



ANNO VICESIMO OCTAVO & VICESIMO NONO

# VICTORIÆ REGINÆ.

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## *Cap. cccix.*

An Act to authorize the Construction of a Pier at *Burntisland* and other Works by the *North British Railway Company*; and for other Purposes. [5th July 1865.]

WHEREAS it is expedient that the *North British Railway Company* (in this Act called "the Company") should be authorized to make a Pier at *Burntisland* in the County of *Fife*, near their existing Pier, and a Railway or Siding over *Logan's Close*, at or near their *Edinburgh Station*, in the County of *Edinburgh* and County of the City of *Edinburgh*, and to carry their *Border Union Railway* with a Double Line of Rails across a certain Road in the Parish of *Castleton* in the County of *Roxburgh*, and to stop up a certain Road crossed by the *Carlisle and Silloth Bay Railway* in the Township of *Holme Low* in the Parish of *Holme Cultram* in the County of *Cumberland*, and the level Crossing at the *Silloth Station* used in lieu of such Road, and to acquire Lands for the Enlargement of their Stations at *North Leith* and *Bonnington* in the County of *Edinburgh* and County of the City of *Edinburgh*, and that the Purchase by them of certain Lands for the Enlargement of their Station at *Newcastle-upon-Tyne* should be confirmed, and that their Power to raise further Capital under the Acts relating to the late *Edinburgh, Perth,*

[*Local.*]

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and

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and Dundee Railway Company should be extinguished: And whereas it is expedient that the *Saint Andrew's* Railway Company should be authorized to raise further Capital for the Purposes of their Undertaking: And whereas under the Acts relating to the Company the Register of Transfers is required to be closed for a Period not exceeding Fourteen Days previous to each Ordinary Meeting, and it is expedient that the Company should be authorized to cause such Register to be closed for a longer Period before each such Meeting: 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. 19. & 33.,  
23 & 24 Vict.  
c. 106., and  
26 & 27 Vict.  
c. 92. incor-  
porated.

1. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation (*Scotland*) Act, 1845," Parts I. and V. of "The Railways Clauses Act, 1863," relating respectively to Construction of a Railway and Amalgamation, "The Harbours, Docks, and Piers Clauses Act, 1847," 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 Expression "the Company" or "the Promoters of the Undertaking" shall mean the Company:

The Words "Work" or "Railway" in the Thirteenth and following Sections of "The Railways Clauses Act, 1863," to the Nineteenth Section thereof inclusive, shall be taken to include the Pier and Works connected therewith by this Act authorized:

Other



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

- 3.** All Powers of raising Capital by Shares or Stock conferred upon the *Edinburgh, Perth, and Dundee* Railway Company by the Acts relating to that Company, and which remained unexercised at the Time of the passing of this Act, are hereby repealed. Powers of raising Capital under Edinburgh, Perth, and Dundee Railway Acts repealed.
- 4.** 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 Forty-nine thousand five hundred Pounds. Power to raise Capital.
- 5.** 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 Company's general Capital.
- 6.** It shall not be lawful for the Company to issue any Share or Stock to be created under the Powers of this Act, nor shall any such Share or Stock 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 or Stock shall have been paid up in respect thereof. Shares not to issue until One Fifth paid up.
- 7.** 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.
- 8.** The Company, when they are empowered under this Act to raise Money on Mortgage, may create and issue Debenture Stock. Debenture Stock.
- 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 Sixteen thousand five hundred Pounds; but no Part of that Money shall be borrowed until the whole of the said Capital of Power to borrow on Mortgage.  
Forty-

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Forty-nine thousand five hundred Pounds shall have been *bonâ fide* 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 Capital of Forty-nine thousand five hundred Pounds has been subscribed for *bonâ fide* and issued, and that One Half thereof has been paid up, and that not less than One Fifth of the Amount of each Share or Sum of Stock was paid on Issue of the same, and that such Shares or Stock 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.

Application of Monies raised under Act.

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

Power to make Pier and Railway.

**12.** It shall be lawful for the Company to make and maintain the following Pier and Railway or Siding, with all proper Approaches, Works, and Conveniences connected therewith respectively; that is to say,

A Pier in the Parish of *Burntisland* or the Bed and Soil of the Firth of *Forth* adjoining thereto:

A Railway or Siding in continuation of the Company's Coal Siding in the East Coal Depôt of the Company at their *Edinburgh* Station over *Logan's Close*.

Pier and Railway to be made according to deposited Plan and Section.

**13.** And whereas a Plan and Section of the proposed Pier and Railway showing the Line and Levels thereof respectively and the Lands required for the Purposes thereof, and a Plan showing the Lands required by the Company for the Enlargement of their *North Leith* and *Bonnington* Stations, and a Book of Reference to such Plan, have been deposited with the Principal Sheriff Clerks for the Counties of *Fife* and *Edinburgh* respectively: Therefore, subject to the Provisions and Powers of Deviation in this Act and the Acts or Parts of Acts incorporated herewith contained, the said Pier and Railway shall be made in the Lines and upon the Lands delineated on the said Plan and described in the said Book of Reference, and according to the Levels defined on the said Section; and it shall be lawful for



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for the Company to enter upon, take, and use all or any of the said Lands which they may require for the Purposes thereof or for the Purposes of the said Stations.

14. The Pier and Railway by this Act authorized shall form Part of the Undertaking of the Company.

Pier and Railway to form Part of Company's Undertaking.

15. And whereas under an Act (Local) of the Fifth and Sixth Year of the Reign of Her present Majesty, Chapter 91., a Low-water Pier and other Works were authorized to be constructed at *Burntisland* by the Duke of *Buccleuch and Queensberry* and *John Gladstone* Esquire, afterwards Sir *John Gladstone* Baronet, now deceased, which Works were, when executed, acquired by the *Edinburgh and Northern* Railway Company, subsequently incorporated as the *Edinburgh, Perth, and Dundee* Railway Company, and on the Amalgamation of the last-mentioned Company with the *North British* Railway Company by the said *North British* Railway Company: And whereas in the Act before mentioned and in certain of the Acts of the said Railway Companies Enactments are contained with reference to the said Low-water Pier and the Ferry therewith connected, and other Works at the said Harbour at *Burntisland*, and certain Agreements have been entered into by the Provost, Magistrates, and Town Council of *Burntisland* with the said Duke of *Buccleuch and Queensberry* and Sir *John Gladstone*, and also with the *Edinburgh and Northern* Railway Company and *Edinburgh, Perth, and Dundee* Railway Company, for carrying into effect the Provisions of the said several Acts of Parliament: Be it enacted, That nothing in this Act contained shall prejudice or affect the several Provisions and Enactments in the Acts and the Agreements before mentioned, but the same shall be valid and shall have the same Force and Effect in favour of the said Provost, Magistrates, and Town Council, and also in favour of the Company, as if this Act had not been passed; and the Provisions of the said several Acts and the said Agreements shall, so far as the same can be applied, apply to the Pier by this Act authorized to be constructed, as if the said Pier had been authorized by the said Acts and included in the said Agreements.

Application of existing Provisions to Pier at Burntisland.

16. 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.

Powers for compulsory Purchases limited.

17. The Company may from Time to Time purchase by Agreement such Lands as they may require for the Enlargement of their Station at *Newcastle-upon-Tyne*, not exceeding in the whole Five Acres, and may hold any Land purchased by them for such Station prior to the passing of this Act, and the Purchase thereof shall be deemed good and valid in Law, as if contracted and completed after the passing of this Act.

Lands for Newcastle Station.

[Local.]

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18. Subject

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Power to cross certain Road on the Level.

**18.** Subject to the Provisions in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," and "The Railways Clauses Act, 1863," contained, in reference to the crossing of Roads on the Level, the Company may carry the *Border Union* Railway, with Two Lines of Railway but not more, across the Statute Labour Road numbered 137. in the Parish of *Castleton* in the County of *Roxburgh* on the Plans referred to in "The *Border Union (North British)* Railways Act, 1859."

Power to stop up certain Roads.

**19.** The Company may stop up and discontinue as public Highways or Places all or any of the following Highways or public Places; (that is to say,) *Couper Street*, *Cromwell Street*, *Citadel Street*, and the open Space called *Citadel* in the Parish of *North Leith* in the County of *Edinburgh*, and the Road in the Township of *Holme Low* in the Parish of *Holme Cultram* in the County of *Cumberland* numbered 279. in the last-mentioned Parish on the Plans referred to in "The *Carlisle and Silloth Bay* Railway and Dock Act, 1855," and the level Crossing at the *Silloth* Station used in lieu of such last-mentioned Road.

Period for Completion of Works.

**20.** The Railway and Pier hereby authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for making the Railway or Pier or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed.

If Railway not completed, &c. within a limited Period, Company to be liable to a Penalty.

**21.** If the Railway by this Act authorized to be constructed shall not be completed and opened for public Traffic within the Period of Five Years from the passing of this Act, then and from thenceforth the Company shall be liable to a Penalty of Fifty Pounds *per Day*, to be recoverable as a Debt due to the Crown, for every Day thereafter until the Railway shall be completed and opened for public Traffic; but no Penalty shall accrue in respect of any Time during which it shall appear by a Certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening the Railway by unforeseen Accident or Circumstances beyond their Control; but the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company.

Tolls.

**22.** The Company may demand and take in respect of the Pier and Railway by this Act authorized such Tolls and Charges as they think fit, not exceeding the Rates of Tolls and Charges authorized to be taken on the *North British* Railway; and in estimating the Amount of Toll or Charge in respect of any Traffic conveyed partly on the Railway or Pier by this Act authorized and partly on any other Railway of the Company, the Railway and Pier by this Act authorized and such other Railway shall be deemed One Railway, as

if



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if authorized by "The *North British Railway Consolidation Act, 1858.*"

**23.** The *Saint Andrew's Railway 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 may require for the Purposes of their Undertaking, not exceeding in the whole Six thousand Pounds, and all Monies so raised by them shall be applied only to those Purposes.

Power to  
St. Andrew's  
Railway  
Company to  
raise Capital  
by Shares or  
Stock.

**24.** All Shares or Stock to be created by the *Saint Andrew's Railway Company* under the Authority of this Act shall, subject to the Provisions of this Act, form Part of the general Capital of that Company.

Shares or  
Stock to  
form Part  
of Company's  
general  
Capital.

**25.** It shall not be lawful for the *Saint Andrew's Railway Company* to issue any Share or Stock to be created under the Powers of this Act, nor shall any such Share or Stock 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 or Stock shall have been paid up in respect thereof.

Shares not  
to issue  
until One  
Fifth paid  
up.

**26.** In construing any Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," and the Provisions of Part II. of "The Companies Clauses Act, 1863," with respect to the raising of Capital under this Act by the *Saint Andrew's Railway Company*, the Expression "the Company" shall mean the *Saint Andrew's Railway Company*.

As to Pro-  
visions of  
Company's  
Clauses Acts  
with respect  
to Capital  
created by  
the St. An-  
drew's Rail-  
way Com-  
pany.

**27.** It shall be lawful for the Directors to close the Register of Transfers for any Period not exceeding Twenty-eight Days previous to any General Meeting of the Company, whether ordinary or special, and they may fix a Day for the closing of the same, of which Seven Days Notice shall be given by Advertisement in some Newspaper published in *Edinburgh*; and any Transfer made during the Time when the Transfer Books are so closed shall, as between the Company and the Party claiming under the same, but not otherwise, be considered as made subsequently to such Meeting.

As to closing  
of Transfer  
Books.

**28.** 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

Interest not  
to be paid  
on Calls  
paid up.

nothing

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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.

**29.** 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 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 to execute any other Work or Undertaking.

Saving Rights of the Crown.

**30.** Nothing contained in this Act or in any of the Acts herein referred to shall authorize the 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 previous 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); and nothing in the said Act or Acts contained shall divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority now or from Time to Time vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

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

**31.** Nothing herein contained shall be deemed or construed to exempt the Railways by this Act or any of the Acts relating to the Company 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 any of the said Acts.

Expenses of Act.

**32.** The Costs and Charges of applying for and obtaining this Act and incidental thereto shall be paid by the Company.

Short Title.

**33.** This Act may be cited for any Purpose as "*The North British Railway (Additional Powers) Act, 1865.*"

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