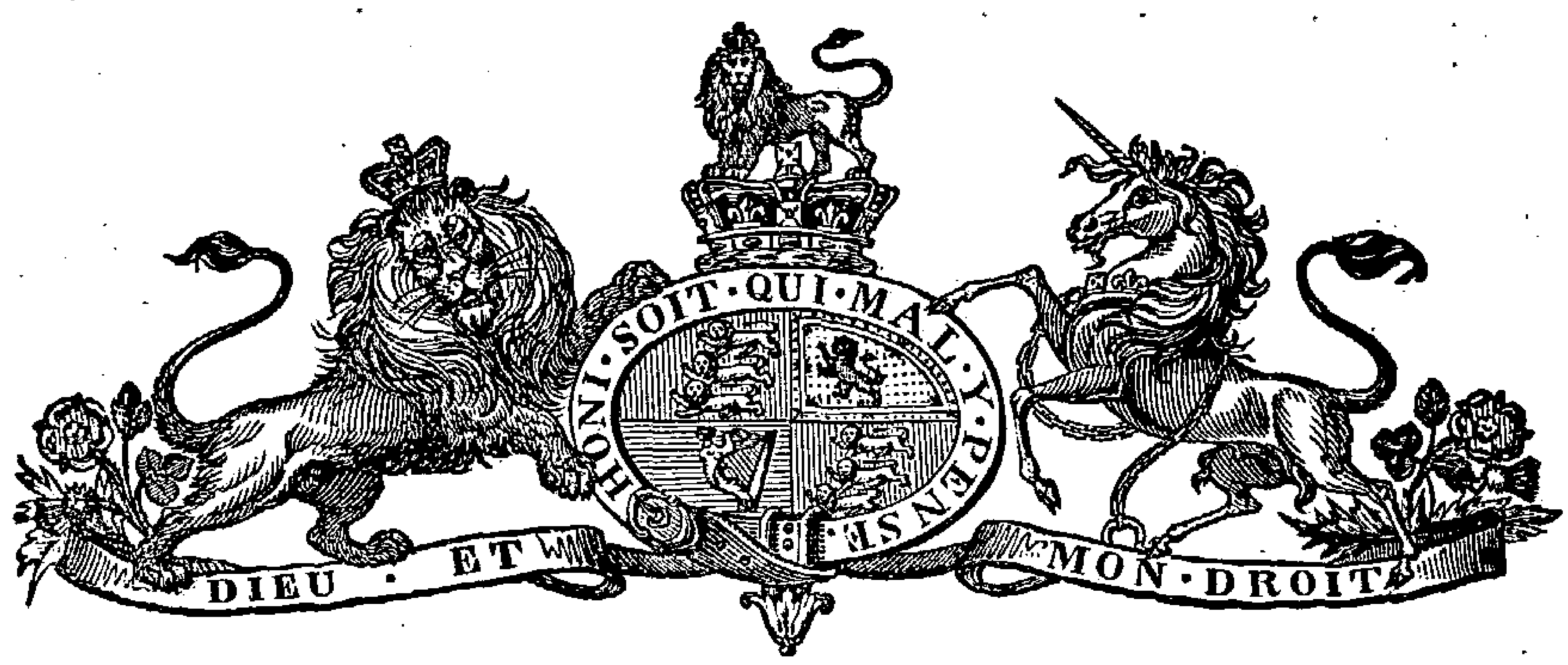


ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

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Cap. lxxx.

An Act to enable the *Whitehaven Junction* Railway Company to extend their Railway from the present Terminus thereof at *Whitehaven* to the Patent Slip Yard in *Whitehaven*, to make Branches to *Whitehaven* Harbour, to deviate the Line at *Parton*, and to alter, enlarge, and extend the Company's Stations, Railways, and Works; and for other Purposes.

[22d *July* 1848.]

WHEREAS an Act was passed in the Eighth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for making a Railway from the Town and Port of* 7 & 8 Vict. c. 64.
Whitehaven *to the Town and Port of* Maryport *in the County of* Cumberland, whereby certain Persons were incorporated by the Name of "The *Whitehaven Junction* Railway Company," with Power to make the said Railway: And whereas the said Railway has been made as authorized by the said Act, and opened for the Use of the Public: And whereas it is expedient that the said Company should have

Power to make an Alteration in the Line of the said Railway in the Township of *Parton*, and certain other Alterations and Improvements in the said Railway, and in the Works connected therewith, as herein-after mentioned, and also to extend the said Railway from the present Terminus thereof in the Township of *Preston Quarter* near *Whitehaven* to the Patent Slip Yard in the Township of *Whitehaven*, and to make a Branch Railway therefrom to the *New Tongue* Pier within the Port and Harbour of *Whitehaven*, and another Branch Railway from the said Pier to the before-mentioned Patent Slip Yard, and other Works, as herein-after mentioned: And whereas the said *Whitehaven Junction* Railway Company are desirous of carrying into effect the several Objects aforesaid, if authorized by Parliament so to do; but for such Purpose it is necessary that the said recited Act should be amended and altered, and that some of the Powers and Provisions thereof should be enlarged, and further Powers granted to the said Company: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers, Provisions, Matters, and Things contained in the said recited Act (so far as the same are not by the Lands Clauses Consolidation Act, 1845, or the Railways Clauses Consolidation Act, 1845, so far as the Provisions thereof are extended to this Act, or are not by this Act repealed, altered, or otherwise provided for,) shall extend to this Act, and to the several Purposes and Objects thereof, and to the Matters and Things herein contained, and may be exercised by the said *Whitehaven Junction* Railway Company, as fully and effectually as if the same Powers, Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes and Objects, Matters and Things; and the Works authorized to be constructed by this Act shall be considered in all respects as forming a Part of the Undertaking of the said *Whitehaven Junction* Railway Company.

Provisions of recited Act extended to this Act.

Provisions of 8 & 9 Vict. c. 18. extended to this Act.

II. And be it enacted, That the several Provisions of "The Lands Clauses Consolidation Act, 1845," so far as the same may be applicable, and are not inconsistent with the Provisions of this Act, shall be incorporated with and form Part of this Act.

Certain Provisions of 8 & 9 Vict. c. 20. extended to this Act.

III. And be it enacted, That such only of the Provisions of "The Railways Clauses Consolidation Act, 1845," as relate to the Construction of Railways and Works connected therewith, the temporary Occupation of Lands near Railways during the Construction thereof, the crossing of Roads or other Interference therewith, and to the Works for the Accommodation of Lands adjoining Railways, shall be incorporated with this Act.

Short Title.

IV. And be it enacted, That in citing this Act in other Acts of Parliament, and in Pleadings, legal Instruments, Notices, and in Parliamentary and other Proceedings, it shall be sufficient to use the Expression "The *Whitehaven Junction* Railway Alteration and Extension Act, 1848."

V. And

Power to raise additional Capital by Subscription of new Shares.

V. And whereas the additional Capital required by the said *Whitehaven Junction* Railway Company for making the Alterations required in the said Line of Railway, and for making the said Extension and Branches, and the Works connected therewith, is Thirty thousand Pounds: Be it enacted, That it shall be lawful for the *Whitehaven Junction* Railway Company to raise by Subscription amongst themselves, or by the Admission of other Parties as Subscribers to the Undertaking by this and the said recited Act authorized to be made, or in part by each of these Means, any further Sum of Money not exceeding Thirty thousand Pounds, over and above the Monies which they are authorized to raise by virtue of the said Act relating to their Undertaking herein-before recited, or which they may be authorized to raise under and by virtue of any other Act passing or which has been passed or to be passed in this present Session of Parliament: Provided always, that Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on any such Shares, and there shall be an Interval of Two Months at the least between the Time fixed for the Payment of One Call and the Time fixed for the Payment of the next succeeding Call, and that all and every Part of such Sum of Money so to be raised shall be applicable only to the Objects and Purposes by this Act authorized.

New Shares to be Part of the general Capital of the Company.

VI. And be it enacted, That the new Shares to be created by virtue of this Act shall be considered Part of the general Capital of the Company, and shall be subject, as such, except as herein-after provided, to the same Provisions as are contained in the said recited Act with reference to the Shares thereby authorized to be created.

Number and Amount of Shares.

VII. And be it enacted, That the Number of Shares into which the Capital by this Act authorized to be raised shall be divided shall be One thousand five hundred, and the Amount of each Share shall be Twenty Pounds.

Dividends on new Shares.

VIII. Provided always, and be it enacted, That no Proprietor of any new Share hereby authorized to be created shall be entitled to any further or greater Dividend thereon than in respect of and to the Extent of the Amount which may for the Time being have been paid up on such new Share, nor any Dividend declared upon any Day prior to the First Day of *February* One thousand eight hundred and forty-nine: Provided always, that the Dividends on the present Shares and the said new Shares shall be in proportion to the Amount paid upon the same respectively.

Power to borrow Money on Mortgage.

IX. And be it enacted, That after the whole of the Capital by this Act authorized to be raised shall have been subscribed for, and One Half thereof shall have been actually paid up, it shall be lawful for the Company, from Time to Time, by an Order of any General Meeting of the Company, to borrow on Mortgage or Bond any Sum of Money not exceeding in Amount the Sum of Ten thousand Pounds, and to secure the Repayment thereof, with Interest, in like Manner as the Monies authorized to be raised by Mortgage or Bond by the said recited Act, and with the like Powers of reborrowing as are contained in the said recited Act, subject to the several Provisions

visions and Conditions in the said Act contained as applicable to the Mortgages thereby authorized to be created, and to the Transfers thereof respectively: Provided always, that all and every Part of such Sum of Money so to be borowed, when raised, shall be applicable only to the Objects and Purposes by this Act authorized.

Evidence of Authority for borrowing.

X. And be it enacted, That a Certificate of a Justice of the Peace, that the whole of the Capital by this Act authorized to be raised has been subscribed for, and One Half thereof paid up, (which Certificate such Justice is hereby authorized and required to grant, on Application made to him by the said Company, and on such Proof of the Fact as he may require,) and a Copy of the Order of a General Meeting of the Company authorizing the borrowing of any Money, certified by One of the Directors or by the Secretary of the said Company, shall respectively and for all Purposes whatsoever be conclusive Evidence of the Fact of the whole of the Capital required to be subscribed as aforesaid having been so subscribed, and One Half thereof paid up, and of the Fact of the Order for borrowing Money having been made.

Rights of Mortgagees.

XI. And be it enacted, That all Persons to whom any Mortgages may be granted or given under the Powers of this Act shall be entitled, one with another, to their respective Proportions of the Tolls, Sums, and Premises comprised in such Mortgages, and of the future Calls payable by the Shareholders of the Company, according to their respective Sums in such Mortgages mentioned to be advanced by such Mortgagees, and to be repaid the Sum so advanced, with Interest, without any Preference one above another by reason of Priority of the Date of any such Mortgages, or of the Meeting at which the same were authorized, or on any Account whatsoever.

Former Mortgages to have Priority.

XII. Provided always, and be it enacted, That all Mortgages or Bonds granted by the said 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.

Mortgages and Transfers, &c. to be stamped.

XIII. And be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Mortgage, Bond, or other Security for Money, to be granted or made by virtue of the said recited Act or this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be duly stated, anything herein or in the said Act contained to the contrary notwithstanding.

Interest not to be paid on Calls paid up.

XIV. And be it enacted, That it shall not be lawful for the said Company, 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 to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorised 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

the Amount of the Calls actually made as shall be in conformity with the Provisions in the said first-recited Act in that Behalf contained.

Power to convert Loans into Capital.

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

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 any other Act relating to the said Railway 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 an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

New Shares to be considered same as original Shares.

XVII. And be it enacted, That, except as aforesaid, the Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Times of making Calls for such additional Capital, 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.

If old Shares at a Premium, new Shares to be offered to original Shareholders.

XVIII. And be it enacted, That if at the Time of such Augmentation of Capital taking place by the Creation of new Shares the Shares of the Capital Stock of the Company created by the said recited Act, or the Shares by this Act created, be at a Premium, or of greater actual Value than the nominal Value thereof, then the Sum so to be raised shall be divided into Shares of such Amount as will conveniently allow the said Sum to be apportioned among the then Shareholders in proportion to the existing Shares held by them respectively, and such new Shares shall be offered to the then Shareholders in the Proportion of One for every existing Share held by them respectively, and such Offer shall be made by Letter under the Hand of the Secretary given or sent by Post to each Shareholder, or left at his usual or last known Place of Abode, and such new Shares shall vest in and belong to the Shareholders who shall accept the same, and pay the Value thereof to the Company at the Time and by the Instalments which shall be fixed by the Company; and if any Shareholder should fail for One Month after such Offer of new Shares to accept the same, and pay the Instalment called for in

respect thereof, it shall be lawful for the Company to dispose of such Shares to any Party willing to become the Purchaser thereof, for such Sum as the Company can obtain for the same.

If not at a Premium to be issued as Company think fit.

XIX. And be it enacted, That if at the Time of such Augmentation of Capital taking place the Shares of the Capital Stock of the Company created by the said recited Act, as well as the Shares by this Act created, be not at a Premium, then such Shares may be of such Amount and may be issued in such Manner as the Company shall think fit.

Lands for extraordinary Purposes.

XX. And be it enacted, That it shall be lawful for the Company, in addition to the Lands authorized to be purchased by the said recited Act for additional or extraordinary Purposes, to purchase not exceeding Twenty Acres for similar Purposes connected with the Railways and Works hereby authorized.

Power to make Railway and Works according to deposited Plans.

XXI. And whereas Plans and Sections, showing the Lines, Levels, and Situation of the proposed Alterations in the Main Line of the said Railway and the Works connected therewith, and also of the said proposed Extension and Branch Railways and other Works by this Act authorized to be made, together with Books of Reference to the said Plans, containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same are intended to pass or be made, 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, and in "The Lands Clauses Consolidation Act, 1845," contained, it shall be lawful for the said Company to make and maintain the said Alterations in the said Line of the said Railway as authorized by the said recited Act, and also the said Extension and Branch Railways and Works as herein-after mentioned, with Wharfs, Shipping Places, and all proper and necessary Works connected therewith respectively, in the Lines and upon the Lands delineated upon the said Plans and described in the said Books of Reference, and according to the Levels described in the said Sections, and to enter upon, and take, hold, and use, such of the said Lands as shall be necessary for such Purpose: Provided always, that it shall be lawful for the said Company in constructing the said Railways and Works to deviate from the Lines and Levels and other engineering Works thereof described in the said Plans and Sections to the Extent authorized by "The Railways Clauses Consolidation Act, 1845."

Power to construct Railway and Alterations as herein mentioned.

XXII. And be it enacted, That the Alterations of the said Railway, and the Extension Line and Branches, and other Works to be made and maintained under the Authority of this Act, shall be the following; (that is to say,)

An Alteration of the Main Line of the said *Whitehaven Junction* Railway or a Deviation therefrom, commencing at a Point thereon at or near to a Piece of Waste Ground belonging to the Right Honourable *William* Earl of *Lonsdale*, numbered 10 in the Township of *Parton* in the County of *Cumberland* upon the original deposited Plan of the said Railway referred to in the

said recited Act, and terminating by a Junction with the said Main Line of the *Whitehaven Junction* Railway at or near to the present Station of the said Railway situate in the said Township of *Parton*:

An Extension Line of Railway, with all proper and necessary Roads, Approaches, Stations, Works, and Conveniences connected therewith, commencing in the Township of *Preston Quarter* and Parish of *Saint Bees* in the said County, at and from the present Terminus and Station of the said Main Line of Railway near *Whitehaven*, and terminating at or near the Patent Slip Yard which abuts upon and adjoins to the Street called *East Strand* in the Township of *Whitehaven* and Parish of *Saint Bees* aforesaid, and passing from, through, or into the several Parishes, Townships, and Places of *Saint Bees*, *Preston Quarter*, and *Whitehaven*, or some or one of them, all in the said County of *Cumberland*:

A Branch Railway, with all proper and necessary Roads, Approaches, Stations, Wharfs, Shipping Places, Works, and Conveniences connected therewith, commencing at or diverging from or out of the said Extension Line of Railway herein-before described at a Point thereon at or near to the Street called *Lowther Street* in the said Township of *Whitehaven*, and terminating at, upon, or near to the *New Tongue* Pier within the Limits of the Port and Harbour of *Whitehaven*, and which will pass in or through and be situate within the said Township of *Whitehaven* and Parish of *Saint Bees*, or on the Bed and Shores of the Sea adjoining thereto:

And a Branch Railway, with all proper and necessary Roads, Approaches, Stations, Wharfs, Shipping Places, Works, and Conveniences connected therewith, commencing at a Point at or near to the said *New Tongue* Pier, and terminating at or near to the said Yard called the Patent Slip Yard in the said Township of *Whitehaven* and County of *Cumberland*, and which will pass in or through and be situate within the said Township of *Whitehaven* and Parish of *Saint Bees* in the County of *Cumberland*, or on the Bed and Shores of the Sea adjoining thereto.

Alteration of Road near the Workington Station.

XXIII. And whereas by the said recited Act the said Company were authorized to construct the Line of the *Whitehaven Junction* Railway at or near to the *Workington* Station across the following Road and public Highway upon the Level thereof; (that is to say,)

A Road in the Township of *Workington* leading from the *Marsh Side* at or near *Priestgate Marsh* to the Town of *Workington*, numbered 2 upon the Plans and in the Books of Reference deposited as aforesaid, and numbered 37 on the Plan referred to in the said recited Act:

And whereas it is expedient to authorize the making of a certain Alteration or Deviation of such Road: Be it enacted, That it shall be lawful for the said Company permanently to divert, alter, and stop up the said Road leading from the *Marsh Side* to the Town of *Workington* aforesaid, and to deviate, divert, and make the same, for permanent Use by the Public, parallel with the present Fence along the West Side of the Station Ground at *Workington*, and to continue the same in a Northerly Direction to join the public Road numbered 45 on the Plan referred to in the said recited Act, and numbered 1 upon

upon the Plans and in the Books of Reference deposited as aforesaid, and herein referred to: Provided always, that the Rate of Inclination of such new or diverted Road shall not exceed 1 in 20.

Company to keep a certain Road in repair.

XXIV. And whereas the Alteration and Deviation of the said Road will lengthen the Distance Fifty-six lineal Yards beyond the present Distance by the Road so intended to be diverted, altered, and stopped up: Be it enacted, That the said Company shall make, maintain, and for ever hereafter keep in good and sufficient Order and Repair, Fifty-six lineal Yards of the said Road so to be altered and diverted as aforesaid, commencing at the *Marsh Gate* and extending from thence Fifty-six lineal Yards Northwards.

A certain Road to be crossed on a Level.

XXV. And whereas the Line of the said intended Extension Railway by this Act authorized to be made is intended to be carried across a public Road in the said Township of *Whitehaven* numbered 17 on the Plans of the Extension Line of the said Railway deposited as aforesaid and it is expedient that the said Railway should cross the said Road on a Level: Be it therefore enacted, That subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," contained, in reference to the crossing of Roads on a Level, it shall be lawful for the said Company to make and maintain the said Railway across the said last-mentioned Road on a Level at or near the Point marked on the said Plans and Sections for the crossing thereof.

As to the Construction of Railway across Streets, &c. in Whitehaven.

XXVI. And be it enacted, That the several Bridges or Arches to be erected by the Company for the Purpose of carrying the said Extension Railway and Branch Railways respectively over the several Streets, Roads, Footways, and Thoroughfares situate in the said Township of *Whitehaven*, herein-after mentioned, shall be built according to the followng Regulations; (that is to say,) the Bridges or Arches shall be constructed of Stone, Brick, Iron, or Timber, or some of those Materials; the Inside of the Abutments of every such Bridge shall be lineable with the Buildings on each Side of the Street, and if there be no Buildings, then with the Side of the Street, Road, Footway, or Thoroughfare under the same, so as to give an equal Height or Headway on each Side of such Street, Road, Footway, or Thoroughfare; the Parapets of every Bridge shall be at least Four Feet in Height from the Surface of the Railway along each Side of the Bridge throughout the entire crossing of the Street; and the Arches of every Bridge shall be made and maintained so as to be drop-dry at all Times, or as nearly so as may be; the Span or Width of each Arch, together with the Footpath, Arches, and Piers, shall be equal to the Width of the Street, Road, Footway, or Thoroughfare over which the same shall be made; and the clear Height of the lower Part of each Arch, from the Crown of the Street, Road, Footway, or Thoroughfare under the same respectively, shall be at not less than the following Heights from the Surface of the Street, Road, Footway, or Thoroughfare, (namely,) the Arches of the Bridge over the Highway numbered 67 in the Township of *Whitehaven* Fifteen Feet, the Arch of the Bridge over *Mark Lane* numbered 87 Twelve Feet, the Arch of the Bridge over *Lowther Street* numbered 99 Fifteen Feet, and the Arch of the Bridge over *Marlborough Street* numbered 116 in the same Township Fifteen Feet; and the

Sides

Sides of the Arches, if constructed of Stone or Brick, shall be neatly faced with hewn or dressed Stones.

Company to erect a Station or Lodge at the Points of crossing, and to abide by the Regulations of Commissioners of Railways.

XXVII. 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 said Railways cross the before-mentioned Roads on the Level, and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at any such Point or Station, 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.

Pavement broken up by Company to be repaired by them.

XXVIII. And be it enacted, That when and so often as the Carriageway or Footway of any of the said Streets, Roads, and Thoroughfares of the said Town of *Whitehaven* shall be broken up, taken up, removed, opened, or disturbed by the said Company, the Ground so opened, unless permanently required and used for the Works of the Company, shall be refilled and rammed down and properly repaved, and the surplus Ground or Soil, if any, removed and carted away by and at the Expense of the Company.

Period for Purchase of Land and Completion Works.

XXIX. 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 Three Years from the passing of this Act, and that the said Extension, Alterations, Branch Railways, and Works by this Act authorized shall be completed within Six 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 the said Extension, Alterations, Branch Railways, and Works respectively, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Railways and Works respectively as shall then be completed.

Tolls.

XXX. And be it enacted, That the Company may lawfully demand and receive, for the Use of the several Railways and Works by this Act authorized to be made, for the Use of the Engines and Carriages employed thereon, any Tolls and Charges not exceeding, save as herein-after mentioned, the maximum Tolls and Charges limited by the said recited Act in respect of the Use of the Railway thereby authorized, and of the Engines and Carriages to be employed thereon: Provided always, that for and in respect of the Use of the said Branch Railways respectively the said Company may lawfully demand and receive Rates, Tolls, and other Charges aforesaid as for and applicable to a Distance of Two Miles, anything herein or in the said recited Act to the contrary notwithstanding; and all the Powers,

Provisions, Matters, and Things by the said recited Act made applicable to the Tolls by such Act authorized to be demanded shall extend to and be applicable to the Tolls and Charges to be levied by virtue of this Act.

Nothing to give the Company an exclusive Right to any Part of Whitehaven Harbour, or to encroach upon the Limits thereof.

XXXI. And be it enacted, That nothing in this Act contained shall confer upon the Company an exclusive Right to any Part of *Whitehaven* Harbour, or to interrupt the User thereof or of any Part thereof by the Steam Navigation Company, or any Vessels or Boats whatsoever frequenting the Harbour or Piers, or shall authorize or empower the Company to encroach upon the Limits of the said Harbour, or to make any Erections that will prevent a free Passage along the Piers for the Public at large, and all Works in or adjoining the said Harbour shall be so constructed by the Company that the Public shall have a free and uninterrupted Passage to and along the Piers.

No Viaduct to extend more than Eighty Yards.

XXXII. And be it enacted, That no Viaduct shall extend more than Eighty Yards along the *New Tongue* Pier; and the Line of the said Railway shall not deviate Seaward of the Black continuous Centre Line as traced on the Parliamentary Plan.

The Railway not to interfere with the Approaches to the Harbour, and the Arches to be so constructed as not to obstruct Traffic.

XXXIII. And be it enacted, That the said Railway shall not be constructed so as to interfere with the Approaches to the Harbour as they at present exist; and the Company shall construct the Arches of sufficient Span and Height so as not to impede, prevent, or obstruct Traffic, and to allow of additional Approaches to the Harbour, if required; and if at any Time the said Railway or any Portion of the Works should, in the Opinion of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, obstruct such Traffic, or the said Arches should not be constructed of sufficient Span and Height for such Traffic, and to allow additional Approaches to the Harbour to be made, if the same should be required by the said Lord High Admiral or the said Commissioners, it shall be lawful for the said Lord High Admiral or the said Commissioners to direct the said Company to make the necessary Alterations in or Removal of such Works; and if the same shall not be made, altered, or removed by the Company to the Satisfaction of the said Lord High Admiral or the said Commissioners, it shall be lawful for the said Lord High Admiral or the said Commissioners to make, alter, abate, or remove the same, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly, with Costs of Suit.

Viaduct, &c. across any Tidal Water or River to be constructed to the Satisfaction of the Admiralty.

XXXIV. And be it enacted, That if any Viaduct or Work to be constructed by the Company in or across any tidal Water or navigable River, or if any Portion of the Railway which affects any such Water or River or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay by the Company, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit

and

and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Company to defray the Costs of any local Survey, &c. of Works which the Admiralty may deem expedient.

XXXV. And be it enacted, That if after working Drawings of the Works hereby authorized shall have been submitted to the Lord High Admiral of the United Kingdom, or to the Commissioners for executing the Office of Lord High Admiral, it shall be deemed expedient by him or them to order a local Survey and Examination of such Works, or of the intended Site thereof, the Company shall defray the Costs of such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid, upon Demand, may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Exempting certain Vessels from Payment of Duties.

XXXVI. And be it enacted, That nothing in this Act contained shall extend to charge with Rates or Duties, or to regulate or subject to any Control, any Vessel belonging to or employed in the Service of Her Majesty, Her Heirs or Successors, or any Member of the Royal Family, or in the Service of the Customs or Excise, or of the Corporation of *Trinity House of Deptford Strond*, or the Commissioners of Northern Lights, using the Wharfs, Shipping Places, and Works connected therewith, and not conveying Goods for Hire, or any Packet Boat or Post Office Packet, being a Packet Boat or Post Office Packet as defined under the Provisions of any Act relating to the Post Office, or any Post Office Bag of Letters conveyed by any such Packet Boat or Packet, or by any other Vessel whatsoever, or any of the Officers or Persons employed in the Service of the Admiralty, Ordnance, Customs, Excise, or Post Office, or their Baggage, or any Vessel or Goods being under Seizure by the Officers of the Revenue, or any Naval, Victualling, or Ordnance Stores, or other Stores or Goods for the Service of or being the Property of Her Majesty, or any Troops landed upon or delivered or disembarked from any of the said Wharfs, Shipping Places, and Works, or their Baggage, but all such Vessels, Officers, or Persons as aforesaid shall have the free Use of the said Wharfs, Shipping Places, and Works without any Charge or Rate being made for using the same: Provided always, that if any Person claim and take the Benefit of any such Exemption as aforesaid without being entitled thereto he shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Power to lease Railways to the Maryport and Carlisle Railway Company.

XXXVII. And whereas it is expedient that the said *Whitehaven Junction* Railway Company should have Power to lease their several Railways and Works unto the *Maryport and Carlisle* Railway Company: Be it therefore enacted, That it shall be lawful for the said *Whitehaven Junction* Railway Company, with the Authority and Approbation of Three Fifths of the Shareholders of the said Company present, either personally or by Proxy, at some Extraordinary General Meeting of the Company to be specially convened for that Purpose, for such Consideration or annual Rent or Reservations, and under

and

and subject to such Clauses, Powers, Provisoes, and Conditions, as they shall think proper, from Time to Time to enter into One or more Agreement or Agreements for any Lease or Leases, and to grant, demise, or lease, the several Railways, Extension Railway, Branches, and Works by this and the said first-recited Act authorized to be constructed or altered, and such other Railways and Works as the said *Whitehaven Junction* Railway Company may under or by virtue of this Act become possessed of or be authorized to make, or any Portion or Portions thereof respectively, with all or any of the Powers and Privileges of the Company in connexion therewith or in reference thereto, unto the *Maryport and Carlisle* Railway Company, incorporated by an Act passed in the First Year of the Reign of Her present Majesty, 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."*

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

Power to lease Railways to the Cockermouth and Workington Railway Company.

XXXVIII. And whereas it is expedient that the said *Whitehaven Junction* Railway Company should also have Power to lease their several Railways and Works unto the *Cockermouth and Workington* Railway Company: Be it therefore enacted, That it shall be lawful for the said *Whitehaven Junction* Railway Company, with the Authority and Approbation of Three Fifths of the Shareholders of the said Company present, either personally or by Proxy, at some Extraordinary General Meeting of the Company to be specially convened for that Purpose, for such Consideration or annual Rent or Reservations, under and subject to such Clauses, Powers, Provisoes, and Conditions, as they shall think proper, from Time to Time to enter into One or more Agreement or Agreements for any Lease or Leases, and to grant, demise, or lease, the several Railways, Extension Railway, Branches, and Works by this and the said first-recited Act authorized to be constructed or altered, and such other Railways and Works as the said *Whitehaven Junction* Railway Company may, under or by virtue of this Act, become possessed of or be authorized to make, or any Portion or Portions thereof respectively, with all or any of the Powers and Privileges of the Company in connexion therewith or in reference thereto, unto the *Cockermouth and Workington* Railway Company incorporated by "The *Cockermouth and Workington* Railway Act, 1845."

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.

XXXIX. 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;* and Two other Acts were passed in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled respectively *An Act for regulating the Gauge of Railways,* and

and *An Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the several Railways and Works by this Act authorized, or the said Company in respect thereof, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the said several Railways and Company, so far as the same shall be applicable thereto.

Railway to be subject to Provisions of future general Acts.

XL. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to this Act, or of any general Act relating to Railways, 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 this Act.

Saving the Rights of the Cockermouth and Workington Railway Company.

XLI. Provided always, and be it enacted, That nothing herein contained shall derogate from or prejudice the Right of the *Cockermouth and Workington* Railway Company to use the common Station at *Workington*, and the Works connected with such Station, jointly with the *Whitehaven Junction* Railway Company; and that no Part of the Expense of executing any additional Works or Alterations shall be borne by the *Cockermouth and Workington* Railway Company, except such Works or Alterations as may be mutually agreed upon between the said Two Companies, the Expense whereof shall in that Case be borne by the said Two Companies equally; but that nothing herein contained shall affect the Right of the *Whitehaven Junction* Railway Company to the Ownership of the Main Line passing through such Station.

Saving the Rights of the Trustees of the Town and Harbour of Whitehaven under Acts
7 Ann. c. 5.
10 Ann. c. 3.
13 G. 2. c. 14.
1 G. 3. c. 1.
2 G. 3. c. 87.
28 G. 3. c. 61.
32 G. 3. c. 75.
46 G. 3. c. 115.
56 G. 3. c. 44.
58 G. 3. c. 15.

XLII. And whereas an Act was passed in the Seventh Year of the Reign of Her late Majesty Queen *Anne*, intituled *An Act for preserving and enlarging the Harbour of* Whitehaven *in the County of* Cumberland; and another Act was passed in the Tenth Year of the Reign of Her said late Majesty Queen *Anne*, intituled *An Act for enlarging the Term for Payment of certain Duties granted in and by an Act of Parliament passed in the Seventh Year of Her Majesty's Reign, intituled* '*An Act for preserving and enlarging the Harbour of* Whitehaven *in the County of* Cumberland;' and another Act was passed in the Thirteenth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for making more effectual Two Acts of Parliament passed in the Seventh and Tenth Years of Her late Majesty Queen* Anne, *for preserving and enlarging the Harbour of* Whitehaven *in the County of* Cumberland, *and for repairing and amending the High Roads leading to the said Town of* Whitehaven; and another Act was passed in the First Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing so much of an Act passed in the Thirteenth Year of King* George *the Second, intituled* '*An Act for making more effectual Two Acts of Parliament passed in the Seventh and Tenth Years of Her late Majesty Queen* Anne *for preserving and enlarging the Harbour of* Whitehaven *in the County of* Cumberland, *and for repairing and amending the*

'*High Roads leading to the said Town of* Whitehaven;' and another Act was passed in the Second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of several Acts of Parliament relating to the Harbour of* Whitehaven *in the County of* Cumberland, *and to the Roads leading to the said Town and Harbour of* Whitehaven; *and for further enlarging the said Harbour, and for lighting the said Town, and supplying the same with Water, and for regulating the Carmen there; and for repealing so much of an Act of the Twenty-third Year of the Reign of His late Majesty as relates to the Road from* Calder Bridge *to* Egremont, *and directing how the said Road should be repaired, and for repairing several other Roads therein mentioned, in the said County;* and another Act was passed in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing an Act made in the Second Year of the Reign of His present Majesty, intituled* '*An Act for enlarging the Term and Powers of several Acts* '*of Parliament relating to the Harbour of* Whitehaven *in the County* '*of* Cumberland, *and to the Roads leading to the said Harbour and* '*Town of* Whitehaven; *and for further enlarging the said Harbour,* '*and for lighting the said Town, and supplying the same with Water,* '*and for regulating the Carmen there; and for repealing so much of* '*an Act of the Twenty-third Year of His late Majesty as relates to the* '*Road from* Calder Bridge *to* Egremont, *and directing how the said* '*Road shall be repaired, and for repairing several other Roads therein* '*mentioned in the said County;*' and another Act was passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for further enlarging and improving the Harbour of* Whitehaven *in the County of* Cumberland; and another Act was passed in the Forty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing and amending several Acts of Parliament for improving the Port, Harbour, and Town of* Whitehaven *in the County of* Cumberland; and another Act was passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for altering and enlarging the Powers of several Acts passed for improving the Port, Harbour, and Town of* Whitehaven *in the County of* Cumberland; *and for better supplying the said Town with Water;* and another Act was passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending an Act passed in the Fifty-sixth Year of the Reign of His present Majesty, intituled* '*An Act for altering and enlarging the Powers of several Acts passed* '*for improving the Port, Harbour, and Town of* Whitehaven *in the* '*County of* Cumberland; *and for better supplying the said Town with* '*Water:*' Be it enacted, That nothing in this Act contained shall or shall be deemed to alter, vary, repeal, extend, diminish, or enlarge any of the Powers or Authorities now vested in the Trustees of the Town and Harbour of *Whitehaven* by virtue of the said lastly-recited Acts or of any or either of them,

Saving Rights of the Crown.

XLIII. And be it enacted, That nothing contained in this Act, or in the Acts herein recited or referred to, shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her

Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners or any Two of them are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Expenses of Act.

XLIV. And be it enacted, That all Costs, Charges, and Expenses connected with the passing of this Act or incident thereto shall be paid by the Company out of the Funds of the said Company already raised or received, or to be raised or received by virtue of the said recited Act or this Act, in preference to any other Payment whatsoever.

Public Act.

XLV. 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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