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VICTORIÆ REGINÆ.

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Aikbank, and which Branch is herein-after called "the *Wigton* Branch Railway," and also to enable the Company to acquire additional Land at *Wigton* and *Aikbank* for Station Accommodation, as well as to enlarge and widen their existing Railway, Stations, and Works: And whereas it is expedient that the Company be empowered to raise additional Capital by Shares and by borrowing, and to create and issue "Debenture Shares" or "Debenture Stock" in lieu of all or any Part of their Mortgage or Bond Debt, and that Provision be made for Consolidation into Stock of the Preference Shares of the Company: 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, 1862."

8 & 9 Vict. cc. 18. & 20. and 23 & 24 Vict. c. 106. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with this Act.

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

3. The following Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," shall be incorporated with this Act; to wit,

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.

Same Meanings in incorporated Acts as in this Act.

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.

5. And

Railways, &c. to be made according to deposited Plans, &c.

5. And whereas Plans and Sections showing the Situation of the intended Branch Railways, and Enlargements and Widenings of the existing Railway, and other Works, Stations, and Conveniences, and the Lands intended to be taken or which may be taken for the Purpose thereof, together with Sections of the intended Railways and Works, and a Book of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands in or through which the same are intended to pass or may be made, have been deposited with the Clerk of the Peace of the County of *Cumberland* for the Purposes of this Act: Therefore the Company may (subject to the Provisions of this Act) make and maintain the intended Branch Railways, Enlargements and Widenings of the existing Railway, and other Works, Stations, and Conveniences, in the Situation and upon the Lands delineated on the said Plans and described in the said Book of Reference, and as to the proposed Railways and Works according to the Levels and within the Limits of Deviation respectively shown on those Plans and Sections, and may enter upon, take, and use such of those Lands as they may require for the Purposes aforesaid.

Branch Railways and Works authorized as herein stated.

6. The Branch Railways and Works by this Act authorized to be made and maintained comprise the following; to wit,

A Branch Railway and Works connected therewith (to be called the *Bolton* Branch Railway) commencing by a Junction with the Company's Main Line of Railway on the South-east Side thereof, at or near to a Point Seventy-seven Yards or thereabouts Eastward from the Company's Tank House at the *Aspatria* Station in the Township of *Aspatria and Brayton* in the Parish of *Aspatria* in the County of *Cumberland*, and thence passing into and through the several Townships and Parishes following or some of them; that is to say, the Township of *Aspatria and Brayton*, the Parish of *Aspatria*, the Township of *Blennerhasset*, the Parish of *Torpenhow*, the Township of *Baggrow* otherwise *West Quarter*, the Township of *Allhallows* otherwise *East Quarter*, the Parish of *Allhallows*, the Township of *Bolton Low* otherwise *Bolton Wood and Quarry Hill*, and the Parish of *Bolton*, all in the County of *Cumberland*, and terminating in a Pasture Field in the Occupation of *Matthew Harrison* and belonging to *John Stead* at or near a Place commonly called or known as *Newlands Row*, and at or near a certain public Highway leading from *Mealsgate* to *Bolton* in the said Township of *Bolton Low* otherwise *Bolton Wood and Quarry Hill* in the said Parish of *Bolton*:

A Branch Railway and Works connected therewith (to be called the *Wigton* Branch Railway) commencing by a Junction with the *Bolton* Branch Railway in a certain Field numbered 128 on the deposited Plans in the Township of *Allhallows* otherwise *East Quarter*

Quarter in the Parish of *Allhallows* aforesaid, in the Occupation of *Josiah Thompson* and belonging to *John Drewry*, and at or near a certain public Highway leading from *Mealsgate* to or towards *Abbey Town*, and thence passing into and through the several Townships and Parishes following; that is to say, the said Township of *Allhallows* otherwise *East Quarter*, the said Parish of *Allhallows*, the said Township of *Bolton Low* otherwise *Bolton Wood and Quarry Hill*, the said Parish of *Bolton*, the Township of *Waverton High and Low*, and the Parish of *Wigton*, all in the said County of *Cumberland*, and terminating by a Junction with the Company's Main Line of Railway at or near *Aikbank*, and at or near a Point One hundred and three Yards or thereabouts distant, measuring in a Westerly Direction, from a certain Bridge of the Company which carries their Main Line of Railway across the Highway leading from the *Maryport and Wigton* Turnpike Road to *Waterside*, and to the *Carlisle and Cockermouth* Turnpike Road in the said Township of *Waverton High and Low* in the said Parish of *Wigton*:

The Enlargement and Widening of their existing Railway and Works, and the providing of additional Accommodation, Sidings, Coal Cells, and other Conveniences at and near their Passenger, Goods, and Mineral Station at *Wigton* in the Township of *Wigton* in the Parish of *Wigton* aforesaid, such Enlargement and Widening to commence at or from the West Side of a certain Bridge of the Company which carries their Main Line of Railway over or across the public Highway leading from the Town of *Wigton* to the *Abbey Holme*, *Standingstone*, *Aikton*, and other Places, and terminating at or near the East Side of a certain other Bridge or Cattle Creep over which the Company's Main Line of Railway passes, and which latter Bridge is commonly called or known by the Name of *Aglionby's Bridge*:

The Construction on Land to be acquired and taken by the Company on the South Side of their Railway at or near to or adjoining the Termination of the *Wigton* Branch Railway in the said Township of *Waverton High and Low* in the said Parish of *Wigton*, all such Stations, Sidings, Carriageroads, Approaches, Works, and other Conveniences in connexion with the Railway of the Company and the intended new Branch Railways respectively as the Company from Time to Time deem expedient.

Level Crossing.

7. Subject to the Provisions of "The Railways Clauses Consolidation Act, 1845," in reference to the crossing of Roads on a Level, the Company in the Construction of the *Bolton* Branch Railway may carry the same, so long as the said Branch Railway remains a Single Line of Railway, by not more than One Line of Railway, and when the said Branch Railway shall be doubled then by not more than Two Lines of Railway,

Railway, across and on the Level of the Road numbered on the deposited Plans as follows:

BOLTON BRANCH RAILWAY.

No. on Plan.	Township.	Parish.	Description of Road.	Rate of Inclination when altered.
13	Baggrow otherwise West Quarter.	Allhallows -	Public Carriage-road.	1 in 30 on one Side and level on the other.

And it shall not be lawful for the Company in shunting Trains to pass such Trains over such level Crossing, or to allow any Train, Carriage, Engine, or Truck to stand across the same.

Company to erect Station or Lodge at level Crossing and abide by Rules, &c. of Board of Trade.

8. For the greater Convenience and Security of the Public, the Company shall erect and permanently maintain a Lodge fitted for the Residence of a Gatekeeper at the Point where the said Branch Railway crosses the before-mentioned Road on the Level; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Road on the Level, or with regard to the Speed at which Trains shall pass such Road, as shall from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times maintain such Lodge at such Point, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

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

9. The Board of Trade, if it shall appear to them to be necessary for the Public Safety at any Time, either before or after the said Branch Railway shall have been completed and opened for public Traffic, may require the Company, within such Time as the Board of Trade shall direct, and at the Expense of the Company, to carry the before-mentioned Road either under or over the said Branch Railway by means of a Bridge or Arch in lieu of crossing the same on the Level, and to execute such other Works as under the Circumstances of the Case shall appear to the Board of Trade the best adapted for removing or diminishing the Danger arising from such level Crossing.

Provision as to Width and Height of a certain Bridge.

10. The Company, in the Construction of the Bridge for carrying the *Bolton* Branch Railway over the Road numbered as herein-after mentioned, may construct such Bridge of the Height and Span as follows:

BOLTON BRANCH RAILWAY.

No. on Plan.	Township.	Parish.	Description of Road.	Span.	Height.
54	Aspatria and Brayton.	Aspatria -	Public Carriage-road.		12 Feet.

Powers for compulsory Purchases limited.

11. 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 Three Years from the passing of this Act.

Period for Completion of Works.

12. If the Branch Railways by this Act authorized to be made and maintained be not completed within Four Years from the passing of this Act, then on the Expiration of such Period the Powers by this Act granted to the Company for executing the same Railways respectively shall cease to be exercised, except as to so much of the same as shall then be completed.

Dividends suspended if new Railways not opened within a limited Period.

13. If the Branch Railways by this Act authorized to be made and maintained be not completed and opened for public Traffic within Four Years from the passing of this Act, then and from thenceforth it shall not be lawful for the Company to declare or pay any Dividend on the ordinary or unguaranteed Capital of the Company until the said Branch Railways shall have been completed and opened for public Traffic.

Tolls.

14. The Company may demand and receive in respect of the Branch Railways by this Act authorized to be made and maintained the like Rates, Tolls, and Charges, with the like Powers, as the Company are by the recited Act authorized to demand and receive in respect of the Railway thereby authorized or constituted, and as if the said Branch Railways respectively had originally formed Part of the Railway authorized or constituted by the recited Act.

Power to raise additional Capital by Creation of new Shares.

15. The Company from Time to Time may, with the Consent of Three Fifths at least of the Votes of the Shareholders of the Company present, in Person or by Proxy, at any General Meeting of the Company, raise an additional Share Capital not exceeding in the whole Seventy-five thousand Pounds, by the Creation and Issue of new Shares; and such new Shares may be created and issued at such Times, upon such Terms and Conditions, either of One Class and with like Privileges, or of several Classes and with different Privileges, and either as ordinary Shares of the Company, or with such preferential, fixed, terminable, or other Dividends or Interest, and to such Persons, as may be determined by the Order of any General Meeting of the Company specially convened for the Purpose: Provided always, that the Dividend or Interest upon any such new Shares shall not exceed the Rate of Five Pounds *per Centum per Annum*: Provided also, that all the Shares of the same Class shall be of like Amount, and all the Shares of the same Class shall confer like Privileges and bear a like Dividend or Interest.

Provision as to Arrears of Dividend on Preference Shares.

16. The new Shares created under the Powers of this Act shall be entitled to the preferential Dividend, if any, which may have been attached to them by the Company as aforesaid out of the Profits of each Year

Year in priority to the ordinary Shares and Stock in the Company: Provided always, that if in any Year ending the Thirty-first Day of *December* there shall not be Profits available for the Payment of the full Amount of the preferential Dividends for that Year payable on any Preference Share created under this Act, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year or out of any other Funds of the Company.

Terms of Preference Shares on Certificates.

17. The Terms and Conditions to which any Preference Shares created under this Act are subjected by the Provisions of this Act shall be clearly stated on the Certificate of every such Preference Share.

Amount of new Shares and Calls thereon.

18. 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 that the Calls on such new Shares shall be made at no less Interval than Three Months, and that the Amount of every Call be not more than One Fourth of the nominal Amount of such Shares, and that the total Calls in any Year do not exceed Three Fourths of the nominal Amount of such Shares.

Saving of existing Preference Shares.

19. Provided always, That any Preference or Priority in the Payment of Interest or Dividends which may be assigned to any Shares to be created by virtue of this Act, shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividends on any other Shares or Stock which shall have been granted by the Company in pursuance of or which may have been confirmed by any previous Act of Parliament, or which may otherwise be lawfully subsisting.

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

20. Except as is by this Act otherwise provided, such new Share Capital, 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 the 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.

21. 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 Seventy-five thousand Pounds by this Act authorized

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 Seventy-five thousand Pounds have been *bonâ fide* taken up and are held by Persons or their Assigns, and for which such Personsˉ or their Assigns are legally liable.

Priority of existing Mortgages and Bonds.

22. All Mortgages or Bonds granted by the Company under the recited Act and now in force shall during the Continuance thereof have Priority over all Mortgages granted under this Act.

Application of Monies.

23. All Monies by this Act authorized to be raised by Shares or by borrowing shall be applied only for Purposes by the recited Act or this Act authorized.

Creation of Debenture Shares and Debenture Stock.

24. The Company from Time to Time, with the Sanction of a General Meeting convened with due Notice of that Object, may resolve that any Portion of the borrowed Capital not exceeding an Amount to be defined in such Resolution may be converted into Debenture Shares or Debenture Stock of the Company of like Amount, either by Agreement with the Holders of such Mortgages or Bonds respectively before the same respectively become due, or by paying off the same respectively when due, and creating and issuing such Shares or Stock to a corresponding Amount instead of reborrowing the Sum so paid off; and the Company may attach to any Debenture Shares or Debenture Stock so created a fixed and perpetual redeemable or irredeemable yearly Dividend or Interest at any Rate not exceeding the Rate of Four Pounds *per Centum* and payable half-yearly or otherwise as defined by such Resolution; and the Directors from Time to Time may carry into effect such Resolution by the Creation and Issue of so many Shares or of so much Stock as may from Time to Time be necessary for that Purpose, bearing such Rate of Interest or Dividend as aforesaid; and the Shares or Stock so created shall be a Charge upon the Tolls and Undertaking, and Lands, Tenements, and Hereditaments of the Company, but shall be distributable, transmissible, and transferable as and in other respects have the Incidents of Personal Estate; and such Interest or Dividend shall for ever have Priority of Payment over all other Interest or Dividends on any other Shares or Stock of the Company, whether ordinary or Preference or guaranteed; and such Shares or Stock respectively shall be called "the *Maryport and Carlisle* Railway Debenture Shares," or "the *Maryport and Carlisle* Railway Debenture Stock:" Provided always, that nothing herein contained shall prejudice the Rights of the Holders of Mortgages or Bonds of the Company: Provided also, that the Borrowing Powers of the Company shall, to the Extent

Extent of the Amounts so from Time to Time converted into Debenture Shares or Debenture Stock, or raised by the Issue of Debenture Shares or Debenture Stock, be extinguished.

Application of Debenture Stock and Proceeds thereof.

25. The Debenture Shares and Debenture Stock respectively, and the Moneys raised by the Disposal thereof respectively, shall be applied exclusively for paying off or extinguishing the Mortgage and Bond Debt of the Company.

Separate Accounts of Application of Monies raised by Debenture Shares or Stock.

26. In order that the due Application according to this Act of the Moneys raised by means of Debenture Shares or Debenture Stock may appear, the Company shall keep separate and accurate Accounts of the Amount of the Moneys so raised, and of the Application of such Moneys, and of the Number and Amount of such Debenture Shares, and of the Amount of such Debenture Stock, from Time to Time respectively created and issued.

Provisions of 8 & 9 Vict. c. 16. to apply to Debenture Shares and Stock.

27. The Provisions of "The Companies Clauses Consolidation Act, 1845," "with respect to the Transfer and Transmission of Shares," and such of those Provisions "with respect to the Consolidation of the Shares into Stock," as relate to the Transfer and Register of Stock (to wit, Sections 62 and 63 of that Act), shall apply, *mutatis mutandis*, to such Debenture Shares and Debenture Stock respectively.

Arrears of Dividend may be enforced by Appointment of a Receiver.

28. If, within Thirty Days after the Interest or Dividend on such Debenture Shares or Debenture Stock is payable, and after Demand thereof in Writing, the same be not paid, any of the Holders of such Shares or Stock holding individually or collectively at least Ten thousand Pounds in nominal Amount thereof may, without Prejudice to the Right to sue in any Court of competent Jurisdiction for the Interest or Dividend so in arrear, require the Appointment of a Receiver.

As to the Appointment of Receiver.

29. Every Application for such Receiver shall be made to Two Justices; and on any such Application such Justices, by Order in Writing after hearing the Parties, may appoint some Person to receive the whole or a competent Part of the Tolls or Sums liable to the Payment of such Interest or Dividend until all the Arrears of Interest or Dividend then due on such Shares or Stock, with all Costs, including the Charges of receiving the Tolls or Sums, be fully paid; and upon such Appointment being made all such Tolls and Sums shall be paid to and received by the Person so appointed, and the Money so to be received shall be so much Money received by or to the Use of the several Persons interested in the same according to their respective Priorities, and so soon as the full Amount of such Interest, Dividend, and Costs is so received the Power of the Receiver shall cease: Provided always, that, without Prejudice to the Payment of the Interest on any Mortgages

or Bonds of the Company having Priority over the Interest or Dividend so in arrear, the Receiver shall distribute rateably and without Priority among all the Proprietors of the Debenture Shares or Debenture Stock to whom Interest or Dividend is in arrear at the Times of the Receipt of the net Monies which he shall so receive.

Power to consolidate Preference Shares into separate Classes of Stock.

30. The Provisions of "The Companies Clauses Consolidation Act, 1845," "with respect to the Consolidation of the Shares into Stock," shall apply to the several Classes for the Time being of fully paid-up Preference Shares in the Capital of the Company; Provided always, that each Class of Preference Shares shall be represented by a separate Capital Stock with a separate Denomination, and the Stock into which any Preference Shares shall be so consolidated shall be substituted for and in all respects represent the Shares so consolidated, and shall confer the like Preference and Priority as to Dividend, and the like Privileges and Advantages, and be subject to the like Conditions as the Shares so consolidated would have conferred or have been subject to if such Consolidation had not been made.

Interest or Dividend not to be paid on Calls.

31. 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.

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

32. 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.

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

33. Nothing herein contained shall be deemed or construed to exempt the Railways 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 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 Act.

34. All

34. 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. Expenses of Act.

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