ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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Cap. clix.

An Act to confer Powers on the *North British* Railway Company to enlarge their Station at *Edinburgh*, and with respect to the *Carlisle Citadel* Station. [23d *July* 1860.]

WHEREAS by the *North British* Railway Consolidation Act, 1858, the Provisions of former Acts relating to the *North British* Railway Company were consolidated and amended: (21 & 22 Vict. c. cix.) And whereas the Station at *Edinburgh* belonging to or appropriated to the Purposes of the Traffic of the *North British* Railway Company is inconveniently small, and it is expedient that the said Company should be empowered to enlarge the same by the Acquisition of Lands adjoining or near to such Station: And whereas by the *Border Union North British* Railways Act, 1859, the *North British* Railway Company were authorized to make a Railway in extension of their *Hawick* Line to the *Port Carlisle* Railway at *Carlisle*, with Branches therefrom, and to run over and use with their Engines and Carriages the *Port Carlisle* Branch of the *Caledonian* Railway, and so much of the *Caledonian* Railway as lies between such Branch and the *Citadel* Station at *Carlisle*, and, by Agreement with the Companies Proprietors of such Station, to use such Station for the Purposes of their Traffic: And whereas it is expedient that further Provision should be made for securing to the *North British* Railway

Company the Use of the said Station for the Purposes of their Traffic: 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:

"The Company."

I. Where in this Act the Expression "the Company" is used, the same shall mean the *North British* Railway Company.

8 & 9 Vict. cc. 16. 17. 19. & 33. incorporated.

II. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Railways Clauses Consolidation (*Scotland*) Act, 1845," and the Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," and of "The Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money by the Company on Mortgage or Bond, and with respect to the Conversion of the borrowed Money into Capital, and the Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration, save so far as any of the Clauses or Provisions thereof respectively are by this Act expressly excepted or varied, are respectively incorporated with this Act.

Power to Parties having limited Interests to feu Lands.

III. It shall be lawful for all Parties having a limited Right or Interest in any Lands required to be taken or used for the Purposes of this Act, or being under any Disability or Incapacity to sell or convey within the Meaning of Section Seven of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and being only entitled to sell or convey such Lands under the Powers by this Act and the said "Lands Clauses Consolidation (*Scotland*) Act" granted, to sell and convey to the Company such Lands, or any Part thereof, in consideration of an annual Feu Duty or Ground Annual payable by the Company to such Parties and their Successors in the Lands so conveyed, and that in the Form prescribed by the said "Lands Clauses Consolidation (*Scotland*) Act," with respect to Conveyances in consideration of Feu Duties or Rentcharges by Parties entitled absolutely to dispose of Lands.

Grassums not to be taken.

IV. Provided always, That it shall not be lawful for the Company to pay, nor for any Party having a limited Interest in or being under Disability or Incapacity to sell or convey any Lands as aforesaid to receive or take, any Grassum, Fine, or Premium, or any Consideration in the Nature thereof, for the Lands to be so conveyed other than the annual Feu Duties or Ground Annuals made payable by such Conveyance, and the Amount of such Feu Duties or Ground Annuals shall be ascertained and settled by Valuators in the Manner prescribed by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect

to

to the Valuation of Lands sold by Agreement by Parties under legal Disability or Incapacity to convey as aforesaid.

Provisions for recovering all Feu Duties.

V. All Feu Duties or Ground Annuals for any Lands required for the Purposes of this Act, and made payable by any Conveyance under this Act or "The Lands Clauses Consolidation (*Scotland*) Act, 1845," shall be a First Charge on the Tolls and Rates leviable under this Act, anything in this Act or in any of the Acts herewith incorporated to the contrary notwithstanding; and if at any Time any such Feu Duties or Ground Annuals remain unpaid for Thirty Days after they respectively become payable and have been demanded, it shall be lawful for the Party entitled for the Time being to Payment of such Feu Duties or Ground Annuals to recover the same from the Company, with Interest and Costs, either by Action before the Sheriff Court of the County, or summarily by Poinding and Sale of the Goods and Effects of the Company on Application by Petition to the Sheriff of the County, and it shall not be lawful for any such Party to resume Possession of the Lands so conveyed, or to proceed by any Action of Declarator or Reduction, or by Real Diligence, or any other Process whatever (saving as herein-before mentioned) in respect thereto or in respect to the said Feu Duties or Ground Annuals: Provided always, that it shall be lawful for the Company, in the event of any of such Feu Duties or Ground Annuals being so recovered from them, to retain the Amount thereof, with the Interest and Costs disbursed and incurred by them in relation thereto, from the Tolls, Rates, and Revenues arising upon the Railway by this Act authorized before dividing the same among the Proprietors of Stock or Shares of the Company.

If Lands purchased by way of Feu, borrowing Powers to be reduced proportionably.

VI. In the event of the Company agreeing with any Party under the Powers of this Act or "The Lands Clauses Consolidation (*Scotland*) Act, 1845," for the Purchase of any Lands or any Right or Interest therein in consideration of an annual Feu Duty or Ground Annual, the Powers by this Act granted for borrowing on Mortgage or Bond shall be reduced by an Amount equal to Twenty Years Purchase of the Feu Duty or Ground Annual so payable.

Power to purchase Lands for Enlargement of Station.

VII. And whereas Plans of the proposed Enlargement of Station, showing the Lands required for the Purposes thereof, and also Books of Reference to such Plans, have been deposited with the Principal Sheriff Clerks for the County of *Edinburgh* and for the County of the City of *Edinburgh* respectively: Therefore, subject to the Provisions in this Act and the Acts incorporated herewith contained, the Company may enter upon, purchase, take, and use for the Purpose of enlarging the said Station all or any of the Lands delineated on the said Plans and described in the said Books of Reference.

VIII. It

Company not to appropriate Site of Fruit and Vegetable Market until they have provided a new Site.

VIII. It shall not be lawful for the Company to appropriate, use, or interfere with the Lands on which the Fruit and Vegetable Market of the City of *Edinburgh* is now held, or any of the Accesses thereto, or Roads or Streets communicating therewith, until it shall have been agreed by and between the Company and the Lord Provost, Magistrates, and Council of *Edinburgh*, or until it shall have been determined in manner herein-after mentioned, on what other Site in the City of *Edinburgh* another Fruit and Vegetable Market shall be constructed at the Cost of the Company in lieu of and as full Compensation for and in respect of the Lands on which the said Market is now held, and until the said new or substituted Market shall have been constructed and made over ready for use, at the Expense of the Company, to the said Lord Provost, Magistrates, and Council of *Edinburgh*, and such Market shall also be validly conveyed to the said Lord Provost, Magistrates, and Council at the Expense of the Company.

If Company and Corporation cannot agree, Disputes to be referred to Arbitration.

IX. If within Three Months after the passing of this Act the Company and the Lord Provost, Magistrates, and Council of *Edinburgh* shall not agree upon a Site suitable for the new Market, or upon any of the Works to be constructed thereon, or the Accommodation to be provided therein, or as to the Accesses thereto, or as to any other Matters connected therewith, the Matters so in dispute shall at the Instance of either Party be referred to Arbitration in manner provided by "The Companies Clauses Consolidation (*Scotland*) Act, 1845," and the Arbitrators or Oversman shall be at liberty to institute such Inquiry and employ such Surveyors and others as they or he may deem necessary, and the whole proper Costs attending such Arbitration shall be borne by the Company: Provided always, that the new or substituted Market to be constructed under Arbitration shall not be formed or held upon any open Street or Area, but in some secure Place, enclosed by substantial Walls and Gates, with equal Accommodation to the present Fruit and Vegetable Markets, and also that such new or substituted Market shall be conveniently situated for the Public using the other Provision Markets of the City which are at the *North Bridge*.

Corporation to have Access to Company's Premises to repair North Bridge.

X. The Lord Provost, Magistrates, and Council of *Edinburgh* shall at all Times have free Access over and upon the Company's Ground for the Purpose of performing such Repairs or Operations on the *North Bridge* as may at any Time be found to be necessary for the due Preservation thereof, or for the widening of the same, but so as not to interfere with the Traffic, Works, and Operations of the Company.

Company not to injure Piers, &c. of North Bridge.

XI. Nothing in this Act contained shall be held to authorize the Company in any way to injure the Piers or Abutments or any of the Walls of the *North Bridge*, nor shall they interfere with such Piers, Abutments,

Abutments, or Walls, except in so far as may be necessary for attaching the Lead Work required to make the Roofs of the Sheds Water-tight.

Height of Buildings at Edinburgh Station regulated.

XII. The Height of any Buildings that may be erected by the Company on the Ground to be acquired by them under this Act shall be restricted in all Time coming, so that the extreme Height of any Portion of such Buildings shall not be raised so as to be higher than Thirty Feet above the Level of the Rails in the present joint Passenger Shed near *Waverley Bridge*, and no Furnace or Chimney other than that of an ordinary House Fire shall be formed in any Building to be erected on the said Ground; and such Restrictions shall and may be enforced and made effectual at the Instance of the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, or of any One or more of the Proprietors or Householders within the Bounds of Police of the said City.

Power to stop up Canal Street and Road in continuation thereof for Purpose of Station Enlargement.

XIII. The Company may stop up and discontinue as a public Thoroughfare, whether for Vehicles or Foot Passengers, so much of *Canal Street* and of the public Road in continuation thereof, and of the Footpath on either Side thereof respectively, as lies between the East Side of the Site of *East Canal Street* and the *Physic Gardens*, and may appropriate the Site of the Street, Road, and Footpaths so stopped up and discontinued as a public Thoroughfare to the Enlargement of the said Station: Provided always, that the Right of Way for Foot Passengers along the said Street and Road or the Footpath on One Side thereof shall continue until the Company shall have constructed and opened for public Use a new Footpath upon or over Lands belonging to them, so as to keep up the Communication for Foot Passengers between the public Footpath and Stairs at the North-east Side of the *North Bridge* and the *Physic Gardens*; and until such new Footpath shall be so constructed and opened, the Company shall keep open and unobstructed for the Passage of Foot Passengers throughout the entire Length of the Street and Road intended to be stopped up a Footpath of at least Two Yards wide: Provided also, that the said new Footpath and the Stairs to the same, so far as requiring to be made, shall at no Place be less than Nine Feet in clear Width, and shall be made parallel with the Side Walls of the *North Bridge*, and in line with the Portion of the Footpath already constructed, and so that the under Side of the Girders shall not be more than Fifteen Feet above the present Rails, and the Structure shall be of the general Form shown on a Plan and Elevation subscribed by *Charles Jopp* Civil Engineer, on the Part of the Company, and by *Benjamin Hall Blythe* Civil Engineer, on the Part of the Lord Provost, Magistrates, and Council of *Edinburgh*, and the Piers, so far as seen by the Public, shall be of dressed Ashlar, and the Footpath and Steps of *Craigleith* Stone, the Parapet being close and at least Six Feet high above the Line of the Footpath, and the whole Structure shall be

be maintained in a good and sufficient State of Repair by the Company in all Time coming.

Application of Monies for Expenses of this Act, &c.

XIV. The Lord Provost, Magistrates, and Council of *Edinburgh* may apply so much of any Sum of Compensation which may be paid to or received by them under this Act as may be necessary to meet and defray the Costs and Expenses incurred by them in reference to the passing of this Act, and any Costs or Expenses which they may properly incur under the Provisions herein-before contained.

Not to take any Part of the Physic Gardens or Market Street.

XV. It shall not be lawful for the Company to appropriate to the Enlargement of the said Station the Site of any Part of the *Physic Gardens*, or of *Market Street*, anything in this Act or the Acts incorporated herewith contained to the contrary notwithstanding.

Powers for compulsory Purchases limited.

XVI. 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 One Year from the passing of this Act.

Power to raise Money by Preference Shares.

XVII. 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 from Time to Time raise by the Creation of new Shares in their Undertaking such Sum or Sums of Money as they think fit, not exceeding in the whole, in addition to any Sums which they are already authorized to raise, Thirty thousand Pounds, and may attach to all or any of the Shares to be so created such Amount of Preference Dividends, not exceeding Five Pounds *per Centum per Annum* upon the Amount for the Time being paid thereon, and such Priority in Payment of Dividends as they think fit, and the Shares to be so created shall, subject to the Provisions of this Act, form Part of the General Capital of the Company, and shall be of such Amount each, and shall be disposed of in such Manner, as the Company with such Consent as aforesaid shall direct.

Dividends on new Preference Shares how to be paid.

XVIII. The Shares to be created as aforesaid shall be entitled to the preferential Dividend (if any) which may have been appointed by the Company out of the Profits of each Year in priority to the ordinary Shares of the Company, but if there shall not in any Year ending the Thirty-first Day of *January* be Profits available for the Payment of the full Amount of such preferential Dividend for that Year upon such Shares, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year, or out of any other Funds of the Company.

Terms, &c. to which Preference Shares liable to be stated on Certificate.

XIX. The Terms and Conditions to which any Preference Shares created under this Act are subjected by the Provisions of this Act shall be clearly stated upon the Certificate of every such Preference Share.

XX. When

Power to borrow on Mortgage.

XX. When the whole of the additional Share Capital of the Company by this Act authorized is subscribed for, and One Half thereof is paid up, and the Company has proved to the Sheriff who is to certify under the Forty-second Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," that the whole of the Capital has been subscribed for *bonâ fide*, and is held by the Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, the Company, with the Authority of any General Meeting, may from Time to Time borrow on Mortgage, in addition to the Sums which they are by the recited Acts authorized to borrow, any Sum or Sums not exceeding in the aggregate Ten thousand Pounds.

Priority of Mortgages.

XXI. All Mortgages granted under the Authority of the recited Acts, or either of them, or of the *North British and Selkirk* Railways Amalgamation Act, or of any Act thereby respectively repealed, and which shall be subsisting at the Time of the passing of this Act, shall have Priority over all Mortgages to be granted under the Authority of this Act.

Power to apply existing Capital.

XXII. The Company may apply to the Purposes of this Act so much of the Monies raised and authorized to be raised by Shares and borrowing under the Powers of the said Acts, or any of them, as may not be required for the Purposes of such Acts or any of them.

Application of Money raised under this Act.

XXIII. All Monies which the Company shall raise by means of the Shares to be created under the Powers of this Act, or by Mortgage, shall be applied only to the Purposes by this Act authorized.

No Interest or Dividend to be paid on Calls paid up.

XXIV. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay Interest or Dividend to any Shareholder on the Amount of Calls made in espect of Shares held by him in the Capital by this Act authorized to be created: Provided always, that the Company may pay to any such Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation (*Scotland*) Act, 1845," in that Behalf contained.

Deposit for future Bills not to be paid out of Company's Capital.

XXV. It shall not be lawful for the Company, out of any Money by this or any other Act relating to the Company authorized to be raised for the Purpose of any 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

Act authorizing the Company to construct any other Railway, or to execute any other Work or Undertaking.

Power to use Citadel Station.

XXVI. The Company may use for the Purposes of their Traffic the Joint Station at *Carlisle* known as the *Citadel* Station, and the Rails, Sidings, Booking Offices, and other Buildings, Works, and Conveniences thereat or connected therewith, upon Payment of such Rent or other Remuneration and upon such Terms and Conditions as may be agreed upon between the Company and the Owners of such Station, or, in the event of such Owners declining for Two Months after the passing of this Act to enter into such Agreement, as may be settled by an Arbitrator to be appointed by the Board of Trade at the Requisition of the Company, or of either of the Companies, Owners of the said Station.

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

XXVII. Nothing in this Act 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, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force, or which may hereafter pass during the present 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, or of the Rates for small Parcels, authorized by any of the Acts relating to the Company.

Expenses of Act.

XXVIII. All the Costs, Charges, and Expenses of and incident to the passing of this Act shall be paid by the Company.

Short Title.

XXIX. This Act may for any Purpose be cited as "The *North British* Railway (Stations) Act, 1860."

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1860.