ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

****

Cap. xxxviii.

An Act to enable the *Cockermouth and Workington* Railway Company to make a Branch Railway to *Bridgefoot;* and for amending the Act relating to their Railway. [26th *June* 1849.]

WHEREAS an Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for making a Railway from the Market Town of* Cockermouth *to the Port and Harbour of* Workington *in the County of* Cumberland: And whereas it is expedient that the *Cockermouth and Workington* Railway Company should be authorized to make a Branch Railway from the *Cockermouth and Workington* Railway in the Township of *Greysouthen* in the Parish of *Brigham* in the County of *Cumberland* to *Bridgefoot* in the said Township of *Greysouthen:* And whereas under and by virtue of the said Act the said Company were authorized to raise by the Issue of Shares as therein mentioned the Sum of Eighty thousand Pounds, and were also authorized to borrow on Mortgage or Bond the further Sum of Twenty-six thousand six hundred and

8 & 9 Vict. c. 120.

and sixty-six Pounds, for the Purposes of the said Act, and the said Company have accordingly issued Shares to the Amount of Eighty thousand Pounds, and of which the Sum of Seventy-six thousand Pounds has been received, and have also raised on Mortgage or Bond the whole of the said Sum of Twenty-six thousand six hundred and sixty-six Pounds, and the whole of the said Sums of Seventy-six thousand Pounds and Twenty-six thousand six hundred and sixty-six Pounds have been expended and applied upon the Purposes of the said Act: And whereas it is expedient that the said Company should be authorized and empowered to raise an additional Sum of Money to carry into effect the Works authorized by the said recited Act, and that some of the Powers and Provisions of the said recited Act should be amended and enlarged; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Provisions, Matters, and Things contained in the said recited Act, save so far as they are varied by or are inconsistent with "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," and the said "Lands Clauses Consolidation Act," and "The Railways Clauses Consolidation Act," except such of them as are by this Act repealed, altered, or otherwise provided for, shall extend to this Act, and to the several Purposes and Things hereby authorized to be done, so far as the same Provisions, Matters, and Things are applicable thereto, as fully and effectually as if the same were repeated and re-enacted in this Act in reference to such Purposes and Things.

Powers of recited Act extended to this Act.

Short Title of Act.

II. And be it enacted, That in citing this Act for any Purposes whatsoever it shall be sufficient to use the Expression "The *Cockermouth and Workington* Railway Act, 1849."

Power to make Railway according to deposited Plans.

III. And whereas a Plan and Section of the Branch Railway by this Act authorized, showing the Lines and Levels thereof, and also a Book of Reference to the said Plan containing the Names of the Owners or reputed Owners and of the 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 in this Act contained, it shall be lawful for the "*Cockermouth and Workington* Railway Company" to make and maintain the Branch Railway and Works connected therewith in the Line and upon the Lands delineated on the said Plan and described in the said Book of Reference, and according to the Levels defined on the said Section, and to enter upon, take, and use such of the Lands as shall be necessary for such Purpose.

Line of Branch Railway.

IV. And be it enacted, That the said Branch Railway shall commence from and out of the "*Cockermouth and Workington* Railway" at or near to a Place called *Marron Foot* in the Township of *Greysouthen* in the Parish of *Brigham* in the County of *Cumberland*, and shall pass thence from, in, through, or into the several Parishes and Townships

Townships of *Greysouthen*, *Brigham*, *Little Clifton*, and *Workington* in the said County, and shall terminate at or near *Bridgefoot* in the said Township of *Greysouthen* and Parish of *Brigham* near or adjoining the Turnpike Road there at a Place called *Nepgill*.

Period for compulsory Purchase of Lands limited.

V. And be it enacted, That 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.

Period for Completion of Works.

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

Power to raise additional Capital for Branch Railway by Creation of new Shares.

VII. And whereas the estimated Expense of making the said Branch Railway is Two thousand five hundred Pounds: Be it enacted, That it shall be lawful for the Company to raise by creating new Shares, in addition to the Sums of Money which they are authorized to raise under and by virtue of the said recited Act, any further Sum of Money not exceeding in the whole the Sum of Two thousand five hundred Pounds, to be applied only in carrying into execution the Objects and Purposes by this Act authorized.

Power to raise additional Capital for existing Works by Creation of new Shares.

VIII. And whereas it is expedient that the Company should be authorized to raise an additional Sum of Money for the Purpose of completing the Railway and Works by the said recited Act authorized: Be it therefore enacted, That it shall be lawful for the said Company to raise by creating new Shares (in addition to the Sums of Money which they are authorized by virtue of the said recited Act and herein-before authorized to raise) any further Sum of Money not exceeding in the whole the Sum of Twenty-five thousand Pounds, to be applied only in carrying into execution the Objects and Purposes of the said recited Act.

New Shares to be considered same as original Shares.

IX. And be it enacted, That the said respective Sums so to be raised as aforesaid by the Creation of new Shares shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned according to the Order of any Ordinary or Extraordinary Meeting of the Company, and shall be considered as Part of the general Capital of the Company, and shall be 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 of the Company, except as to the Times of making Calls thereon, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company from Time to Time to fix as they shall think fit: Provided always, that Ten Pounds *per Centum* shall be the greatest Amount of any One Call which shall be made in respect of such new Shares, and that Three Months at the least shall be the Interval between successive Calls.

X. And

Shares created in respect of the 25,000*l.* entitled to Preference over all others.

X. And be it enacted, That it shall be lawful for the Company, with the Consent of Three Fifths of the Proprietors present, personally or by Proxy, at any Extraordinary Meeting of the Company, to declare and agree that the Holders of the Shares created in respect of the aforesaid Sum of Twenty-five thousand Pounds shall be entitled to a Preference in Payment of Dividends over all other Shares created by virtue of this and the said recited Act, not exceeding the Rate of Seven Pounds *per Centum per Annum* upon the Sums paid in respect thereof.

How Dividends on new Shares to be calculated.

XI. Provided always, and be it enacted, That in calculating the Dividends upon the Shares to be created under the Powers of this Act reference shall be had to the Difference, if any, for the Time being between the Amount of Calls paid thereon and the Amount of Calls paid upon the original Shares of the Company at the Time of the Declaration of such Dividend.

As to Votes of Proprietors of new Shares.

XII. And be it enacted, That the Proprietors of any new Shares created under the Powers of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if they had been possessed of original Shares in the *Cockermouth and Workington* Railway.

Power to borrow Money on Mortgage.

XIII. And be it enacted, That after the whole of the said respective Sums of Two thousand five hundred Pounds and Twenty-five thousand Pounds, by this Act authorized to be raised by Shares, shall have been subscribed for, and One Half thereof shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any Ordinary or Extraordinary Meeting of the Company; provided that such Sums of Money do not exceed in the whole the Sum of Nine thousand one hundred and sixty-six Pounds, in addition to the Sum which they are by the said recited Act authorized to borrow; provided always, that the whole of such Money so to be borrowed shall be applicable only to carrying into execution the Objects and Purposes by the said recited Act authorized, except a Sum of Money not exceeding Eight hundred and thirty-three Pounds, which may be applied to carrying into execution the Objects and Purposes by this Act authorized.

Former Mortgages to have Priority.

XIV. Provided always, and be it enacted, That all Mortgages or Bonds granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgages or Bonds to be created by virtue of this Act.

Interest not to be paid on Calls paid up.

XV. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this or the said recited Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay any Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised; provided always, that nothing

nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

XVI. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or the said recited Act authorized to be raised for the Purposes of such Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Same Tolls to be taken as on Main Line.

XVII. And be it enacted, That it shall be lawful for the Company to demand and receive for and in respect of the Branch Railway the same Tolls and Charges as they are by the said recited Act authorized to demand and receive for and in respect of the Railway by such Act authorized to be constructed.

Railway Company to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10. Vict. cc. 57. & 105.

XVIII. 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 Railways;* 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;* and Two Acts were passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, the one intituled *An Act for regulating the Gauge of Railways*, and the other intituled *An Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the said Railways from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the Railways, so far as the same shall be applicable thereto.

Railways to be subject to Provisions of future general Acts.

XIX. Provided always, and be it enacted, That nothing herein contained shall be deemed to exempt the Railways by this or the said recited Act authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Expenses of Act.

XX. And be it enacted, That all the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged out of the Funds of the Company, in preference to all other Payments whatsoever.

Public Act.

XXI. 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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