ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. lxxii.

An Act for enabling the *Maryport and Carlisle* Railway Company to make a Deviation in their Line of Railway, and increase their Capital; and for other Purposes. [3d *July* 1851.]

WHEREAS an Act was passed in the First Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for making a Railway from the Town and Port of* Maryport *to the Borough of* Carlisle, *to be called* "*The* Maryport and Carlisle *Railway:*" And whereas another Act was passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of Her said present Majesty, intituled *An Act for altering and enlarging the Powers of the Act relating to the* Maryport and Carlisle *Railway:* And whereas another Act was passed in the Seventh Year of the Reign of Her said present Majesty, intituled *An Act to amend the Acts relating to the* Maryport and Carlisle *Railway, and for making certain Extensions and Branches connected therewith:* And whereas it is expedient that the said Company should be enabled to relinquish the Construction of their present authorized Branch between *Bogfield* and *Crown Street* in the Borough of *Carlisle*, and to substitute therefor another Branch, so as to complete their Access to the general Railway Station in the said Borough called the *Citadel* Station, and to enable them to use the same, and to obtain certain Accommodation therein for their Traffic: And whereas by the said first-recited Act

7 W. 4. & 1 Vict. c. 101.

6 & 7 Vict. c. 70.

7 & 8 Vict. c. 36.

the nominal Amount of Capital the Company are authorized to raise by means of Shares is One hundred and eighty thousand Pounds, of which Sum Shares have been created to the Amount of only One hundred and thirty-six thousand one hundred Pounds, leaving still to be issued Shares to the Amount of Forty-three thousand nine hundred Pounds: And whereas the original Expense of the Undertaking provided only for the laying down of a single Line of Rails, but the Company have laid down a double Line along certain Portions of the Railway, whereby, and by other necessary Expenditure, an Outlay amounting to the Sum of Forty-two thousand seven hundred Pounds beyond the Capital raised by the Company has been incurred, which Two said several Sums have been raised by means of Loan Notes, as after mentioned: And whereas the estimated Expense of making the Branch Railway or Deviation by this Act authorized is Four thousand six hundred Pounds: And whereas the Company have borrowed by means of Loan Notes and otherwise Sums amounting in the whole to the Sum of Eighty-six thousand six hundred Pounds, such Sum consisting of the said Deficiency in the Amount of Capital still to be raised in virtue of the first-recited Act, and of the said Amount of Outlay in laying down a double Line of Rails as aforesaid, amounting, together with the said Sum of Four thousand six hundred Pounds, the estimated Cost of the said new Branch or Deviation, to the aggregate Sum of Ninety-one thousand two hundred Pounds, which last-mentioned Sum it is expedient the Company should be authorized to raise by the Creation of new Shares, with such Preference, Priority, or Privilege as may be necessary, in order to enable the Company to pay off and discharge the said Sums due on Loan Notes, and the Expense of the new Branch as aforesaid; but these Purposes 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,

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

I. That the "Railways Clauses Consolidation Act, 1845," and the "Lands Clauses Consolidation Act, 1845," shall apply to the several Works by this Act authorized to be made, and shall be read and construed as forming Part of this Act.

Short Title.

II. That in citing this Act in other Acts of Parliament, and in legal Documents, it shall be sufficient to use the Expression "The *Maryport and Carlisle* Deviation Act, 1851."

Railway and Works to be constructed according to deposited Plans.

III. And whereas a Plan and Section, showing the Line and Levels of the said new Branch Railway or Deviation to be made in lieu of the Branch to be abandoned, as herein-after provided, with a Book of Reference to such Plan, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the

Land in or through which the Works are intended to be made, or which may be required to be taken for the Purposes of the said Works respectively, have been deposited with the Clerk of the Peace for the County of *Cumberland*: Be it enacted, That, subject to the Provisions and Restrictions in this Act, and in the said Lands Clauses Consolidated Act, and Railways Clauses Consolidated Act contained, and to the other Provisions of this Act, it shall be lawful for the said *Maryport and Carlisle* Railway Company to make and construct the said new Branch Railway or Deviation 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 delineated on the said Plan and described in the said Book of Reference as shall be necessary for such Purposes.

Line of new Branch or Deviation.

IV. That, subject to the other Provisions of this Act, the Line and Situation of the said new Branch or Deviation to be made under the Authority of this Act shall be the following; (that is to say,)

A Branch Railway commencing by a Junction of the present authorized Line of the said *Maryport and Carlisle* Railway at or near the original Terminus of the said Line in or near a Field or Close of Land called or known by the Name of *Bogfield* in the Township of *Bogtchergate* in the Parish of *Saint Cuthbert* in the Borough of *Carlisle* in the said County of *Cumberland*, thence passing in or through the said Township and Parish, and terminating by a Junction with the *Lancaster and Carlisle* Railway at or near to the Point where the last-mentioned Railway crosses *Crown Street* in the said Parish of *Saint Cuthbert*, *Carlisle*, in the County of *Cumberland*:

And the said Branch Railway, when completed, shall (so far as the same are not repugnant to or inconsistent with this Act) be subject to all the Powers and Provisions, Conditions and Regulations to which by virtue of the said first-recited Act the Main Line of Railway is liable and subject, as fully and effectually in all respects as if the same were re-enacted herein and made Part of this Act.

Abandonment of Branch Railway.

V. And whereas the Construction of the said Branch Railway or Deviation will supersede and render unnecessary the Branch Railway herein-after described: Be it enacted, That from and after the passing of this Act the said *Maryport and Carlisle* Railway Company shall abandon and relinquish the Construction of the following Portion of their Undertaking as now authorized; (that is to say,)

The Branch Railway authorized to be made by the said recited Act relating to the said *Maryport and Carlisle* Railway, passed in the Seventh Year of the Reign of Her present Majesty, and described in the said Act as follows; namely, An Extension or Branch of the said Railway commencing at, in, or near a certain Field

Field or Close of Land called or known by the Name of *Bog-field*, belonging to *Eleanor*, the Wife of *Henry Dundas Maclean* Esq., and terminating at or near *Crown Street*; and which Extension or Branch so to be abandoned is described on the Plans relating to the same deposited with the Clerk of the Peace for the County of *Cumberland* in the Month of *November* One thousand eight hundred and forty-three:

And all the Powers, Authorities, and Privileges contained in the said recited Act passed in the Seventh Year of the Reign of Her present Majesty, for the Construction, Maintenance, and Use of the said Branch Railway so abandoned as aforesaid, shall from and after the passing of this Act cease and determine.

Compensation to be made where Contracts have been entered into or Notices given.

VI. Provided always, That in any Case where before the passing of this Act any Contract has been entered into or Notice given by the Company for purchasing any Lands which the Company were empowered to purchase for the Purpose of constructing the Branch Railway abandoned as aforesaid, the Company shall make to the Owners or Occupiers of and Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or Notice; and the Amount and Application of such Compensation shall be determined in the Manner provided by the said "Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided also, that the Authority hereby given for abandoning the Formation of the aforesaid Portions of the said Branch Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Branch Railway, pursuant to the Provisions for that Purpose in the said Lands Clauses Consolidation Act contained.

Land for extraordinary Purposes.

VII. That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes, not exceeding Five Acres, in addition to the Land which they are at present authorized to take for such Purposes, and also to contract with any other Parties for and concerning the affording and supplying to the said *Maryport and Carlisle* Railway Company Station Room and other Station Accommodations and Services, as and upon such Terms, for such Time, and generally upon and subject to such Conditions and Restrictions as they may think proper.

VIII. That

Period within which Lands are to be purchased.

VIII. 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 the Works.

IX. That the Works hereby authorized shall be completed within Four 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 Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Power to raise additional Capital.

X. And whereas the additional Capital required for enabling the Company to pay off the various Sums borrowed and still due on Loan Notes, and to defray the Expense of the said new Branch or Deviation, amounts, as before mentioned, to the aggregate Sum of Ninety-one thousand two hundred Pounds: Be it enacted, That it shall be lawful for the Company to raise, by the Creation of new Shares, in manner herein-after mentioned, any Sums of Money not exceeding in the whole the said Sum of Ninety-one thousand two hundred Pounds, which shall be called, for the sake of Distinction, "Additional Share Capital" of the Company; and all the Powers of raising by the Creation of Shares, in or by virtue of the said first-recited Act, the foresaid Sum of Forty-three thousand nine hundred Pounds, being the Amount of Capital still to be raised in virtue of the said Act, as above mentioned, shall from and after the passing of this Act cease and determine.

Additional Capital to be divided into Shares.

XI. That the said additional Capital shall be divided into Shares of such Amount, and shall be apportioned and allotted to such Persons and in such Manner, as may be determined by the Order of any General Meeting of the Company specially convened for the Purpose; and it shall be lawful for the Company, if they shall think fit, with the Consent of Three Fifths of the Proprietors present at a General Meeting to be specially convened for the Purpose, by themselves or by Proxy, to guarantee Dividend or Interest upon such Shares at a Rate not exceeding Six Pounds *per Centum per Annum*, and with such Preference or Priority in the Payment of Dividends over the other Shares in the said Company, and with such other Advantages, as to the Company shall seem fit: Provided always, that no Discount or Abatement shall be allowed on any Shares to be issued under this Act.

No Preference or Priority to be granted under this Act to prejudice former Grants.

XII. Provided always, That any Preference or Priority in the Payment of Interest or Dividends on any Shares or Stock of the Company which may be granted in virtue of this Act shall not in any Manner prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares or Stock which shall have been heretofore 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, but all such Grants of Preference or Priority shall be as good, valid, and effectual as if this Act had not been passed.

New Shares to be considered as Part of the Capital of the Company.

XIII. That the Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital of the Company; and all the Provisions contained in the herein-before first-recited Act, with regard to the Capital and Shares thereby created, and to the Proprietors thereof, shall in all respects (except as herein otherwise provided) be applicable to the Capital and Shares hereby authorized to be created, and to the Proprietors thereof: Provided always, that it shall be lawful for the Company, subject as herein-after mentioned, from Time to Time to fix the Times of making the Calls in respect of such additional Capital, and the Amount of such Calls, anything in the said last-mentioned Act contained to the contrary notwithstanding.

Calls.

XIV. That the greatest Amount of any One Call which the Company may make on the Shareholders shall not exceed Twenty *per Centum* on the Amount of each Share, and One Half of the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Two Months at the least shall be the Interval between successive Calls.

As to voting in respect of Shares.

XV. 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 every such last-mentioned Amount of the said new Capital, into whatever Number of Shares of lesser Amount 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 Undertaking.

Power to borrow on Mortgage.

XVI. That when and so soon as the said additional Share Capital shall have been subscribed, and One Half of the Amount of such Capital for the Time being shall have been paid up, it shall be lawful for the said Company from Time to Time to borrow on Bond or Mortgage of their said Undertaking, for the Purposes thereof, such further Sums of Money, in addition to the said Sums by the said recited Acts or either of them authorized to be borrowed, as may from Time to Time be authorized to be borrowed by Order of a General Meeting of the said Company, not exceeding in the whole the Sum of Fifteen thousand seven hundred Pounds.

XVII. Pro-

Former Mortgages to have Priority.

XVII. Provided always, 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 have Priority over all Mortgages or Bonds to be granted by virtue of this Act.

Provision of 8 & 9 Vict. c. 16. to apply to borrowed Money.

XVIII. That all the Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money by the Company on Mortgage or Bond, and with respect to the Conversion of Money borrowed into Capital, shall be held applicable to the borrowing by the said Company of all or any of the Sums hereby authorized to be borrowed, and to the Conversion thereof into Capital.

Application of Money.

XIX. That the several Sums of Money by this Act authorized to be raised, whether by the Creation of Shares or by borrowing, shall be applied, in the first place, in repaying the Money borrowed and now due by the Company on Loan Notes and otherwise, and expended in laying down a double Line of Rails, and providing the rolling Stock necessary for working the same, and other Purposes, and in the second place in making and maintaining the Branch Railway and Works by this Act authorized, and to no other Purpose whatever.

Power to reduce the Number of Directors.

XX. And whereas, in virtue of the Provisions of the second-recited Act, the original Number of Directors has been reduced to Twelve, and it may be expedient still further to reduce the Number: Be it enacted, That when, by Death or Resignation, or any other Cause than of going out by Rotation, as provided for by the first-recited Act, the Number of Directors shall at any Time be reduced below Twelve, 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 Vacancy shall not be filled up, and the Number of Directors of the Company shall be reduced to such Number not being less than Five as shall be agreed upon, and future Vacancies arising as aforesaid shall not be filled up until the Number shall be reduced to the Number so agreed upon, and all Acts of the Directors when so reduced in Number shall be as valid and effectual as if the Number of the Directors had not been reduced.

Regulating Rotation of Directors.

XXI. Provided always, That during such Time as the Number of Directors shall under the Provisions herein contained be less than the present Number, 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

than Eight, the Number to go out by Rotation shall be Three; if the total Number of Directors shall be more than Five and not exceeding Eight, the Number to go out by Rotation shall be Two; 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 raise the Number of Directors, if found necessary.

XXII. Provided always, That if at any Time after the Number of Directors shall be reduced under the Provisions herein-before contained a General or Special General Meeting of the Company shall resolve that it is expedient that the Number of Directors shall be again raised to such Number as shall be fixed by such Resolution of the said Company, then, 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 second-recited Act, or be reduced, under the Provision herein-before contained, to a less Number than Five.

Quorum of Directors.

XXIII. That a Quorum of a Meeting of Directors shall be Three, with Power to the Company at any General or Special General Meeting to increase such Number to Five.

Interest not to be paid on Calls paid up.

XXIV. That it shall not be lawful for the said *Maryport and Carlisle* Railway, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Call made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that 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 of the "Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

XXV. That it shall not be lawful for the *Maryport and Carlisle* Railway Company, out of any Money by any Act or Acts relating to the said Company authorized to be raised for the Purposes of such Act or 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 any Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Railway 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.

XXVI. 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 another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the said Tenth Year of the Reign of Her said Majesty, intituled *An Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the said *Maryport and Carlisle* Railway Company or their said Railway from the Provisions of the said several above-mentioned Acts respectively, but such Provisions shall be in force in respect to the said Railway and Company, so far as the same shall be applicable thereto.

Railways not exempt from Provisions of any future General Act.

XXVII. That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made, or the said *Maryport and Carlisle* Railway Company, from the Provisions of any General Acts relating to such Acts, or of any General Acts relating to Railways, or to the better and 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by the said recited Acts.

Property of the Lancaster and Carlisle and Caledonian Companies not to be taken without their Consent.

XXVIII. That, notwithstanding anything in this Act contained to the contrary, it shall not be lawful for the said *Maryport and Carlisle* Railway Company, or for any other Company, or for any Person or Persons, either permanently or temporarily, to enter upon, interfere with, take, or use any of the Railways, Lands, or Property of the *Lancaster and Carlisle* Railway Company, or of the *Caledonian* Railway Company, or belonging to those Companies jointly, without the Consent of those Companies respectively under their respective Common Seals first had and obtained on each Occasion; and that

any Communications or Junctions between any Station of the *Maryport and Carlisle* Railway Company and any Station of the said last-mentioned Companies or of either of them, made with such Consent as aforesaid, shall be made, and thereafter at all Times maintained, by the said *Maryport and Carlisle* Railway Company, in the most substantial Manner, and by means of Connexion Rails and Points of the Construction and laid in the Manner most approved, from Time to Time, and to the entire Satisfaction of the Engineers of those Companies respectively.

Saving the Rights of the Lancaster and Carlisle and Caledonian Companies.

XXIX. That nothing in this Act contained, or to be done in pursuance of this Act, shall diminish, prejudice, alter, or take away any of the Rights, Privileges, Franchises, or Authorities of or vested in the said *Lancaster and Carlisle* Railway Company or the said *Caledonian* Railway Company, or those Companies jointly, but all such Rights, Privileges, Franchises, and Authorities are hereby expressly saved and reserved.

Agreement with the Lancaster and Carlisle and Caledonian Companies confirmed.

XXX. And whereas by an Agreement dated the Second Day of *April* One thousand eight hundred and fifty-one, under the respective Common Seals of the *Maryport and Carlisle* Railway Company and of the *Lancaster and Carlisle* and *Caledonian* Railway Companies, the said *Lancaster and Carlisle* and *Caledonian* Companies agreed, for the Term of Nine hundred and ninety-nine Years after the Date thereof, to allow the said *Maryport and Carlisle* Company, and their Successors, to use a certain Station at *Carlisle* called the *Citadel* Station, and particularly described in a Plan to the said Agreement annexed, as their terminal Station for Passengers and other Coaching Traffic at *Carlisle* aforesaid, with the Accommodations, upon the Terms, and under and subject to the Payments and Restrictions in the said Agreement mentioned; and by the same Agreement, for the Consideration therein mentioned, the said *Lancaster and Carlisle* and *Caledonian* Companies agreed to grant, and the said *Maryport and Carlisle* Company agreed to accept, a Lease from the said *Lancaster and Carlisle* and *Caledonian* Companies of a Parcel of Land in the Plan annexed to the said Agreement coloured Green, for the like Term of Nine hundred and ninety-nine Years, at the nominal yearly Rent of One Peppercorn, for the Accommodation of the Mineral and Goods Traffic of the said *Maryport and Carlisle* Company, in the Manner and subject to the Restrictions in the said Agreement also mentioned: Be it therefore enacted, That, save so far as by this Act is otherwise provided, the said Agreement shall be and the same is hereby ratified and confirmed, and shall be valid and binding on the said Companies respectively, and their respective Successors and Assigns, for the Term of Nine hundred and ninety-nine Years, in the said Agreement mentioned, and that it shall be lawful for the said *Lancaster and Carlisle* and *Caledonian* Companies

to grant, and for the said *Maryport and Carlisle* Company to accept and take such Lease of the said Land coloured Green in the said Plan accordingly.

Provision for the Interchange of Passenger Traffic.

XXXI. Provided, That, notwithstanding anything in this Act or in the said recited Agreement contained, the *Maryport and Carlisle* Railway Company shall, if and as long as they shall be thereto required by the *Newcastle-upon-Tyne and Carlisle* Railway Company, interchange Passengers and Coaching Traffic with the said last-mentioned Company at the nearest Station on the *Maryport and Carlisle* Railway, not being less than One Mile and a Half from the *Citadel* Station at *Carlisle*, any such Traffic to be brought thither or to be taken thence to or from some Point on the *Newcastle-upon-Tyne and Carlisle* Railway not being less than One Mile and a Half from the *Citadel* Station, such Traffic to be carried by the said *Newcastle-upon-Tyne and Carlisle* Railway Company, who shall be at liberty to use for that Purpose such Portion of the *Maryport and Carlisle* Railway as may be necessary, upon Payment of such Tolls as the said *Maryport and Carlisle* Railway Company may be entitled to charge for the Use of the said Portion of Railway, the same being computed according to actual Distance, and not as Six Miles.

For regulating the Crossing of the Newcastle and Carlisle Railway.

XXXII. And whereas the said new Branch Railway by this Act authorized will cross on a Level the Line of the *Newcastle and Carlisle* Railway: Be it enacted, That for the Prevention of Accidents at the said Crossing the said *Maryport and Carlisle* Railway Company shall, at their own Costs and Charges, erect and maintain a Signal Post or Signal Posts at or near the Point of the Crossing of the said *Newcastle-upon-Tyne and Carlisle* Railway by the said *Maryport and Carlisle* Railway, and appoint and keep a competent Person or Persons at all Times to watch the same, and to make such Signals as to the stopping of Trains or diminishing the Speed thereof, or otherwise, as may be necessary; and it shall be lawful for the Railway Commissioners to make and enforce, from Time to Time as they may think proper, such Rules, Regulations, and Conditions in relation to the said Crossing, and to require the said Company to erect and maintain such Signal Posts at the said Point of Crossing, as they may think necessary for the Safety of the Public; and if the said Company shall fail to erect or maintain such Signal Post or Signal Posts, or to provide for the working of the same as aforesaid, or to observe and abide by any such Rule, Regulation, or Condition 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.

Not to deviate at the Crossing.

XXXIII. That the *Maryport and Carlisle* Railway Company shall not, unless with the Consent of the *Newcastle-upon-Tyne and Carlisle* Railway

Railway Company under their Common Seal, deviate more than Ten Yards from the Line laid down on the said Plans so deposited as aforesaid at the Point or Place where the same crosses the Line of the *Newcastle-upon-Tyne and Carlisle* Railway.

The Maryport and Carlisle Railway Company not to purchase any Lands of the Newcastle and Carlisle Railway.

XXXIV. That nothing in this Act contained shall authorize the *Maryport and Carlisle* Railway Company to take by way of compulsory Purchase for any Purpose whatsoever any of the Railways, Lands, or Property of the *Newcastle-upon-Tyne and Carlisle* Railway Company, nor for any other Purpose, save for the Purpose of the Crossing of the Line of the *Newcastle-upon-Tyne and Carlisle* Railway hereby authorized, to enter upon, interfere with, or use any of such Railways, Lands, or Property.

Saving of the Rights of the Newcastle-upon-Tyne and Carlisle Railway.

XXXV. That nothing in this Act contained, or to be done in pursuance of this Act, shall diminish, prejudice, alter, or take away any of the Rights, Privileges, Franchises, or Authorities of or vested in the *Newcastle-upon-Tyne and Carlisle* Railway Company, but all such Rights, Privileges, Franchises, and Authorities are hereby expressly saved and reserved.

Maryport and Carlisle Railway Company to be liable for Accidents arising from Crossing.

XXXVI. That the *Maryport and Carlisle* Railway Company shall, at their own Expense, maintain and keep a constant Watch at the Crossing of the Line of the *Newcastle-upon-Tyne and Carlisle* Railway hereby authorized, and shall be alone responsible for all Accidents which shall happen by reason of their using such Crossing.

Provisions of 8 & 9 Vict. c. 16. as to keeping Accounts incorporated with this Act.

XXXVII. That all the Clauses and Provisions in "The Companies Clauses Consolidation Act, 1845," contained, so far as the same relate to the keeping of Accounts, and to the Right of Inspection thereof by the Shareholders, shall be and the same are hereby incorporated with and shall form Part of this Act and of the said recited Acts; and the Words "Special Act" in the said Companies Clauses Consolidation Act mentioned shall mean and include this Act and the said recited Acts.

Expenses of Act.

XXXVIII. That the Charges and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the said *Maryport and Carlisle* Railway Company.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.