ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

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Cap. cccxlii.

An Act for making a Railway from the Borough of *Cockermouth* to the Town of *Keswick*, all in the County of *Cumberland*, to be called "The *Cockermouth and Workington Extension* Railway."

[3d *August* 1846.]

WHEREAS the making of a Railway from the Borough of *Cockermouth* to the Town of *Keswick* in the County *Cumberland* would be of great public Advantage, by opening an additional, certain, and expeditious Means of Communication between the said Places, and also by facilitating Communication between more distant Towns and Places: And whereas the Persons hereafter named are willing, at their own Expence, to carry such Undertaking into execution, but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and 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 the several Acts of Parliament following, (that is to say,) the Companies Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Act, 1845, and the

8 & 9 Vict. cc. 16. 18. and 20. incorporated with this Act.

the Railway Clauses Consolidation Act, 1845, shall be incorporated with and form Part of this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to describe it as "The *Cockermouth and Workington Extension* Railway Act, 1846."

Subscribers incorporated.

III. And be it enacted, That *John Gandy*, *John Whitwell*, *William Whitwell*, *John Wilson Fletcher*, *Jonathan Harris* the younger, *Joseph Harris* of *Lorton*, *Jonathan Wood*, *Abraham Robinson*, *John Jowitt Wilson*, 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 Purposes of the said Undertaking, according to the Provisions of the said recited Acts and of this Act, and for other the Purposes herein and in the said recited Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Cockermouth and Workington Extension* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the recited Acts contained.

Capital.

IV. And whereas the estimated Expence of making the Railway is One hundred and ninety-five thousand Pounds; be it enacted, That the Capital of the Company shall be Two hundred thousand Pounds.

Number and Amount of Shares.

V. And be it enacted, That the Number of Shares into which the Capital shall be divided shall be Ten thousand, and the Amount of each Share shall be Twenty Pounds.

Calls.

VI. And be it enacted, That Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at the least shall be the Interval between each Call.

Power to borrow Money on Mortgage.

VII. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Sixty thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Two hundred thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

First and other Meetings.

VIII. And be it enacted, That the first Ordinary Meeting of the Company shall be held within One Month next after the passing of this Act; and all Meetings, whether ordinary or extraordinary, shall be held in the Town of *Cockermouth* or *Keswick*.

Quorum of General Meetings.

IX. And be it enacted, That the Quorum for every General Meeting of the Company shall be Five or more Shareholders holding in the aggregate not less than Five thousand Pounds in the Capital of the Company.

X. And

X. And be it enacted, That the Number of Directors shall be Twelve, and the Qualification of a Director shall be the Possession in his own Right of Twenty-five Shares in the Undertaking. Number and Qualification of Directors.

XI. And be it enacted, That it shall be lawful for the Company to increase or reduce the Number of Directors, provided that the increased Number do not exceed Fifteen, and that the reduced Number be not less than Eight. Power to increase the Number of Directors.

XII. And be it enacted, That *John Gandy*, *John Whitwell*, *James Gandy*, *John Harrison*, *William Whitwell*, *John Wilson Fletcher*, *Jonathan Harris* the younger, *Joseph Harris* of *Lorton*, *Jonathan Wood*, *Abraham Robinson*, and *John Jowitt Wilson* shall be the first Directors of the Company. First Directors.

XIII. And be it enacted, That the Directors appointed by this Act shall continue in Office until the first Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body; and at the first Ordinary Meeting to be held in every Year thereafter the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in the said Companies Clauses Consolidation Act, 1845, and in this Act contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead, in manner provided by the said Companies Clauses Consolidation Act, 1845, and in this Act, or either of them. Such Directors to continue in Office until the first Meeting after passing of Act.

XIV. And be it enacted, That the Quorum of a Meeting of Directors shall be Three. Quorum of Directors.

XV. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three, and the Quorum of such Committee shall be such as the Directors shall at the Time of appointing the said Committee prescribe. Committees of Directors.

XVI. And be it enacted, That the Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be the *Cumberland Pacquet* or the *Whitehaven Herald*, or some other Newspaper published or usually circulating in the County of *Cumberland*. Newspapers for Insertion of Advertisements.

XVII. And whereas Plans and Sections of the Railway showing the Line and Levels thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same is intended to pass, have been deposited with the Clerk of the Peace for the County of *Cumberland;* be it enacted, That, subject to the Provisions Railway to be made according to deposited Plans.

visions in this and the said recited Acts contained, it shall be lawful for the Company to make and maintain the Railway and Works in the Line and upon the Lands delineated upon the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Main Line of Railway.

XVIII. And be it enacted, That the Railway shall commence by a Junction with the *Cockermouth and Workington* Railway in the Township of *Cockermouth*, and shall pass thence from, in, through, or into the several Parishes, Townships, and extra-parochial or other Places of *Cockermouth*, *Papcastle*, *Brigham*, *Bridekirk*, *Dovenby*, *Hames Hill*, *Setmurthy*, *Isell*, *Isell Old Park*, *Bassenthwaite*, *Underskiddaw*, *Crosthwaite*, and *Keswick*, or some of them, all in the County of *Cumberland*, and shall terminate in the Township of *Keswick* in the Parish of *Crosthwaite* in the said County of *Cumberland*.

Power to cross certain Roads on a Level.

XIX. And be it enacted, That it shall be lawful for the Company to construct the Railway across and on the Level of the following Turnpike Roads and public Carriage Roads; (that is to say,)

In the Parish of *Bridekirk*, the Turnpike Road numbered 16 on the said Plans:

In the Parish of *Bassenthwaite*, the public Roads numbered 54, 59, and 114, on the said Plans.

Station or Lodge to be erected at Points of crossing.

XX. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the Railway shall cross on the Level any of the before-mentioned Roads.

As to one of two alternative Lines.

XXI. And whereas alternative Lines of Railway are laid down on the said Plans in the said Parish of *Crosthwaite*, and it is expedient that the Company should be authorized to form only one of such Lines; be it therefore enacted, That the Line to be formed by the Company, so far as respects such alternative Lines, shall be the Southernmost of such Lines, and it shall not be lawful for the Company to form or construct the other of such Lines.

Land for extraordinary Purposes.

XXII. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Fifty Acres.

Compulsory Purchase of Lands limited.

XXIII. And be it enacted, That the Power of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

XXIV. And be it enacted, That the Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the recited Acts granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

As to Communication

XXV. And be it enacted, That all Communications between the Railway hereby authorized to be made and the *Cockermouth and Work-*

Workington Railway as may be necessary or convenient, and all such Openings in the Ledges or Flanches of the said *Cockermouth and Workington* Railway as may be necessary or convenient for effecting such Communications, shall be made, under the Direction and Superintendence of the Engineer for the Time being of the Railway hereby intended to be made, to the Satisfaction of the Engineer for the Time being of the said *Cockermouth and Workington* Railway Company, but subject nevertheless to such Control, Conditions, and Regulations as the Board of Trade shall or may from Time to Time order and direct. with the Cockermouth and Workington Railway.

XXVI. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away, further or otherwise than is herein expressly authorized, any of the Rights, Privileges, Powers, or Authorities vested in the *Cockermouth and Workington* Railway Company. Saving the Rights of the Cockermouth and Workington Railway Company.

XXVII. And be it enacted, That 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.

1. In respect of the Tonnage of all Articles conveyed upon the Railway or any Part thereof, as follows: On Articles of Merchandize.

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile not exceeding One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Iron Stone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandize, *per* Ton *per* Mile not exceeding Two-pence; and if conveyed by Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Stones, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Two-pence Halfpenny; 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, Merchandize, Fish, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Four-pence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Two-pence:

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, *per* Mile not exceeding Sixpence:

And a like Sum of Sixpence *per* Mile for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton, which any such Carriage may weigh; and if conveyed on a

Truck or Platform belonging to the Company, an additional Sum *per* Mile not exceeding Two-pence.

On Passengers and Animals.

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

For any Person conveyed in a First-class Carriage, not exceeding the Sum of Three-pence *per* Mile:

For every Person conveyed in a Second-class Carriage, not exceeding the Sum of Two-pence *per* Mile:

For every Person conveyed in a Third-class Carrriage, not exceeding the Sum of One Penny *per* Mile:

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 Carriage, *per* Mile not exceeding Three-pence:

For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any Carriage, *per* Mile not exceeding One Penny.

Tolls for propelling Power.

XXVIII. And be it enacted, That the Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed Two-pence *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.

Regulations as to Tolls.

XXIX. And be it enacted, That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Articles or Persons conveyed on the Railway for a less Distance than Five Miles the Company may demand, in addition to the prescribed Tolls for Conveyance, a reasonable Charge for the Expence of stopping, loading, and unloading:

For a Fraction of a Mile beyond Five Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Merchandize 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; and in respect of Passengers every Fraction of a Mile beyond an integral Number of Miles shall be deemed 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, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Tolls for small Parcels, and Articles of great Weight.

XXX. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels (that is to say, Parcels not exceeding Five hundred Pounds Weight each) the Company may demand

demand any Sum which they may think fit; provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they 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.

Passengers Luggage.

XXXI. And be it enacted, That 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.

Maximum Charges for Conveyance of Passengers.

XXXII. And be it enacted, That it shall not be lawful for the Company to demand or receive any greater Sum in respect of the Carriage of Passengers conveyed on the Railway than Three-pence *per* Passenger *per* Mile in respect of any Passenger travelling in a First-class Carriage, Two-pence *per* Passenger *per* Mile in respect of any Passenger travelling in a Second-class Carriage, and One Penny *per* Passenger *per* Mile in respect of any Passenger travelling in a Third-class Carriage, including the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance, except in the Case of Special Trains.

For Conveyance of Goods and Cattle.

XXXIII. And be it enacted, That 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, conveyed on the Railway, any greater Sum, including the Charges for the Use of Carriages, Waggons, or Trucks, and for locomotive Power, and all other Charges incident to such Conveyance (except a reasonable Charge for the Expence of loading and unloading, where such Service is performed by the Company), than the several Sums herein-after mentioned; (that is to say,)

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile Two-pence:

For all Coals, Coke, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slate, Clay, Sand, Iron Stone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandize, *per* Ton *per* Mile Three-pence:

For

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Three-pence Halfpenny:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandize, Fish, Articles, Matters, or Things, *per* Ton *per* Mile Four-pence:

For every Carriage, of whatever Description, having more than Two Wheels, and not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton and a Half, *per* Mile Sixpence; and if having only Two Wheels, and not weighing more than One Ton, *per* Mile Four-pence:

For every House, Mule, Ass, Ox, Cow, Bull, or Neat Cattle, *per* Mile Four-pence:

For every Calf, Sheep, Pig, Lamb, or other small Animal, *per* Mile One Penny.

Railway to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., and 7 & 8 Vict. c. 85.

XXXIV. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament; and for other Purposes in relation to Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company, so far as the same shall be applicable thereto.

Railway to be subject to Provisions of any future general Acts.

XXXV. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized from the Provisions of any general Act relating to this Act, or of any general Act relating to Railways, which may 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 authorized by this Act.

Public Act.

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

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