ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

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Cap. ccvi.

An Act to authorize the Construction of Railways from the *Port Carlisle* Railway to the River *Caldew*, and thence to the Goods Lines on the Southern Side of the *Carlisle Citadel* Station; and for other Purposes. [5th *July* 1865.]

WHEREAS by "The *Border Union* (*North British*) Railways Act, 1859," the *North British* Railway Company were authorized to make a Railway from their *Hawick* Line to the *Port Carlisle* Railway near *Carlisle:* And whereas, under the Powers of "The *North British* Railway, *Port Carlisle* Railway, and Dock Lease Act, 1862," the Undertaking of the *Port Carlisle* Dock and Railway Company is leased to the *North British* Railway Company for a Term of Nine hundred and ninety-nine Years from the First Day of *August* One thousand eight hundred and sixty-two: And whereas the Undertaking of the *North British* Railway Company now extends to *Edinburgh*, *Perth*, and *Dundee*, and it is expedient that they should have additional Station Ground at *Carlisle* on the Southern Side of the River *Caldew:* And whereas a Railway from the *Port Carlisle* Railway to the South Side of the River *Caldew* near the *Nelson Bridge* in the Parish of *St. Mary*, *Carlisle*, in

22 & 23 Vict. c. xxiv.

25 & 26 Vict. c. xlviii.

in the County of *Cumberland*, and a Railway therefrom to the North Corner of the Gasworks in the Parish of *Saint Cuthbert, Carlisle*, and a Railway from such last-mentioned Railway at the Termination thereof to the Relief or Goods Lines of the *Citadel* Station in the same Parish, would be of public Advantage; and the *North British* Railway Company, herein-after called "the Company," are willing, if authorized by Parliament, to make such Railway: And whereas it is expedient that the *North-eastern* Railway Company should be authorized to sell to the Company, and that the Company should be authorized to purchase, Part of the *North-eastern* Railway, and appropriate the Site thereof to the Purposes of the intended Railway: And whereas, under or by virtue of Provisions contained in "The *Border Union* (*North British*) Railways Act, 1859," "The *North British* Railway (Stations) Act, 1860," "The *Carlisle Citadel* Station Act, 1861," and an Agreement referred to in the last-mentioned Act, the Company have Rights of Access into and Use of the Station at *Carlisle* known as "The *Carlisle Citadel* Station," upon certain Terms and Conditions: 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., & 33., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 92. & 118. incorporated.

1. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," Part I. of "The Railways Clauses Act, 1863," relating to Construction of a Railway, 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.

Interpretation 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

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 *North British* Railway Company:

The Expressions "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute:

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

Power to raise Capital by Shares or Stock.

3. 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 Sixty-six thousand Pounds.

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

4. 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 not to issue until One Fifth paid up.

5. 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.

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

6. 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.

Power to borrow.

7. 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

exceeding in the whole Twenty-two thousand Pounds, but no Part of that Money shall be borrowed until the whole of the said Capital of Sixty-six thousand 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 42nd Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," (before he so certifies,) that all the said Capital of Sixty-six thousand 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.

8. 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.

9. The Company may create and issue Debenture Stock.

Application of Money raised under Act.

10. 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.

Power to make Railways.

11. It shall be lawful for the Company to make and maintain the following Railways, with all proper Stations, Approaches, Works, and Conveniences connected therewith respectively; that is to say,

1. A Railway (herein-after called "Railway No. I.") in the Parish of *Saint Mary*, *Carlisle*, in the County of *Cumberland*, from the *Port Carlisle* Railway to the River *Caldew* near the *Nelson Bridge*:
2. A Railway (herein-after called "Railway No. II.") from Railway No. I. to the North Corner of the Gasworks in the Parish of *Saint Cuthbert*, *Carlisle*, at the Point shown on the Plan deposited as herein-after mentioned as the Commencement of Railway No. III.:
3. A Railway (herein-after called "Railway No. III.") commencing at the Termination of Railway No. II., as herein-before mentioned, and terminating by a Junction with the Two Lines of Railway on the Southern Side of the *Citadel* Station known as the Relief or Goods Lines, as shown on the said deposited Plan, and with those Two Lines only:

And in the Construction of Railway No. I. the Company may make such Alterations in, by widening or otherwise, Part of the *North-eastern* Railway herein-after described as may be necessary or convenient for adapting the same to the Purposes of Railway No. I.; that is to say, so much of the said *North-eastern* Railway as lies between the Junction thereof with the *Port Carlisle* Railway and a Point at or near a Point Six Chains or thereabouts South-east measured along the Line of Railway from where the said *North-eastern* Railway crosses over the *Wigton Road*; and it shall not be lawful for the Company to make that Part of Railway No. II. shown upon the said deposited Plan which lies between the Termination thereof as herein-before described and the *Carlisle Citadel* Station, nor to enter upon, take, or use any Land for such Part of Railway No. II., or for Station Ground to the Northward of the River *Caldew*, nor, except with the previous Consent in Writing of the *Caledonian* and *London and North-western* Railway Companies, to make any Deviation Northward exceeding Two Yards from the Line shown on the said deposited Plan of so much of Railway No. II. as lies to the Northward of the River *Caldew*, or of any Part of Railway No. III.

Railways to be made according to deposited Plan and Section.

12. And whereas a Plan and Section of the proposed Railways, showing the Line and Levels thereof, and the Lands required for the Purposes of the Undertaking, and also a Book of Reference to such Plan, have been deposited with the Clerk of the Peace for the County of *Cumberland:* Therefore, subject to the Provisions and Powers of Deviation in this Act and the Acts incorporated herewith contained, the Railways 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 the Company to enter upon, take, and use all or any of the said Lands necessary for the said Purposes.

Lodging Houses not to be taken without Notice being given.

13. The Company shall, not less than Eight Weeks before they take in any Parish Houses amounting to Fifteen in Number or more, occupied either wholly or partially by Persons belonging to the Labouring Classes as Tenants or Lodgers, make known their Intention to take the same by Placards, Hand Bills, or other general Notice placed in public View upon or within a reasonable Distance from such Houses; and the Company shall not take any such Houses until they have obtained the Certificate of a Justice that it has been proved to his Satisfaction that the Company have made known their Intention to take the same in manner herein-before required.

Railways, &c. to form Part of Undertaking.

14. The Railways and Works by this Act authorized shall form Part of the Undertaking of the Company.

Powers for compulsory Purchases limited.

15. 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.

Lands for extraordinary Purposes.

16. The Company may from Time to Time purchase by Agreement such Lands as they may require for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845," in connexion with the Railway and Works by this Act authorized, not exceeding in the whole One Acre.

Period for Completion of Works.

17. The Railways 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 making the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

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

18. If the Railways by this Act authorized to be constructed shall not be completed and opened for public Traffic within the Period of Four 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 Railways 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.

Railway Tolls.

19. The Company may demand and take, in respect of the Railways 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 *Border Union* Line of the *North British* Railway, as if authorized by "The *Border Union* (*North British* Railways) Act, 1859;" and in estimating the Amount of Toll or Charge in respect of any Traffic conveyed partly on the Railways by this Act authorized, and partly on any other Railway of the Company, the Railways by this Act authorized and such other Railway shall be deemed One Railway.

Power to purchase Part of North-eastern Railway, and appropriate Site to Purposes

20. The *North-eastern* Railway Company may sell to the Company, and the Company may purchase, for such Price or Consideration as may be or may have been agreed upon between them, the Part herein-before described of the *North-eastern* Railway, and may appropriate such Portion of the said Railway, or the Site thereof, to the Purposes of Railway No. I.; and the Purchase or Consideration Money

Money for the said Portion of Railway shall be paid to the *North-eastern* Railway Company, and the Receipt of Two Directors of that Company shall be a valid and sufficient Discharge to the Company for the same. of intended Railway, and make necessary Alterations.

21. 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. Interest not to be paid on Calls paid up.

22. 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 execute any other Work or Undertaking. Deposits for future Bills not to be paid out of Capital.

23. Nothing herein contained shall be deemed or construed to exempt the Railways by this or 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 or this Act. Railways not exempt from Provisions of present and future General Acts.

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

25. This Act may be cited for any Purpose as "The *North British* Railway (*Carlisle Citadel Station* Branches) Act, 1865." Short Title.

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