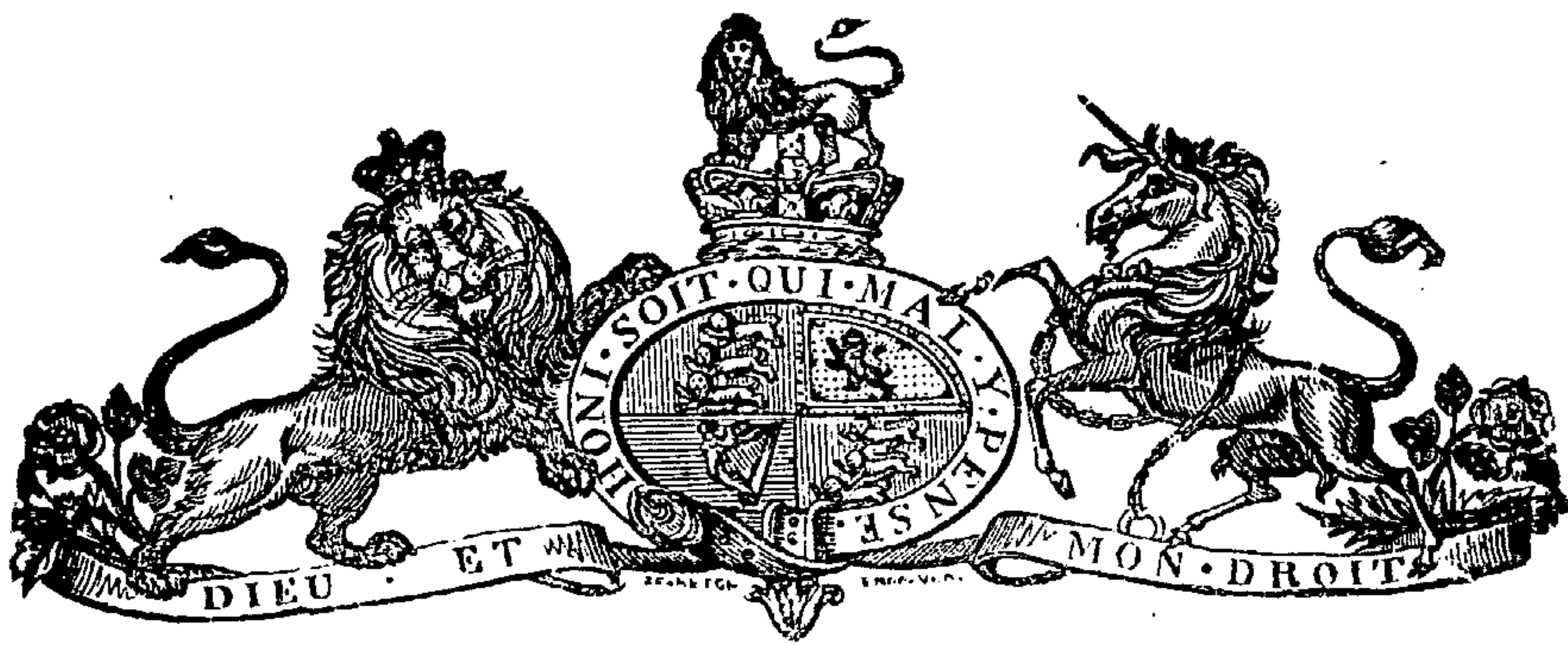




ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. c.

An Act to sanction an Agreement between the
North British Railway Company and the *Scottish*
Central Railway Company with respect to the
General Station at *Perth*; and for other Pur-
poses. [23d June 1864.]

WHEREAS by "The *North British, Edinburgh, Perth,* 25 & 26 Vict.
and Dundee, and West of Fife Railways Amalgamation c. clxxxix.
Act, 1862," the *North British* Railway, the *Edinburgh,*
Perth, and Dundee Railway, and the *West of Fife* Railway and
Harbour Companies were amalgamated and incorporated by the
Name of "The *North British* Railway Company:" And whereas 26 & 27 Vict.
by "The *North British (Edinburgh, Dunfermline, and Perth* c. cexiii.
Branches) Act, 1863," the *North British* Railway Company (in
this Act called "the Company") were authorized to make several
Railways for improving the Railway Communication between *Edin-*
burgh and *Perth*, and it is expedient that they should be authorized
to acquire Land for additional Station Accommodation at *Perth*:
And whereas the Company have Access from their Railway to the
General Station at *Perth* over Part of the *Scottish Central* Railway,
upon Terms defined in an Agreement dated the Fourteenth Day
[*Local.*] 13 R of

The North British Railway (Perth Station) Act, 1864.

of *January* and the Third Day of *February* One thousand eight hundred and forty-seven, and a new Agreement qualifying certain Portions of that Agreement has been entered into between the Company and the *Scottish Central Railway Company*, which new Agreement is set forth in the Schedule to this Act, and it is expedient that the same should be sanctioned: And whereas the Objects 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 of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

8 & 9 Vict.
cc. 17. &
19., and
23 & 24 Vict.
c. 106. incor-
porated.

1. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," the Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the several Matters following, (that is to say,) the Distribution of the Capital of the Company into Shares, the Transfer or Transmission of Shares, the Payment of Subscriptions, and the Means of enforcing the Payment of Calls, the Forfeiture of Shares for Nonpayment of Calls, the Remedies of Creditors of the Company against the Shareholders, the borrowing of Money by the Company on Mortgage or Bond, the Conversion of the borrowed Money into Capital, the Consolidation of the Shares into Stock, and the Provision to be made for affording Access to the Special Act, and Parts I., II., and III. of "The Companies Clauses Act, 1863," relating respectively to Cancellation and Surrender of Shares, to additional Capital, and to Debenture Stock, are hereby incorporated with this Act.

Interpreta-
tion of
Terms.

2. In construing the incorporated Acts for the Purposes of this Act, and in construing this Act, the Words and Expressions herein mentioned or referred to shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Special Act" shall mean this Act:

The Expressions "the Company," or "the Promoters of the Undertaking," shall mean the *North British Railway Company*:

Other Expressions and Words to which in the incorporated Acts Meanings are assigned shall respectively have the same Meanings in this Act.

Power to
purchase
Lands for
Station Pur-
poses.

3. And whereas a Plan of the Lands required for the Purposes of additional Station Accommodation at *Perth*, and also a Book of Reference to such Plan, have been deposited with the Principal Sheriff Clerk for the County of *Perth*: Therefore, subject to the Provisions in this Act and the Acts incorporated herewith contained, it shall

be

The North British Railway (Perth Station) Act, 1864.

be lawful for the Company to enter upon, take, and use all or any of the said Lands which they may require for the Purposes of the Undertaking, except all such of the Lands shown upon the said Plan as are situate South of the Enclosure numbered thereon 104 in *East Church* Parish of *Perth*, or are North of *St. Leonard's Bridge*, or belong to the *Scottish Central Railway Company*.

4. 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.

Powers for compulsory Purchases limited.

5. The Company, with the Consent of Three Fifths of the Votes of the Shareholders present, in person or by proxy, at any General Meeting or General Meetings convened with special Notice of the Purpose, may raise by the Creation of new Ordinary or Preference Shares or Stock such additional Capital beyond the Amount which they may be authorized to raise by other Acts of Parliament as they think fit, not exceeding in the whole Twenty-one thousand Pounds.

Power to raise Capital by new Shares or Stock.

6. All Shares or Stock to be created by the Company under the Authority of this Act shall, subject to the Provisions of this Act, form Part of the general Capital of the Company.

Shares or Stock to form Part of general Capital.

7. It shall not be lawful for the Company to issue any Share to be created under the Powers of this Act, nor shall any such Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Shares not to be issued until One Fifth Part thereof shall have been paid up.

8. If by any other Act or Acts passed in the present Session of Parliament, and whether before or after the passing of this Act, the Company be authorized to raise any Capital by new Shares or Stock, then, subject to the Provisions of the other Act or Acts and this Act respectively, the Company, if they think fit, may raise by the Creation and Issue of Shares or Stock of One and the same Class all or any Part of the aggregate Capital which they are by the other Act or Acts and this Act respectively authorized to raise by the Creation and Issue of Shares or Stock.

Capital under several Acts may be raised by Shares or Stock of One Class.

9. The Company, in addition to any Sums which they are authorized to borrow under other Acts of Parliament, may from Time to Time borrow on Mortgage such Sums as they think fit, not exceeding in the whole Seven thousand Pounds; but no Part of that Money shall be borrowed until the whole of the said additional Capital of Twenty-one thousand Pounds shall have been *bonâ fide* subscribed

Power to borrow on Mortgage.

The North British Railway (Perth Station) Act, 1864.

subscribed and issued, and One Half of that Amount shall have been actually paid up, nor until the Company shall have proved to the Sheriff who is to certify under the Forty-second Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," (before he so certifies,) that all the said additional Capital of Twenty-one thousand Pounds has been subscribed for *bonâ fide* and issued, and that not less than One Fifth of the Amount of each Share was paid on Issue of the same, and that such Shares are held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same (of which Proof having been given the Certificate of such Sheriff under that Section shall be sufficient Evidence).

Priority of
existing
Mortgages.

10. All Mortgages 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, as regards the Undertaking comprised in and assigned by such Mortgages, have Priority over all Mortgages granted by virtue of this Act.

Debenture
Stock.

11. The Company may create and issue Debenture Stock.

Application
of Money
raised under
this Act.

12. All Money raised under the Powers of this Act by the Creation of new Shares or Stock, or on Mortgage, shall be applied only to the Purposes by this Act authorized.

Sanctioning
Agreement.

13. The Agreement set forth in the Schedule to this Act is hereby sanctioned, and shall be carried into effect by the Parties thereto.

Interest not
to be paid on
Calls paid
up.

14. It shall not be lawful for the Company, out of any Money by this Act or any other Acts 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 any Interest or Dividend on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided, that nothing herein contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation (*Scotland*) Act, 1845," in that Behalf contained.

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

15. It shall not be lawful for the Company, out of any Money by this Act or any other Acts relating to the 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

The North British Railway (Perth Station) Act, 1864.

of Parliament in force for the Time being, 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 Railway, or execute any other Work or Undertaking.

16. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the said Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors. Saving Rights of the Crown.

17. Nothing herein contained shall be deemed or construed to exempt the Railways by the recited Acts authorized to be made from the Provisions 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, and of the Rates for small Parcels, authorized by the recited Acts. Railways not exempt from Provisions of present and future General Acts.

18. The Costs and Charges of applying for and obtaining this Act, and incidental thereto, shall be paid by the Company. Expenses of Act.

19. This Act may be cited for any Purpose as "*The North British Railway (Perth Station) Act, 1864.*" Short Title.

*The North British Railway (Perth Station) Act, 1864.*SCHEDULE.

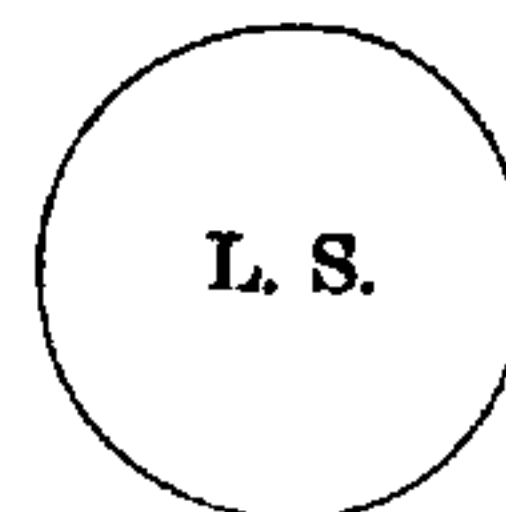
WHEREAS the North British Railway Company are promoting a Bill in Parliament, entitled "A Bill to authorize the North British Railway Company " to make a Railway from near the River Earn in the Parish of Forteviot " into the General Station at Perth, and for other Purposes:" And whereas the Scottish Central Railway Company are opposing the said Bill: Now it is hereby agreed, That the North British Railway Company shall withdraw from the said Bill the Powers of constructing the said proposed Railway, and in consideration of such Withdrawal, and of the North British Railway Company continuing to use the Scottish Central Railway between Hilton Junction and Perth, unless Parliament shall otherwise determine, it is further agreed as follows, viz.:—First, That in lieu of the Rates or Tolls payable upon Traffic passing to and from the North British Railway (late Edinburgh and Northern Railway) at Hilton Junction from and to Perth by the Scottish Central Railway, and by the Branch thereof to the Harbour of Perth, under the Terms of an Agreement entered into between the Edinburgh and Northern Railway Company and the Scottish Central Railway Company on the 14th Day of January and 3rd Day of February 1847, (which Agreement is referred to in the Fifty-fourth Section of "The North British, Edinburgh, Perth, and Dundee, and West of Fife Railways Amalgamation Act, 1862," and thereby made applicable to the North British Railway Company, and a Copy of which is appended in the Schedule to that Act,) and upon Traffic carried by the North British Railway Company to or from Hilton Junction from or to Places beyond Perth by the Scottish Central Railway, the North British Railway Company shall, from and after the 31st Day of December next, pay to the Scottish Central Railway Company the Sum of 5,000*l.* per Annum by equal half-yearly Payments on the 30th Day of June and 31st Day of December in each Year, commencing on the 30th Day of June 1865 for the Half Year preceding, with Interest at the Rate of Five per Cent. per Annum on each Payment from the Day on which the same becomes due as aforesaid till Payment thereof. Secondly, That the Scottish Central Railway Company shall make and provide from Time to Time any additional Sidings and other Accommodation for their own Traffic which may be necessary to ensure to the North British Railway Company free Passage for their Traffic over the Main Line of the Scottish Central Railway from and to Hilton Junction to and from the General Station at Perth, and the Goods and Mineral Stations of the North British Railway Company at Perth, and the Scottish Central Railway Company's Lines between Perth and Dundee and Newtyle: Provided always, that if any Difference should at any Time arise between the said Companies as to the Necessity of such additional Sidings and other Accommodation, the same shall be determined by an Arbitrator to be appointed by the Board of Trade. Thirdly, That both Parties hereto shall concur in making Arrangements for the starting or marshalling of their Goods or other Trains on the South Side of the Limits of the General Station under the Control of an Officer to be appointed by them jointly or (in case of Difference between them) by the Board of Trade. Fourthly, That notwithstanding the Alteration of the Terms of User hereby agreed on, the Scottish Central

The North British Railway (Perth Station) Act, 1864.

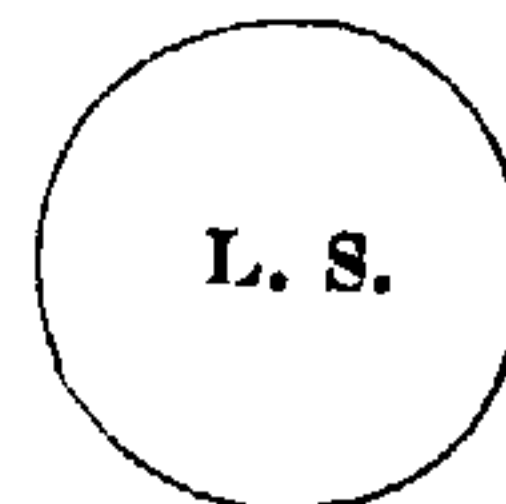
Central Railway Company shall have the same Means and Remedies for recovering the said annual Payment of 5,000*l.* which they now have for recovering the Rates or Tolls payable under the Agreement before mentioned and their several Acts of Parliament; and the Right of the North British Railway Company to use the Main Line of the Scottish Central Railway from the Northern Terminus of the General Station at Perth to the Scottish North-eastern Railway free of Toll, conferred on the Edinburgh, Perth, and Dundee Railway Company by the Ninety-third Section of "The Scottish Central Railway Consolidation Act, 1859," and any other Provisions in favour of the Edinburgh and Northern Railway Company, or the Edinburgh, Perth, and Dundee Railway Company, or the North British Railway Company, with reference to Sidings or other Accommodation at Perth, shall not be altered or infringed in any way by this Agreement. Fifthly, That all Disputes and Differences which may arise under this Agreement, so far as not otherwise hereby provided for, shall be settled by Arbitration under the Provisions of "The Railway Companies Arbitration Act, 1859." And both Parties consent to the Registration hereof for Preservation and Execution. In witness whereof, these Presents, written on this and the preceding Page of stamped Paper by Peter Hutton Young, Clerk to Messrs. Dalmahey, Wood, and Cowan, Writers to the Signet, Edinburgh, are subscribed by Robert Bruce, Esquire, of Kennet, Chairman, and Alexander McDuff, Esquire, of Bonhard, Deputy Chairman of the Directors of the said Scottish Central Railway Company, and sealed with the Common or Corporate Seal of the said Company, at Edinburgh, the Twenty-eighth Day of April Eighteen hundred and sixty-four, before these Witnesses, Thomas Paterson, Writer to the Signet, Edinburgh, and Daniel Stewart, Superintendent at Edinburgh of the Scottish Central Railway, and are also subscribed by James Nairne, Secretary to and on behalf of the North British Railway Company, and sealed with the Common or Corporate Seal of the said Company, at Edinburgh, the Twenty-eighth Day of April and Year last mentioned, before these Witnesses, William Forsyth Thallon and William Russell Hamilton, both Clerks in the Office at Edinburgh of the said North British Railway Company.

ROBERT BRUCE.
ALEX. MACDUFF.

THOS. PATERSON, Witness.
DANIEL STEWART, Witness.



W. F. THALLON, Witness.
W. R. HAMILTON, Witness.



J. NAIRNE,
Sec. N. B. Ry. Co.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1864.

