if the said Company shall omit to prepare or transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Ten Pounds.

Line of the
Railway.

XX. And be it enacted, That the Railway hereby and by the said recited Act authorized to be made, and the Alterations and Improvements herein-after mentioned, shall commence at the Harbour and Port of *Maryport* in the Township of *Ellenborough* in the Parish of *Dearham*, near to a certain Coal Steath or Shed there situate, late the Property and in the Occupation of *Humphrey Senhouse* Esquire, deceased, and shall pass from the South Side of

the said Harbour through the following Parishes, Townships, and Places; (that is to say,)

Ellenborough, Dearham, Maryport, Birkby, Crosby, Cross Cannonby, Gilcrux, Plumbland, Low Leathes, Arkelby, Allerby, Oughterside, Aspatria, Brayton, Langrig, Crookdale, Bromfield, Waverton High, Waverton Low, Westwoodside, Wigton, East Woodside, Westward, Thursby, Cardewlees, Cumdivock, Dalston, Buckabank West, Cummersdale, Saint Mary Carlisle, Saint Cuthbert Carlisle, Blackhall High, Blackhall Low, Botchergate, or some or One of them,

In the County of Cumberland;

And shall terminate by a Junction with the *Newcastle-upon-Tyne and Carlisle* Railway at, in, or near a certain Field or Close of Land called by the Name of *Bogfield*, belonging to *Eleanor* the Wife of *M'Clean*, late Miss *Eleanor Carlyle*, and which said Field is situate in the Township of *Botchergate* in the Parish of *Saint Cuthbert Carlisle* aforesaid.

XXI. And be it enacted, That, subject to the Provisions and Restrictions in this Act contained, it shall be lawful for the Company to make and maintain the said Railway and Works, and Conveniences connected therewith, in the Line and upon the Lands delineated and described on the Plan and in the Books of Reference herein-after mentioned, and in the Schedule hereto, and for that Purpose to enter upon, take, and use such of the Lands so delineated and described as shall be necessary for making and constructing the said Railway and Works.

Company empowered to make the Railway according to deposited Plan.

XXII. And whereas Plans and Sections of the Railway, showing the Line and Levels thereof, and the said Alterations and Improvements, and also Books of Reference thereto, 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, have been deposited with the Clerk of the Peace for the County of *Cumberland*; be it enacted, That all Persons interested may at all seasonable Times inspect such Plans, Sections, and Books of Reference, and may require to be furnished by such Clerk of the Peace with Extracts therefrom or Copies thereof; and every such Clerk of the Peace shall give Access to such Documents, and, if required, furnish Copies thereof or Extracts therefrom, and certify the same to be true Copies or Extracts; and in respect thereof he shall be entitled to One Shilling for every Inspection of such Document, and One Shilling for every Hour such Inspection shall continue beyond the first Hour, and Sixpence for every One hundred Words copied or extracted therefrom; and if any such Clerk of the Peace shall fail to comply with any of the Provisions aforesaid he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Deposited Plans and Books of Reference to be open for Inspection.

XXIII. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description of any Lands;

Errors and Omissions to be corrected, or

or of the Owners, Lessees, or Occupiers of any Lands, described on the said Plans, or in the said Books of Reference, or the Schedule hereto, be it enacted; That the Correction of any such Matter may be referred by the Company to the Determination of Two Justices; and if it shall appear to such Justices that such Omission, Misstatement, or erroneous Description arose from Mistake, they shall certify the same accordingly; and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace of the said County, and Copies or Extracts thereof with the Clerks of the several Parishes in which the Lands affected thereby shall be situate; and such Certificate, and such Extracts or Copies respectively, shall be kept by such Clerks of the Peace and Clerks of the Parishes respectively along with the Documents to which they relate; and thereupon such Document, or the Schedule to this Act, shall be deemed to be corrected according to such Certificate; and it shall be lawful for the Company to make the Railway in accordance with such Certificate.

Copies of
Plans, &c. to
be Evidence.

XXIV. And be it enacted, That true Copies of such Plans and Books of Reference, or of any Correction thereof or Extracts therefrom, certified by any such Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Limiting De-
viations from
Plan.

XXV. And be it enacted, That the said Company in making the said Railway and other Works by this Act authorized shall not deviate from the Line delineated on the Plans to a greater Distance than One hundred Yards, or in passing through any City or Town to a greater Distance than Ten Yards from the Line so delineated upon the said Plans, or beyond the Limit thereof defined on the said Plans; or into the Lands or Property of any Person whose Name is not mentioned in the said Book of Reference, unless the Name of such Person shall have been omitted by Mistake, and unless the Fact of such Omission having proceeded from Mistake shall have been certified in manner herein-before provided for in Cases of unintentional Errors in the said Book of Reference.

Limiting De-
viations from
Datum Line
described in
the Section.

XXVI. And be it enacted, That in making the said Railway it shall not be lawful for the said Company to deviate from the Levels thereof as referred to the common Datum Line described on the Section so approved of by Parliament, and as marked on the same, to any Extent exceeding in any Place Five Feet, or in passing through Towns Two Feet, without the Consent of the Owners, Lessees, and Occupiers of the Land in, through, or over which such Deviation is intended to be made; or in case any Street or public Carriage Road shall be affected by such Deviation, then the same shall not be made without the Consent of the Trustees or Commissioners, or, if there be no such Trustees or Commissioners, without the Consent of Two or more Justices of the Peace in Petty Sessions assembled for that Purpose, and acting for the District in which such Street or public Carriage Road may be situate, or without the

the Consent of the Commissioners for any public Sewers, or of the Proprietors of any Canal or Navigation, affected by such Deviation; and that no Increase in the Inclination or Gradients of the said Railway, as denoted by the said Section, shall be made in any Place to an Extent exceeding the Rate of Three Feet *per* Mile; and where in any Place it is intended to carry the Railway on an Arch or Arches, as marked on the said Plan or Section, the same shall be made accordingly; and where a Tunnel is marked on the said Plan or Section as intended to be made at any Place, the same shall be made accordingly, unless the Owners, Lessees, and Occupiers of the Land in or through which such Tunnel is intended to be made shall consent that the same shall not be so made: Provided nevertheless, that it shall be lawful for the said Company, with such Consent as aforesaid, and not otherwise, to make a Tunnel or an Arch or Arches as aforesaid, not marked on the said Plan or Section, so that no such Tunnel shall be of a greater Length than Two hundred Yards, and that no Two Tunnels be at a less Distance from each other than One hundred Yards, measured on the Line of the Railway: Provided always, that Notice of every Petty Sessions to be holden for the Purpose of obtaining such Consent as aforesaid shall, Fourteen Days previous to the holding of such Petty Sessions, be given in some Newspaper circulating in the County, and also be affixed upon the Church Door of the Parish in which such Deviation or Alteration is intended to be made, or, if there be no Church, some other Place to which Notices are usually affixed; and provided also, that for the Purpose of consenting to any such Deviation from the said Sections, and to any Tunnelling or Arching as aforesaid, the Word "Owners" shall be deemed and taken to mean such Persons as are herein capacitated to agree for the Sale of and to convey Land for the making of the said Railway; and the Consent of such Persons, with or without the Consent of any other Persons interested as Owners in the said Lands, shall be deemed and taken to be sufficient for such Purposes.

XXVII. And be it enacted, That it shall not be lawful to diminish the Radius of any Curve from what it is shown to be on the Plan deposited with the Clerk of the Peace, unless such Radius exceed One Mile, nor to diminish it in any such Case so that it shall become less than One Mile, nor to diminish any greater Radius by more than a Quarter of a Mile unless where it exceeds Two Miles, or by more than Half a Mile unless where it exceeds Three Miles, on the said Plan. Limiting
Alteration of
Curves.

XXVIII. And be it enacted, That the Company shall not take or injure any Property of the following Kinds, except such as shall be specified in the Schedule to this Act, without the Consent in Writing of the Owners and Occupiers thereof, unless the Omission in such Schedule be certified, according to the Provisions herein-before contained, to have proceeded from Mistake; (that is to say,) any House or Building erected on or before the Thirtieth Day of *November* One thousand eight hundred and forty-two, or any Ground on or before that Day enclosed or set apart and used as a Garden, Orchard, Nursery Ground, Yard, Paddock, Plantation, planted Walk or Avenue to a House. Houses and
enclosed
Grounds not
to be taken
unless speci-
fied in the
Schedule.

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XXIX. And

Roads not to
be crossed on
a Level.

XXIX. And with respect to the crossing of Roads by the Railway, be it enacted, That if the Line of the Railway cross any Turnpike Road or public Carriageway, except as herein-after mentioned, either such Turnpike Road or public Carriageway shall be carried over the Railway, or the Railway shall be carried over such Road, by means of a Bridge of the Height and Width and with the Ascent or Descent by this Act in that Behalf provided; and such Bridge and other necessary Works connected therewith shall be executed at the Expence of the Company.

Bridges over
Roads.

XXX. And be it enacted, That every Bridge to be erected for the Purpose of carrying the Railway over any Road shall be built in conformity with the following Regulations; (that is to say,)

The Width of the Arch shall be such as to leave thereunder a clear Space of not less than Thirty-five Feet if the Arch be over a Turnpike Road, and of Twenty-five Feet if over a public Carriage Road, and of Twelve Feet if over a private Road:

The clear Height of the Arch from the Surface of the Road shall be not less than Sixteen Feet for a Space of Twelve Feet if the Arch be over a Turnpike Road, and Fifteen Feet for a Space of Ten Feet if over a public Carriage Road; and in each of such Cases the clear Height of the Springing of the Arch shall be not less than Twelve Feet:

The clear Height of the Arch for a Space of Nine Feet shall not be less than Fourteen Feet over a private Carriage Road:

The Descent under the Bridge shall not exceed One Foot in Thirty Feet if the Bridge be over a Turnpike Road, One Foot in Twenty Feet if over a public Carriage Road, and One Foot in Sixteen Feet if over a private Carriage Road or Occupation Way.

Bridges over
Railway.

XXXI. And be it enacted, That every Bridge erected for carrying any Road over the Railway shall be built in conformity with the following Regulations; (that is to say,)

There shall be a good and sufficient Fence on each Side of the Bridge of not less Height than Four Feet:

The Road over the Bridge shall have a clear Space between the Fences thereof of Thirty-five Feet if the Road be a Turnpike Road, and Twenty-five Feet if a public Carriage Road, and Twelve Feet if a private Road:

The Ascent shall not be more than One Foot in Thirty Feet if the Road be a Turnpike Road, One Foot in Twenty Feet if it be a public Carriage Road, and One Foot in Sixteen Feet if it be a private Carriage Road.

Railway not
to be pro-
ceeded with
till certain
Plans, &c.
deposited.

XXXII. And be it further enacted, That it shall not be lawful for the said Company to proceed in the Execution of the said Railway herein-before authorized to be made unless the said Company shall have previously to the Commencement of such Work deposited with the Clerk of the Peace of the County of *Cumberland* a Plan and Section of all such Alterations from the original Plan and Section as shall have been approved of by Parliament, on the same Scale
and

and containing the same Particulars as the original Plan and Section of the Railway, and also with the Clerks of the several Parishes in or through which such Alterations shall have been authorized to be made Copies or Extracts of or from such Plans and Sections as shall relate to such Parishes respectively; and all Persons interested shall have Liberty to inspect and make Extracts from or Copies of the said Plans and Sections, or Extracts or Copies thereof, paying to the Officer having the Custody of such Plans and Section, or of such Extract or Copy, the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words copied therefrom.

XXXIII. And be it enacted, That if in the course of making the Railway the Company shall use or interfere with any Road not being a Turnpike Road, and whether a public or private Road, they shall maintain the same in as good a State of Repair as such Road was in at the Time when the Company began to use the same, and shall leave the same in such State of Repair at the Conclusion of their Use thereof; and if any Difference arise as to the State of any such Road, either before or after the Use thereof by the Company, the Question shall be referred to the Determination of Two Justices; and such Justices may direct such Improvements or Repairs to be made in the State of such Road, and within such Period as they think reasonable, and they may impose on the Company for not carrying into effect such Improvements or Repairs any Penalty, not exceeding Five Pounds *per* Day, as to such Justices shall seem just.

Company to repair Roads used by them other than Turnpike Roads.

XXXIV. And be it enacted, That if the Commissioners or Trustees of any Turnpike Road apprehend Danger to the Passengers on such Road in consequence of Horses being frightened by the Sight of the Engines or Carriages travelling upon the Railway, it shall be lawful for such Commissioners, Trustees, or any Person duly authorized by them, to make Complaint thereof to Two Justices; and thereupon such Justices shall summon the Secretary of the Company to answer such Complaint, and if it appear to such Justices that the Complaint is reasonable, then they shall order the Company to commence within a certain Time, and to complete within a certain other Time, to be appointed by such Justices, any Works in the Nature of a Screen near to or adjoining the Side of such Turnpike Road which such Justices may think reasonable; and after Notice of such Order served upon the Company the Company shall proceed to act in obedience to such Order.

Screen for Turnpike Roads.

XXXV. And be it enacted, That if the Company shall neglect to commence such Works within the Time appointed by such Justices in that Behalf, they shall forfeit Twenty Pounds for every Day during which they do not so commence; or if, having commenced, they shall not continue from Day to Day duly to execute such Works until the Completion thereof, they shall forfeit Twenty Pounds for every Day during which they do not so proceed in the Execution of such Works; and if the Company shall not complete such Works within the Time in that Behalf appointed by such Justices, they shall forfeit Twenty Pounds for every Day during which such Works shall remain uncompleted

Penalty for failing to construct the Works.

pleted beyond the Time so appointed for their Completion ; and every such Penalty shall be recoverable by the Commissioners or Trustees of such Turnpike Road by Action in any of the Superior Courts.

Crossing of
Footways.

XXXVI. And be it enacted, That the Company shall make convenient Ascents and Descents, where required, for every Footway crossed by the said Railway.

Works to be
executed.

XXXVII. And be it enacted, That, subject to the Provisions and Restrictions contained in this Act, it shall be lawful for the Company, for the Purpose of constructing the Railway, to execute any of the following Works ; (that is to say,)

They may make or construct in, upon, across, under, or over any Lands, Streets, Hills, Valleys, Roads, Railroads, or Tramroads, Rivers, Canals, Brooks, Streams, or other Waters, described in the said Plans, or mentioned in the said Books of Reference, or any Correction thereof, such temporary or permanent Inclined Planes, Tunnels, Embankments, Aqueducts, Bridges, Roads, Ways, Passages, Conduits, Drains, Piers, Arches, Cuttings, and Fences, as they think proper ;

They may alter the Course of any navigable Rivers to the Extent shown upon the Plans deposited with the Clerk of the Peace as herein-before mentioned ;

They may alter the Course of any Rivers not navigable, Canals, Brooks, Streams, or Watercourses, if necessary, for constructing and maintaining Tunnels, Bridges, Passages, or other Works over or under the same, and divert or alter, as well temporarily as permanently, the Course of any such Rivers or Streams of Water, Roads, Streets, or Ways, or raise or sink the Level of any such Rivers or Streams, Roads, Streets, or Ways, in order the more conveniently to carry the same over or under or by the Side of the Railway, as they may think proper ;

They may make Drains or Conduits into, through, or under any Lands adjoining the Railway, for the Purpose of conveying Water from or to the Railway ;

They may erect and construct such Houses, Warehouses, Offices, and other Buildings, Yards, Stations, Wharfs, Engines, Machinery, Apparatus, and other Works and Conveniences, as they think proper ;

They may from Time to Time alter, repair, or discontinue the before-mentioned Works, or any of them, and substitute others in their Stead ; and

They may do all other Acts necessary for making, maintaining, altering, or repairing and using the Railway :

Provided always, that in the Exercise of the Powers hereby granted the Company shall do as little Damage as can be, and shall make full Satisfaction, in manner herein provided, to all Parties interested, for all Damages by them sustained by reason of the Exercise of such Powers.

Breadth of
Land for the
Railway.

XXXVIII. And be it enacted, That the Land to be taken for the Line of the Railway shall not exceed the Breadth of Twenty-five Yards,

Yards, without the Consent in Writing of the Owners and Occupiers of such Land, except in the following Cases; (that is to say,)

Except at or near the Termination of the Railway;

Except on Commons, Downs, Moors, or unenclosed or Waste Grounds;

And except where a greater Breadth shall be required for the following Purposes; (that is to say,)

For Carriages to wait, load, or unload, and to turn or pass each other;

For raising Embankments or Viaducts for crossing Valleys or low Grounds;

For Cuttings;

For the Erection and Establishment of any fixed or permanent Machinery, Toll Houses, Warehouses, Depôts, Stations, Wharfs, Erections, or Buildings; and

For the Purpose of any Side Road for agricultural or general Purposes:

And in any of the Cases aforesaid it shall be lawful for the Company to take and use a greater Breadth of Land than Twenty-five Yards, but in no Case shall the Breadth of Land so taken exceed One hundred Yards, except for Cuttings and Embankments, or any Depôt or Station connected with the Railway.

XXXIX. And with respect to any such Lands which shall be so cut through and divided by the Railway or Works as to leave, either on both Sides or on one Side thereof, a less Quantity of Land than Half a Statute Acre, be it enacted, That if the Owner of any such Land, not being situate in a City or Town, or built upon, require the Company to purchase any such small Parcel of Land along with the other Land required for the Purposes of this Act, the Company shall purchase the same accordingly, unless the Owner thereof have other Land adjoining to that so left into which the same can be thrown; and if such Owner have any other Land so adjoining, he may require the Company, at their own Expence, to throw the Piece of Land so left into such adjoining Land, by removing the Fences and levelling the Sites thereof, and by soiling the same in a sufficient and workmanlike Manner.

Power to
Owners of
intersected
Lands to
insist on Sale.

XL. And be it enacted, That if any such Land shall be so cut through and divided as to leave on either Side of the Works a Piece of Land of less Extent than Half a Statute Acre, or of less Value than the Expence of making a Bridge, Culvert, or such other Communication between the Land so divided as the Company are under the Provisions of this Act compellable to make, and if the Owner of such Lands have not other Lands adjoining such Piece of Land, and require the Company to make such Communication, then the Company may require such Owner to sell to them such Piece of Land; and any Dispute as to the Value of such Piece of Land, or as to what would be the Expence of making such Communication, shall be ascertained by a Jury as herein provided for Cases of disputed Compensation; and on the Occasion of ascertaining the Value of the Land required to be taken for the Purposes of the Railway or Works, the Jury shall, if required by either Party,

Company to
insist on Pur-
chase where
Expence of
Bridges, &c.
exceeds the
Value.

[*Local.*]

24 E

ascertain

ascertain by their Verdict the Value of any such severed Piece of Land, and also what would be the Expence of making such Communication.

Parties not to be required to sell Part of a House.

XLI. And be it enacted, That no Party shall at any Time be required to sell or convey to the Company a Part only of any House or other Building or Manufactory if such Party be willing to sell and convey the whole thereof.

Provision for Contract made with Mr. Senhouse.

XLII. Provided always, That nothing in this Act contained shall extend or be deemed or construed to extend to enable the said Company to take, for the Purpose of making and erecting Hurries or Steaths, or for any other Purposes connected with the said Railway, any Messuages, Lands, Tenements, or Hereditaments belonging to *Joseph Pocklington Senhouse* of *Netherhall* in the County of *Cumberland*, Esquire, and *Elizabeth* his Wife, other than such as are specified and described in the Agreement already made and entered into by the said Company with the said *Joseph Pocklington Senhouse* and *Elizabeth* his Wife, under the Authority of the said recited Act of the First Year of the Reign of Her present Majesty, unless with the Consent of the said *Joseph Pocklington Senhouse* and *Elizabeth* his Wife, their Heirs and Assigns, in Writing.

Land Tax and Poor's Rate to be made good.

XLIII. And for the Purpose of providing against Deficiencies in the Assessments for Land Tax or Poor's Rate occasioned by the making of the Railway in the several Parishes wherein the same or any Part thereof may be situate, be it enacted, That if the Company become possessed by virtue of this Act of any Lands charged with the Land Tax, or liable to be assessed to the Poor's Rate, the Company shall be liable to make good the Deficiency in the several Assessments for Land Tax and Poor's Rate arising within such Parishes by reason of such Lands having been taken or used for the Purposes of the Railway; and such Deficiency shall be computed according to the Rental at which such Lands, with any Building thereon, were valued or rated at the Time of passing of this Act; and on Demand of such Deficiency the Treasurer of the Company shall pay all such Deficiencies to the Collector of the said Assessments respectively; nevertheless, if at any Time the Company think fit to redeem such Land Tax, they may do so, in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax.

Compulsory Purchase limited to Two Years.

XLIV. And be it enacted, That the Powers of the Company for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing thereof.

Railway may be completed within Four Years.

XLV. And be it enacted, That it shall be lawful for the said Company to execute and make the said Railway and other Works authorized to be made by the said recited Act or this Act at any Time within the Space of Four Years, to be computed from the passing of this Act.

XLVI. And be it enacted, That all the Costs, Charges, and Expenses of obtaining and passing this Act, and of carrying the same into effect, or incident thereto, shall be paid and defrayed by the said Company out of the Money already raised or received, or to be raised and received by virtue of this or the said recited Act, or either of them, in preference to all other Payments. Expences of this Act.

XLVII. And whereas it was by the said recited Act enacted, that no Action, Suit, or Information should be brought, commenced, or prosecuted against any Person or Persons for any thing done or to be done in pursuance of the said Act or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed, in, by, or under the said Act, unless Ten Days previous Notice should be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Information to the said Company, nor unless such Action, Suit, or Information should be brought or commenced within Six Calendar Months next after the Fact committed, or in case there should be a Continuation of Damages, then within Six Calendar Months next after the doing or committing such Damage should have ceased, and not afterwards, and should be laid and brought in the County where the Matter in dispute or Cause of Action should arise, and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information should and might plead the General Issue, and give the said Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said Act; and if it should happen to have been so done, or if any such Action, Suit, or Information should have been brought or commenced before or after the Time to be limited for bringing the same, or in any other County or Place than as aforesaid, then and in every such Case the Jury should find for the Defendant or Defendants: And whereas it is expedient the said recited Provisions should be repealed; be it therefore enacted, That the same shall be and is hereby repealed: Provided always, that nothing in this Act contained shall prejudice or affect any Action, Suit, Information, or other Proceeding now pending between the said Company and any Company or Person or Persons whomsoever, or shall revive any Right which under the Provisions lastly hereby repealed may have been barred prior to the passing of this Act. Repealing Clause in recited Act as to Limitation of Actions.

XLVIII. And whereas by an Act of Parliament passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for the regulating Railways*, and by another Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*, certain Provisions were enacted for the Supervision of Railways and other Purposes; be it enacted, That the Provisions of the said recited Acts, except such of the same as shall be repealed or inapplicable to the Railway to be made by virtue of this Act and the said first-recited Act, shall be in force in respect of the said Railway in the same Manner as if such Provisions were repeated and re-enacted in this Act in reference to the same. Provision of certain Acts relating to Railways extended to this Railway.

XLIX. Pro-

Railway not
to be exempt
from Pro-
visions of
any general
Railway Act.

XLIX. Provided always, and be it enacted, That nothing herein or in the said recited Act contained shall be deemed or construed to exempt the Railway by this and the said recited Act authorized to be made from the Provisions of any general Act relating to Railways which may pass during the present or any future Session of Parliament.

Public Act.

L. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHEDULE to which the foregoing Act refers.

COUNTY OF CUMBERLAND,

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
<i>Parish of Dearham, Township of Ellenborough.</i>				
1	Maryport Harbour, South Quay, and Dock Quay.	Elizabeth, the Wife of Joseph Pocklington Senhouse, Joseph Pocklington Sen- house, John Wood, William Ostle, Ro- bert Ritson, and others, Trustees of Maryport Harbour.	- - -	Elizabeth, the Wife of Joseph Pocklington Senhouse, Joseph Pocklington Sen- house, John Wood, William Ostle, Ro- bert Ritson, and others, Trustees of Maryport Harbour.
2	Coal Staith or Build- ing.	Elizabeth, the Wife of Joseph Pocklington Senhouse.	- - -	Elizabeth, the Wife of Joseph Pocklington Senhouse.
3	Maryport Harbour New Dock.	Elizabeth, the Wife of Joseph Pocklington Senhouse, Joseph Pocklington Sen- house, John Wood, William Ostle, Ro- bert Ritson, and others, Trustees of Maryport Harbour.	- - -	Elizabeth, the Wife of Joseph Pocklington Senhouse, Joseph Pocklington Sen- house, John Wood, William Ostle, Ro- bert Ritson, and others, Trustees of Maryport Harbour.
6	House and Stack-yard	Elizabeth, the Wife of Joseph Pocklington Senhouse.	- - -	Thomas Messenger.
7	Timber Yards -	Elizabeth, the Wife of Joseph Pocklington Senhouse.	- - -	Elizabeth, the Wife of Joseph Pocklington Senhouse, Robert Ritson, and others.
8	House, Ropery, and Garden.	John Ismay - -	- - -	John Ismay, John Hud- leston, and Miles Briggs.
10	Garden - -	Elizabeth, the Wife of Joseph Pocklington Senhouse.	- - -	Thomas Messenger.
11	Pasture Field and Yard	Ditto - -	- - -	Ditto.

Parish of Crosscannonby, Township of Maryport.

1	Pasture Land and Sheds.	Elizabeth, the Wife of Joseph Pocklington Senhouse.	- - -	Isaac Middleton.
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No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Aspatria, Township of Aspatria.				
17	Shed and Yard -	Sir Wilfred Lawson, Bart.	Richard Hodgson -	Richard Hodgson.
18	Garden - -	Ditto - -	Thomas Greaves -	Thomas Greaves.
20	House and Garden -	Peter Fisher - -	Joseph Atkinson -	Joseph Atkinson.
21	House and Garden -	Ditto - -	Ditto - -	Ditto.
24	Stack-yard -	Sir James Musgrave, Bart.	- - -	Hannah Twentyman.
28	House and Garden -	Joseph Irving -	- - -	George Kennedy.
29	House, Outbuildings, and Garden.	Sir James Musgrave, Bart.	Hannah Twentyman	Hannah Twentyman.
30	Garden - - -	Ditto - - -	Ditto - - -	Ditto.
31	House and Garden -	Representatives of Jo- seph Sibson, deceased.	- - -	James Douglas, James Donoughty.
32	House, Garden, and Orchard.	Representatives of John Hayton, deceased.	- - -	Sarah Fearon.
34	House and Garden -	Representatives of Jo- seph Sibson, deceased	- - -	James Douglas.
35	House and Garden -	Ditto - -	Ruth Sibson -	Ruth Sibson.
38	Brewery - -	Representatives of John Hayton, deceased.	- - -	Joseph Hayton, Amos Hayton, and John Calvert.
45	Cottage - - -	James Douglas -	- - -	James Douglas.
49	Cottage - - -	Daniel Crone -	Robert Storey and Christopher Dick- enson.	Robert Storey and Chris- topher Dickenson.
53	Plantation - -	Sir Wilfred Lawson, Bart.	- - -	Sir Wilfred Lawson, Bart.
60	Ditto - - -	Ditto - - -	- - -	Ditto.
62	Ditto - - -	Ditto - - -	- - -	Ditto.
68	Ditto - - -	Ditto - - -	- - -	Ditto.

Parish of Bromfield, Township of Crookdake.

2	Heathfield Toll Bar and House.	Trustees of Cocker- mouth Turnpike Road.	- - -	Ann Wise.
5	Plantation - -	Sir Wilfred Lawson, Bart.	- - -	Sir Wilfrid Lawson, Bart.
9	Cottage and Garden -	Ditto - -	George Twentyman	John Peile.
16	Plantation - -	Ditto - -	- - -	Sir Wilfrid Lawson, Bart.
24	Plantation - - -	John Reay - - -	- - -	Joseph Mitchell.
44	Stack-yard - - -	Henry Clark - - -	- - -	Henry Clark.
45	Orchard and Sheds -	Ditto - - -	- - -	Ditto.
47	House, Garden, and Outbuildings.	Ditto - - -	- - -	Ditto.
54	Plantation - - -	Ditto - - -	- - -	Ditto.
55	Pond - - -	Ditto - - -	- - -	Ditto.
60	House, Garden, and Outbuildings.	Ditto - - -	- - -	Abram Baxter, Joseph Lowther, Routledge Turner, Esther Bewley.
72	Pond - - -	Esther Peile - - -	- - -	Hugh Peile.
73	Barn and Outbuild- ings.	Ditto - - -	- - -	Ditto.
74	House and Garden -	Ditto - - -	- - -	Ditto.
75	Draw Well - - -	Ditto - - -	- - -	Ditto.
84	Plantation - - -	Fretcheville Lawson, Ballantyne Dykes.	- - -	Fretcheville Lawson, Ballantyne Dykes.
95	Plantation - - -	Ditto - - -	- - -	Ditto.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
<i>Parish of Wigton, Township of Waverton, High and Low.</i>				
21	House and Garden -	Abraham Bell, and Ann his Wife.	Joseph Thompson -	David Jameson, Jane Owen, and Robert Nichol.
42	Orchard - -	Joseph Barnes -	- - -	Joseph Barnes.
43	Stack-yard - -	Ditto - -	- - -	Ditto.
44	House and Farm-build- ings.	Ditto - -	- - -	Ditto.
48	Plantation - -	Ditto - -	- - -	Ditto.
57	Orchard - -	Mary Ann Baxter -	- - -	William Barnes.
58	House and Farm Build- ings.	Ditto - -	- - -	Ditto.
60	Stack-yard - -	Ditto - -	- - -	Ditto.
62	House and Outbuild- ings.	Jane Barnes - -	- - -	Joseph Gate.
64	Stack-yard - -	Ditto - -	- - -	Ditto.
70	Plantation - -	Mary Ann Baxter -	- - -	John Sadler.
72	Garden - -	Ditto - -	- - -	Ditto.
<i>Township of Wigton.</i>				
93	Plantation and Shed -	John Barnes - -	- - -	John Barnes.
94	Plantation - -	Ditto - -	- - -	Ditto.
<i>Township of Westwoodside.</i>				
102	House, Farm Buildings, and Orchard -	Joseph Martindale -	- - -	Joseph Martindale.
<i>Township of Wigton.</i>				
111	Plantation - -	Richard Matthews -	- - -	John Todd.
113	Barn and Shed -	Ditto - -	- - -	Ditto.
119	Plantation - -	Ditto - -	- - -	Richard Matthews.
121	Plantation - -	Ditto - -	- - -	Ditto.
132	Plantation - -	Ditto - -	- - -	Ditto.
139	Shed - -	Ditto - -	- - -	Isaac Pattinson and Sons.
143	Garden - -	George Atkinson Winter	- - -	Christian Gray.
143A	Brewery and Shed -	Ditto - -	- - -	John Collinson.
153	Bark Mill - -	Ditto - -	- - -	Timothy Twentyman.
154	Occupation Road and Garden.	Ditto - -	- - -	Mary Pattinson, and others.
154A	Windmill, Dwelling House, and Offices.	John Wilkinson -	- - -	John Southward.

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DEPARTMENT OF CHEMISTRY

REPORT OF THE
COMMISSIONER OF THE
BUREAU OF CHEMISTRY
AND
MINERALOGY
FOR THE YEAR
1900

BY
J. H. M. VAN DER WOUDE
AND
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