ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

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Cap. ccxxvi.

An Act to authorize the *North British* Railway Company to run Steam Vessels between *Port Carlisle* and *Silloth* and *Belfast*.

[28th *July* 1863.]

WHEREAS by "The *North British* Railway Consolidation Act, 1858," the Acts relating to the *North British* Railway Company were consolidated and amended: And whereas by "The *North British*, *Edinburgh*, *Perth, and Dundee*, and *West of Fife* Railways Amalgamation Act, 1862," the *Edinburgh, Perth, and Dundee* and *West of Fife* Railway and Harbour Companies were amalgamated with the *North British* Railway Company: And whereas by or under the Powers of "The *North British* Railway, *Port Carlisle* Railway and Dock (Lease) Act, 1862," the Undertaking of the *Port Carlisle* Railway and Dock Company, comprising a Dock at *Port Carlisle* and a Railway thereto from the *North British* Railway near *Carlisle*, 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 by or under the Powers of "The *North British* Railway, *Silloth* Railway and Dock (Lease) Act, 1862," the Undertaking of the *Carlisle and Silloth* Railway and Dock Company, comprising a Dock at *Silloth Bay*, and a Railway thereto from the *Port Carlisle* Railway, is leased to the *North British* Railway Company for a Term

21 & 22 Vict. c. cix.

25 & 26 Vict. c. clxxxix.

25 & 26 Vict. c. xlviii.

25 & 26 Vict. c. xlvii.

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, including the Railways so leased, forms a continuous and direct Line of Railway Communication from *Edinburgh* and the South-east Coast of *Scotland* to the said Docks at *Silloth Bay* and *Port Carlisle*, which afford convenient Ports for the shipping or landing of Traffic coming from or going to such Towns and Places, and going by Sea to or coming from *Belfast:* And whereas there is no Dock Accommodation at *Port Carlisle* or *Silloth*, except the Docks belonging to the Company, and the Shipping Trade at those Ports was chiefly created and is mainly supported by the Establishment of the said Docks and Railways thereto: And whereas it is expedient that the Company should be authorized to establish and use Steam Vessels to run between *Port Carlisle* and *Silloth* aforesaid and *Belfast*, and should have other Powers in reference to Steam Vessels, and Powers to raise more Money for such Purposes by the Creation of Shares or Stock in their Undertaking, and by borrowing on Mortgage: 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:

Power to Company to provide and use Steam Vessels.

1. The Company from Time to Time may build or buy or hire, and may use, maintain, and work, or enter into Arrangements for using, maintaining, or working, Steam Vessels for the Purpose of carrying on a convenient and efficient Communication by means thereof between the Towns or Ports of *Port Carlisle* and *Silloth* respectively and *Belfast*, and may take Tolls in respect of such Steam Vessels.

Rates for Vessels.

2. The Charges to be made by the Company for the Conveyance of Passengers in such Vessels between the Points of Embarkation and Disembarkation shall not exceed the Charges following; (that is to say,)

In respect of Passengers provided with the First Class or Rate of Accommodation on board the said Vessels, Fourteen Shillings; and in respect of Passengers provided with Second Class or Rate of Accommodation on board the said Vessels, Four Shillings and Sixpence.

For securing Equality of Treatment.

3. Such Rates shall be at all Times charged to all Persons equally and after the same Rate in respect to Passengers conveyed in a like Vessel passing between the same Ports under the like Circumstances; and no Reduction or Advance in any such Rate shall be made in favour of or against any Person using the Steam Vessels in consequence of such Person

Person having travelled over the whole or any Part of the Railway of the Company, or not having travelled upon any Part thereof.

Passengers Luggage.

4. Every First-class Passenger conveyed by any Steam Vessel of the Company, or partly by a Steam Vessel of the Company and partly by the Railway of the Company, may take with him, without extra Charge, his ordinary Luggage, not exceeding One hundred and twenty Pounds in Weight, and every Second-class Passenger not exceeding One hundred Pounds in Weight.

17 & 18 Vict. c. 31. to extend to Steam Vessels.

5. The Provisions of "The Railway and Canal Traffic Act, 1854," so far as the same are applicable, shall extend to the Steam Vessels of the Company and to the Traffic carried thereby.

Power to Company to make Bye-laws for regulating Steam Vessels.

6. The Company may from Time to Time make Byelaws, Orders, and Regulations in relation to Passengers, Cattle, and Goods conveyed in or upon their Steam Vessels, and as to the Embarkation and Disembarkation thereof respectively, and may enforce the Observance of the same by Penalties in the same Manner as they may with respect to Passengers, Cattle, and Goods conveyed upon their Railway, such Byelaws, Orders, and Regulations being previously sanctioned and authenticated in the same Manner as is required by the first-recited Act with respect to the Company's Railways and by the General Law relating to Railways, and being published by being painted on Boards, or printed on Paper and pasted on Boards, and hung up and affixed and continued on some conspicuous Part of every Steam Vessel and Landing Place of the Company; and such Byelaws, Orders, and Regulations, and all Penalties and Forfeitures in respect of the Breach thereof, shall be enforced and recovered in the same Manner as is by the first-recited Act provided with respect to Offences committed upon the Railway.

Recovery of Monies by Distress.

7. All Rates and Charges for Vessels due and payable to the Company on any Account whatsoever, and all Costs, Damages, and Expenses by this Act directed to be paid in respect of Vessels, may be levied by Distress, and any Justice on Application by or on behalf of the Company may issue his Warrant accordingly.

Costs of Distress.

8. Any Justice who issues any such Warrant of Distress may order that the Costs of the Proceedings for the Recovery of such Toll or Sum shall be paid by the Person liable to pay such Toll or Sum, and such Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of such Toll or Sum.

Several Names in One Warrant.

9. Any Number of Names and Sums may be included in any Warrant of Distress or Notice obtained or given by the Company for any of the Purposes of this Act with respect to Vessels, and may be stated either

either in the Body of the Warrant or Notice, or in a Schedule thereto.

Provision for Cesser of Powers as to Steam Vessels on Report from Board of Trade.

10. Provided always, That in the Month of *August* or of *September* One thousand eight hundred and seventy-five, and in the Month of *August* or of *September* in the Years One thousand eight hundred and eighty-two and One thousand eight hundred and eighty-nine, and of each Seventh Year thereafter, or in any of those Months, the Board of Trade may, if they shall be of opinion that the public Interests are injuriously affected by the Exercise of the Powers and Provisions of this Act with respect to Steam Vessels, give to the Company Notice in Writing thereof, and of the Reasons on which that Opinion is founded; and if the Company shall not before the Beginning of the then next Session of Parliament make Provision to the Satisfaction of the Board of Trade for remedying the Injury to the public Interests, or if the same are incapable of being remedied by the Company, then the Board of Trade at the Beginning of the Session of Parliament then next following shall report to Parliament such their Opinion, and the Reasons on which that Opinion is founded, and at the Expiration of Twelve Calendar Months after the Presentation to Parliament of any such Report those Powers and Provisions, or such of them as are specified in such Report, shall, unless Parliament in the meantime otherwise provide, cease to be exercised.

Certain Provisions of 8 & 9 Vict. c. 17. incorporated.

11. 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 in 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 the 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 for affording Access to the Special Act, are hereby incorporated with this Act.

Power to Company to raise Capital by Shares or Stock.

12. 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 Shares or Stock such further Sum or Sums of Money as they think fit, not exceeding in the whole Thirty thousand Pounds.

Power to attach Preference to Shares or Stock created under this Act.

13. 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 attach to all or any Shares or Stock created by them under the Powers of this Act, either in perpetuity or for a limited Period,

Preferential

Preferential Dividends, not exceeding the Rate of Five Pounds *per Centum per Annum* upon the Amount for the Time being paid thereon, in priority to the ordinary Stock or Shares of the Company.

Saving Rights of existing Preference Shareholders.

14. This Act, or the granting of any such Preference or Priority, shall not prejudice or affect any Preference or Priority in Payment of Interest or Dividends on any other Shares or Stock which shall have been previously granted by the Company in pursuance of or which may have been confirmed by any Act of Parliament, or which may otherwise be lawfully subsisting.

If Year's Revenue insufficient for Dividend, subsequent Revenue not charged.

15. If the Revenue of the Company available for Dividend in any One Year ending the Thirty-first Day of *January* shall be insufficient to pay the Dividend due upon any Preference Shares or Stock to be created as aforesaid, the Deficiency, or any Part thereof, shall not be chargeable against or payable out of the Revenue of the Company available for Dividend in any subsequent Year, or against or out of any other Funds of the Company.

Terms, &c. to be stated on Certificate.

16. 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.

Amount and issuing of Shares.

17. All Shares created by the Company under the Authority of this Act shall be of such nominal Amount, and shall be issued, apportioned, and allotted to such Persons and in such Manner, as may be determined by the Resolution of any General Meeting of the Company convened for the Purpose of authorizing the Creation and issuing of such Shares, with due Notice of such Object.

Issuing of Stock.

18. All Stock created by the Company under the Authority of this Act shall be issued, apportioned, and allotted in such Manner, and to such Persons paying the full nominal Value thereof, as may be determined by the Resolution of any General Meeting of the Company convened for the Purpose of authorizing the Creation and issuing of such Stock, with due Notice of such Object.

Certain Provisions of 8 & 9 Vict. c. 17. to apply.

19. The Provisions of the "Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Consolidation of the Shares into Stock, so far as they are not inconsistent with the Provisions of this Act, shall apply to any Stock to be created under this Act.

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

20. 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.

Power to borrow on Mortgage.

21. 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 Ten thousand Pounds; but no Part of that Money shall be borrowed until the whole of the said additional Capital of Thirty thousand Pounds shall have been subscribed for or taken, 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 Thirty thousand Pounds has been subscribed for or taken *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same (of which Proofs having been given the Certificate of such Sheriff under that Section shall be sufficient Evidence).

Priority of existing Mortgages.

22. 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 Money raised under Act.

23. 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.

Interest not to be paid on Calls paid up.

24. 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; but 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.

25. 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.

26. Nothing

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

26. Nothing in this Act contained shall be deemed or construed to exempt the Railways of the Company, or the Company, from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, for the Time being in force, 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 Act relating to the Company.

Expenses of Act.

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

Short Title.

28. In citing this Act for any Purpose it shall be sufficient to describe it as "The *North British* Railway (Steamboats) Act, 1863."

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