ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

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Cap. ccxxxvii.

An Act to authorize the *Edinburgh and Glasgow* Railway Company to make a Railway to *South Queensferry*, with subsidiary Branches and Works; and for other Purposes.

[28th *July* 1863.]

WHEREAS the *Edinburgh and Glasgow* Railway Company
were incorporated by "The *Edinburgh and Glasgow* Rail- 15 & 16 Vict.
way Consolidation Act, 1852," and further Powers were c. cix.
conferred on the Company by Acts passed in the Sixteenth and Seven- 16 & 17 Vict.
teenth, Eighteenth and Nineteenth, Twenty-first and Twenty-second, c. cli. 18 & 19 Vict.
Twenty-fourth and Twenty-fifth, and Twenty-fifth and Twenty-sixth cc clviii. &
Years of the Reign of Her present Majesty: And whereas it would be cxc.
attended with public Advantage if the Company were authorized to make 21 & 22 Vict. c. lxiv.
a Railway from their Main Line near *Ratho* to *South Queensferry*, with 24 & 25 Vict.
subsidiary Branches, Piers and other Works, and to take additional Land cc. lxxxiv. & ccxlviii.
for the Purpose of enlarging their Station at *Ratho*: And whereas it is 25 & 26 Vict.
expedient that the Company should be authorized to acquire and use the cc. cxxxv. &
existing Ferry across the *Firth of Forth* at *Queensferry*, in connexion cxxxviii.
with the said Railways and with certain Railways from *North Queensferry* to *Dunfermline* and *Perth* intended to be constructed by the *North British* Railway Company under the Authority of "The *North British* 26 & 27 Vict.
(*Edinburgh, Dunfermline, and Perth*) Railway Act, 1863": And whereas c. ccxiii.

the Sums authorized to be raised, and which had on the Thirty-first Day of *October* Eighteen hundred and sixty-two been raised and received by the Company, in pursuance of the recited Acts, are respectively specified in the Schedule to this Act annexed: And whereas the Company had at the same Date expended for the Purposes of the said Acts the Sum of Four millions nine hundred and forty-one thousand eight hundred and twenty-four Pounds Nine Shillings and Elevenpence, and it is expedient that the Company should be authorized to raise additional Capital for the several Purposes of this Act; but these Objects 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 Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The *Edinburgh and Glasgow* Railway (*Queensferry*) Act, 1863."

Interpretation of Terms.

2. In this Act the Expression "the Company" shall mean the *Edinburgh and Glasgow* Railway Company, and the Expression "the Railways" shall mean the Railways by this Act authorized to be made and maintained.

8 & 9 Vict. c. 19. & 33. and 23 & 24 Vict. c. 106. incorporated.

3. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation (*Scotland*) Act, 1845," are incorporated with this Act.

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

4. Subject to the Provisions of this Act, the Clauses and Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Distribution of the Capital of the Company into Shares, with respect to the Transfer or Transmission of Shares, with respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls, with respect to the Forfeiture of Shares for Nonpayment of Calls, with respect to the Remedies of Creditors of the Company against the Shareholders, with respect to the borrowing of Money by the Company on Mortgage or Bond, with respect to the Conversion of the borrowed Money into Capital, with respect to the Consolidation of the Shares into Stock, with respect to the General Meetings of the Company and the Exercise of the Right of voting by the Shareholders, and with respect to the Provision to be made for affording Access to the Special Act by all Parties interested, are incorporated with this Act: Provided that each Holder of new Shares or Stock in the Capital by this Act authorized to be raised shall be entitled to the same Number of Votes in respect thereof which the Possession of an equal nominal

Amount

Amount of the Capital authorized by the recited Acts would have conferred upon him.

Additional Capital for new Works.

5. It shall be lawful for the Company from Time to Time, in addition to the Capital authorized by the recited Acts, to raise for the Purposes of this Act any Sum not exceeding Two hundred and seventy thousand Pounds, by the Creation and Issue of new Shares in their Undertaking.

Power to confer on new Shares Right to preferential Dividend.

6. The Company may from Time to Time, at a General Meeting specially convened for the Purpose, with the Consent of Three Fifths of the Shareholders present, personally or by proxy, confer on the whole or any Part of the new Shares which shall be created under the Authority of this Act Right to a preferential Dividend out of the Profits of the Company at such Rate not exceeding Five Pounds *per Centum per Annum*, and payable at such Times as shall be resolved on by such Meeting: Provided that, if in any Half Year ending on the Thirty-first Day of *January* or the Thirty-first Day of *July* there shall not be Profits available for the Payment of the full Amount of such preferential Dividend the Deficiency or any Part thereof shall not be made good out of the Profits of any subsequent Half Year, or out of any other Funds of the Company.

Rights of Holders of new Shares.

7. The Capital to be raised by such new Shares shall be Part of the general Capital of the Company; and, except as otherwise provided by the Special General Meeting which shall resolve to create and issue the same, such new Shares shall confer and impose on the Holders thereof all the Rights and Privileges, Liabilities and Obligations, which the existing Shares or Stock of the Company confer and impose on the Holders thereof.

As to Disposal of new Shares.

8. Such new Shares may be apportioned and offered to the then ordinary Shareholders of the Company, or, if not taken by them or as to so many as shall not be taken by them, may be disposed of to such other Persons as may be willing to accept the same, in such Manner and on such Terms, not being less than the nominal Amount of such Shares, and on such Conditions as shall be determined by the Special General Meeting which shall resolve to create and issue the same.

Terms, &c. to be stated on Certificates.

9. 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 on the Certificate of every such Preference Share.

Amount and Interval of Calls.

10. The Amount of each Call which the Company may make upon each Shareholder shall not exceed One Tenth Part of the Amount of the new Shares held by him; and successive Calls shall not be made at a less Interval than Two Months; and the aggregate Amount of Calls made

made in any One Year shall not exceed One Half of the Amount of such new Shares.

Power to borrow on Mortgage.

11. After the said additional Capital of Two hundred and seventy thousand Pounds shall have been subscribed for, and One Half thereof shall have been paid up, it shall be lawful for the Company, from Time to Time, to borrow on Mortgage of their Undertaking any Sum not exceeding Ninety thousand Pounds, in addition to the Sums authorized to be borrowed by the recited Acts; but no Part of such Sum shall be borrowed 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," that the whole of such additional Capital has been subscribed for *bonâ fide*, and is held by the Subscribers or their Executors, Administrators or Assignees, and for which such Subscribers or their Executors, Administrators, or Assignees are legally liable.

Former Mortgages and Bonds not to be affected.

12. The Mortgages and Bonds granted by the Company under the Authority of the recited Acts, or any of them, shall during their Subsistence have Priority over any Mortgage to be granted by the Company under the Authority of this Act.

Debt may be funded.

13. The Company may fund the whole or any Part of the Sums by this Act authorized to be raised on Mortgage, under the Powers and Provisions, and with the Rights and Privileges, and subject to the Restrictions and Conditions which are contained in Sections Nineteen to Twenty-eight both inclusive of the first-recited Act.

Former Grants of Preference not to be affected.

14. No Preference or Priority to be conferred on any Shares under the Provisions of this Act shall prejudice or affect any Preference or Priority in the Payment of any Interest or Dividend on any other Shares or Stock which shall have been granted by the Company in pursuance of, or which may have been confirmed by, any Act passed in any previous Session of Parliament, or which may otherwise be lawfully subsisting.

Application of Money raised.

15. The whole Sums by this Act authorized to be raised by the Creation of new Shares or by borrowing shall be applied in defraying the Expense of the Works to be executed and the Lands to be acquired under the Authority of this Act, and to no other Purpose whatsoever.

Power to make Works according to deposited Plans.

16. And whereas Plans and Sections showing the Lines, Situations, and Levels of the intended Railways, Piers, and other Works on the South Side of the *Firth of Forth*, and describing the Lands, Houses, and other Property to be taken for the Purposes thereof, and for the intended Enlargement of the Station at *Ratho*, with a Book of Reference thereto, have been deposited with the Principal Sheriff Clerks of the Counties

Counties of *Edinburgh* and *Linlithgow*: It shall be lawful for the Company, subject to the Provisions and with the Powers contained in this Act and the Acts incorporated herewith, to make and maintain the Railways and Piers herein-after described, and all necessary Works and Conveniences connected therewith, in the Lines and Situations and on the Levels described on the said Plans and Sections; and for the Purposes thereof, and for the Purpose of enlarging their Station at *Ratho*, to enter upon, take, and use the Lands, Houses, and other Property delineated on the said Plans and described in the said Book of Reference, or such of them or such Portions thereof as they may deem necessary.

Description of Works.

17. The Railways, Piers, and Works by this Act authorized to be made and maintained shall consist of:

First. A Railway diverging out of the *Edinburgh and Glasgow* Railway at or near the *Ratho* Station thereon, in the Parish of *Ratho*, and terminating at the Seaward Extremity of the Pier, fifth herein-after described, to be made at or near to *Dundas* Lime Works in the Parish of *Dalmeny*:

Second. A Railway diverging out of the Railway first above described at or near to *Dundas* Limeworks aforesaid, and terminating at or near *Springfield*:

Third. A Railway diverging out of the Railway second above described, at or near *Dundas* Limeworks aforesaid, and terminating by a Junction with the Railway first above described, on or near to the said Pier fifth herein-after described:

Fourth. A Railway diverging out of the Railway second above described, at or near *Dundas* Limeworks aforesaid, and terminating at the Seaward Extremity of the Extension of the existing Pier, called *Port Edgar* Pier, sixth herein-after described:

Fifth. A Pier, commencing at or near *Dundas* Lime Works aforesaid, and extending in a Northerly Direction into the *Firth of Forth*:

Sixth. A Pier, or an Extension, Enlargement, and Improvement of the existing Pier, called *Port Edgar* Pier, and extending in a northerly Direction into the *Firth of Forth*:

Seventh. A Diversion of the Road leading from *South Queensferry* by *Port Edgar* to *Hopetoun House* and *Linlithgow*, commonly called the *Shore Road*, commencing at or near *Springfield* aforesaid, and terminating by a Junction, at or near the Burgh of *South Queensferry*, with the Branch of the Turnpike Road from *Carlowrie Bridge* on the River *Almond* to *Linlithgow Bridge* on the River *Avon*, which leads from *Kirkliston* to *South Queensferry*:

Which Railways, Piers, and Works will be made in, or will pass from, through, or into the Parishes of *Ratho* and *Kirkliston* in the County of *Edinburgh*, and *Kirkliston*, *Dalmeny*, and *Queensferry* in the County of *Linlithgow*, and the Royal Burgh of *South Queensferry*.

Inclinations of Road.

18. In carrying the Turnpike Road numbered on the said deposited Plans 11 in the Parish of *Ratho* over the Railway, it shall be lawful for the Company to make the Inclinations of the said Road not steeper than 1 in 10.

Centre Line of Railways on the Shore not to be deviated without Consent of the Board of Trade.

19. Where the Lines of Railway skirt the Shore on the Side of the *Firth of Forth*, the Railways and other Works shall not deviate Seaward of the continuous centre Line of Way marked on the Plans deposited at the Office of the Board of Trade without the previous Consent of the Board of Trade to be signified in Writing under the Hand of their Secretary, and then only in such Manner as may be mentioned in any such Consent.

Any unauthorized Deviation may be abated by the Board of Trade at Expense of Company.

20. If any Deviation which requires the previous Consent of the Board of Trade be made without such Consent it shall be lawful for the said Board to abate every such Deviation or any Part thereof, and the Cost of every such Abatement shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Company not to acquire Rights of Soil or Water Frontage unless for the Purposes of their Undertaking.

21. The Company shall not, under or by virtue of this Act, claim or be entitled to any Right of Soil or Water Frontage where the Railways skirt the Seashore, except in so far as such Right of Soil or Frontage shall have been specially acquired by them by Purchase, Conveyance, or otherwise, and in so far as the same may be actually necessary for the Purposes of their Undertaking.

Company to allow Access across Railways to the Seashore.

22. Where the Railways skirt the Seashore, and cut off or will cut off Access between the Land and Water, the Company shall, during the Formation of the Railways, and from Time to Time thereafter, make and maintain, and allow to be used by all Persons and at all Times, free of Toll or other Charge, all such Footways and Carriageways over, under, or across the Railways, or on a Level therewith, as the Board of Trade shall at any Time or from Time to Time require, such Requirement to be signified in Writing under the Hand of their Secretary: Provided always, that the Company shall not be required to make such Footways or Carriageways in such a Manner as would prevent or obstruct the working or using of the Railways, nor to make any such Footways or Carriageways over any Lands for the Use of Owners and Occupiers who shall have agreed to receive and shall have been paid Compensation for the Severance of such Lands from the Shore: Provided also, that the Expense of making aad maintaining such Footways or Carriageways shall be defrayed by the Body or Persons interested in the Shore for whose Benefit or Convenience such Crossings shall be required; and if any such Carriageway be made across the Railways on the Level, then the

the Manner of making and watching such level Crossing shall be subject to the Approval of the Board of Trade; and all Expenses attending the watching of such level Crossing shall in like Manner be paid by the Body or Persons interested in the Shore for whose Benefit or Convenience such level Crossing shall have been made.

Plans of Piers to be deposited at the Office of the Board of Trade.

23. Previously to commencing the Extensions of the Piers at *South Queensferry*, or any or either of them, or the Works respectively connected therewith, or any Work below High-water Mark, the Company shall deposit at the Office of the Board of Trade Plans, Sections, and Working Drawings of each of the said Extensions and Works, for the Approval of the said Board, such Approval to be signified in Writing under the Hand of their Secretary, and such Extensions and Works shall be constructed only in accordance with such Approval; and when any such Extensions or Works shall have been commenced or constructed, it shall not be lawful for the Company at any Time to alter or extend the same, without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if any such Extensions or Works shall be commenced or completed, or be altered, extended, or constructed contrary to the Provisions of this Act, it shall be lawful for the said Board to abate, alter, and remove the same, and to restore the Site thereof to its former Condition at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Power to Board of Trade to order a local Survey at Expense of Company.

24. If at any Time or Times it shall be deemed expedient by the Board of Trade to order a local Survey and Examination of any Works of the Company in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Works affecting tidal Waters abandoned may be removed by Board of Trade at Expense of Company.

25. If any Work constructed or to be constructed by the Company in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any Work which affects or may affect any such Water or River, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Board of Trade to abate and remove the same or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and if not paid upon Demand may be recovered as a Debt due to the

Crown,

Crown, with Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Lights to be exhibited during and after Construction of Piers.

26. During the Construction of the Piers and Works connected therewith, the Company shall exhibit every Night from Sunset to Sunrise a Light or Lights, to be kept burning by and at the Expense of the Company, for the Guidance of Vessels, and after the Completion of the Piers the Company shall exhibit upon the Piers every Night from Sunset to Sunrise a Light or Lights, to be kept burning by and at the Expense of Company, for the Guidance of Vessels; which Lights shall be from Time to Time altered by the Company in such Manner, and be of such Description, and be so used and placed, as the Board of Trade, by Writing under the Hand of a Secretary or Assistant Secretary of the Board, directs or approves; and in case the Company shall neglect to exhibit and keep any such Light burning as aforesaid, they shall for every such Neglect be liable to a Penalty not exceeding Ten Pounds.

New Works to form Part of Undertaking of Company.

27. The Railways, Piers, and Works by this Act authorized (except such of the said Piers and Works, if any, as shall be made by the *North British* Railway Company under the Provisions of "The *North British* (*Edinburgh, Dunfermline, and Perth*) Railway Act, 1863,") shall form Part of the Undertaking of the Company for all Purposes whatsoever, and the Company may demand and recover for the Use of the Railways and the Conveyance thereon of Passengers, Animals, Minerals, and Goods, any Tolls and Charges not exceeding the Tolls and Charges by the first-recited Act authorized to be levied on their Main Line between *Edinburgh* and *Glasgow*, and the Provisions of the first-recited Act with respect to the said Tolls and Charges to be levied on their Main Line shall be applicable to the Tolls and Charges to be levied on and for the Use of the Railways as if the same had formed Part of the Undertaking of the Company described in the first-recited Act.

Lands for extraordinary Purposes.

28. The Company may purchase by Agreement and may hold Lands on or near to the Railways and other Works by this Act authorized, not exceeding Five Acres in extent, for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation (*Scotland*) Act, 1845."

Powers for compulsory Purchases limited.

29. The compulsory Powers of taking Land conferred by this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for completing Railways and Piers.

30. The Railways and Piers by this Act authorized shall be completed and opened for public Traffic within Five Years from the passing of this Act; and if the Railways shall not be completed and opened for public Traffic within the said Period, the Company shall be liable to a Penalty of Fifty Pounds *per* Day, to be recoverable as a Debt due to the Crown,

for

for every Day after the Expiration of the said Period 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 Railways 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.

Power to acquire Ferry across the Firth of Forth at Queensferry.

31. And whereas it is intended by "The *North British* (*Edinburgh, Dumfermline, and Perth*) Railway Act, 1863," to authorize the *North British* Railway Company to purchase and acquire the *Queensferry Passage* from the Trustees acting under the Act Eleventh *George* the Fourth, Chapter One hundred and fifteen, intituled *An Act for the further Improvement and Support of the Passage across the* Firth of Forth, *called the* Queensferry, and "The *Queensferry Passage* Improvement Act, 1848:" Be it enacted, That in the event of the *North British* Railway Company not completing the said Purchase within Two Years after the passing of the said Act, it shall be lawful for the Company to purchase and acquire, and for the said Trustees to sell and convey to the Company, the Ferry upon or across the *Firth of Forth* established and maintained under the said Acts or either of them, and all the Piers, Harbours, Works, Accesses, Lands, Houses, and Property connected therewith or belonging thereto, and the Right of working the said Ferry, and all other Rights and Interests of the said Trustees in or relating to the said Ferry; and the Price or Consideration to be paid by the Company for the said Ferry and the Property and Rights connected therewith shall be fixed by Agreement between the Company and the said Trustees, or, failing such Agreement, shall be settled by Arbitration in the Manner provided by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Settlement of Questions of disputed Compensation by Arbitration and on such Price or Consideration being paid to the said Trustees or other Parties entitled thereto, or being paid into any Bank in *Scotland* incorporated by Act of Parliament or Royal Charter for the Benefit and subject to the Claims of all Parties entitled thereto, according to their several Rights of Priority and Preference, in pursuance of the Provisions of the said Lands Clauses Consolidation Act, with respect to the Purchase Money or Compensation coming to Parties having limited Interests or prevented from treating or not making Title, the said Ferry shall be transferred to and vested in the Company, freed and discharged of all Debts and Incumbrances affecting the same or the Rates leviable thereat and in respect thereof, and the Company shall have and may use, exercise, and enjoy the Right of Ferry and other Rights and Property so acquired by them, and may work the said Ferry separately or in connexion with the Railways, and may levy thereat and in respect thereof any Rates and Duties not exceeding the Rates and Duties specified in and authorized to

be levied by the said Act Eleventh *George* the Fourth, Chapter One hundred and fifteen: Provided that the Rates to be levied by the Company at and in respect of the said Ferry for Passengers, Animals, and Goods not conveyed on their Railways shall not exceed the Rates levied by the said Trustees under the Table of Rates which was in force on the First Day of *May* One thousand eight hundred and sixty-three.

Ferry to be maintained, and Accommodation for Traffic to be given.

32. From and after the vesting of the said Ferry in the Company under the Provisions of this Act, the Company shall become responsible for the safe and efficient working of the said Ferry, and shall be bound to maintain the same as a public Ferry and to give the same Accommodation for the Transit of Passengers, Animals, Goods and other Traffic, and to perform the same Number of Trips daily as at the First Day of *May* One thousand eight hundred and sixty three; and the Provisions of the Acts relating to the said Ferry with respect to the Transport and Conveyance of Her Majesty's Troops and Mails shall apply to the Company in the same Manner as such Provisions applied to the said Trustees before the vesting of the said Ferry in the Company.

Company may purchase Vessels, erect Landing Stages and make Byelaws for the Ferry.

33. For the Purpose of working the said Ferry in the event of the same being acquired by the Company as herein-before provided, the Company from Time to Time may purchase or hire and use at and upon the said Ferry such Steam and other Vessels as they think fit, and may construct such Slips, Landing Stages, and other Conveniences for the Conveyance of Passengers, Animals, and Goods across the said Ferry as they think requisite, and may from Time to Time make all necessary Byelaws for the Regulation, Control, and Government of the said Ferry and the Piers or other Works connected therewith: Provided that such Byelaws shall not be valid until approved of in the Manner provided by the "Railways Clauses Consolidation (*Scotland*) Act, 1845," with reference to the Byelaws thereby authorized to be made.

Regulating the Use of Ferry Piers.

34. It shall not be lawful for any Person except the Officers and Crews of Her Majesty's Ships and Boats being engaged in Her Majesty's Service, or except in the Case of Vessels driven in by Stress of Weather, to make use of or to land at any of the Piers to be acquired or constructed by the Company under this Act, nor to lay to or alongside the same or the Works or Conveniences connected therewith, any Vessel or Boat of any Description, nor to attach any Rope or Chain thereto, nor to Land thereat or ship therefrom any Passengers, Carriages, Animals, Goods, Articles, or Things, except in such Manner and under such Conditions and Regulations as shall be prescribed by the Company, by the Byelaws to be made by them as herein-before provided; and any Person so using the said Piers or any of them without a written Authority from the Company or some Person duly authorized by them or under such Conditions and

Regulations as shall be prescribed by them, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Agreements with Royal Burgh of South Queensferry as to petty Customs.

35. And whereas the Magistrates and Town Council of the Royal Burgh of *South Queensferry* claim the Right of levying and collecting certain Rates and Dues denominated Petty Customs on Animals, Goods, Articles, and Things brought to Market within the Boundaries of the said Burgh; and whereas the Railways may pass within the Boundaries of the said Burgh, and it would be attended with great Delay and Inconvenience if the said Rates and Dues were levied by the said Magistrates and Town Council on Animals, Goods, Articles, and Things carried by or for the Company or upon the Railways, and brought for Sale or Use within the Boundaries of the said Burgh; and it is expedient that Provision should be made for obviating such Inconvenience and Delay: It shall be lawful for the Company, with the Concurrence and Authority of the said Magistrates and Town Council, to levy, collect, receive, and discharge the said Customs, Rates, and Dues in so far as the same can be legally demanded in respect of all Animals, Goods, Articles, and Things carried by or for the Company or upon the Railways, and brought for Sale or Use within the Boundaries of the said Burgh, and to account to the said Magistrates and Town Council for the same, or to make such Compensation in respect thereof as shall from Time to Time be mutually agreed on; and it shall be lawful for the said Magistrates and Town Council and for the Company from Time to Time to make and enter into such Agreements, Leases, or other Contracts as to them may seem expedient and proper, in reference to the said Matters or any of them; and such Agreements, Leases, or Contracts may contain such Conditions and Stipulations as may be mutually agreed upon between the Parties: Provided that nothing herein contained shall be held or construed as creating, constituting, or confirming any Claim or Right at present or heretofore made or exercised by the said Magistrates and Town Council in regard to the said Customs, Rates, and Dues, but the same shall in all respects remain and be construed and dealt with in the same Manner as if this Act had not been passed.

Saving Rights of the Crown.

36. 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 Foreshore, or other 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 or Commissioner are and is hereby authorized to give), neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right,

Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs, or Successors.

Saving Right of the Crown to Debt on Queensferry Passage.

37. Nothing contained in this Act or in any of the Acts herein referred to shall affect the Right of Her Majesty to the Debt due by the Trustees for the Improvement of the Passage across the *Firth of Forth*, called the *Queensferry*, under the Public Act passed in the Fifty-fourth Year of the Reign of His Majesty *George* the Third, Chapter One hundred and thirty-eight, and the Local and Personal Acts passed in the Forty-ninth Year of the Reign of His said Majesty, Chapter Eighty-three, and the Eleventh Year of the Reign of His Majesty *George* the Fourth, Chapter One hundred and fifteen, nor 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.

Exemptions from Rates at Queensferry Harbour and Ferry.

38. Nothing in this Act contained shall extend to charge with Rates or Duties, or to regulate or subject to any Control, any Vessel or Boat belonging to or employed in the Service of Her Majesty, Her Heirs, and Successors, or any Member of the Royal Family, or in the Service of the Admiralty, Coast Guard, Customs, or Excise, or of the Corporation of *Trinity House of Deptford Strond*, or the Commissioners of Northern Lights, using the Harbour of *South Queensferry*, and Piers, and Landing Stages, and not conveying Goods for Hire, or any Packet Boat or Post Office Packet, being a Packet Boat or Post Office Packet as defined under the Provisions of any Act relating to the Post Office, or any Post Office Bag of Letters conveyed by any such Packet Boat or Packet, or by any other Vessel whatsoever, or any of the Officers or Persons belonging to Her Majesty's Navy, or employed in the Service of the Admiralty, Coast Guard, Ordnance, Customs, Excise, or Post Office, or their Baggage, or any Vessel or Goods being under seizure by the Officers of the Revenue, or any Naval, Victualling, or Ordnance Stores or other Stores, Goods, or Supplies for the Service of or being the Property of Her Majesty, or any Marines or Troops landed upon or delivered or disembarked from said Harbour, Piers, and Landing Stages, or their Baggage, but all such Vessels, Officers, or Persons as aforesaid shall have the free Use of the said Harbour, Piers, and Landing Stages without any Charge or Rate being made for using the same: Provided, that if any Person claim and take the Benefit of any such Exemption as aforesaid without being entitled thereto, he shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Interest not to be paid on Calls paid up.

39. 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

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.

40. 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.

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

41. Nothing herein contained shall be deemed or construed to exempt the Railways or the Piers by this or the recited Acts authorized to be made from the Provisions of any General Act relating to Railways or Piers, or to Dues on Shipping and Goods carried in Ships, or of the Merchant Shipping Acts with respect to Lights, Buoys, and Beacons, and the Jurisdiction of the General Lighthouse Authorities 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.

Expenses of Act.

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

SCHEDULE referred to in this Act.

PART I.

SHARE CAPITAL UNDER EXISTING ACTS.

Acts.	Capital authorized to be raised.	Capital raised and paid at 31st October 1862.	Capital not raised or not paid at 31st October 1862.
	£ s. d.	£ s. d.	£ s. d.
15 Vict. c. 109. - -	2,373,375 0 0	2,368,929 10 0	4,445 10 0
16 & 17 Vict. c. 151. -	30,000 0 0	275,000 0 0	—
18 & 19 Vict. c. 158. -	115,000 0 0 50,000 0 0		
18 & 19 Vict. c. 190. -	80,000 0 0		
21 & 22 Vict. c. 64. -	480,000 0 0	450,000 0 0	30,000 0 0
24 & 25 Vict. c. 84. -	160,000 0 0	270,721 0 0	87,136 0 0
25 & 26 Vict. c. 138. -	197,857 0 0		
25 & 26 Vict. c. 135. -	233,092 0 0	233,092 0 0	—
	3,719,324 0 0	3,597,742 10 0	121,581 10 0

PART II.

LOAN CAPITAL UNDER EXISTING ACTS.

Acts.	Authorized to be raised on Loan and to be converted into funded Debt.	Due on Loans at 31st October 1862.	Converted into funded Debt at 31st October 1862.	Not borrowed at 31st October 1862.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
15 Vict. c. 109. - -	1,111,700 0 0	1,047,086 14 2	62,550 0 0	2,063 5 10
16 & 17 Vict. c. 151. -	10,000 0 0	39,947 0 4	- - -	52 19 8
18 & 19 Vict. c. 158. -	30,000 0 0			
21 & 22 Vict. c. 64. -	160,000 0 0	159;550 10 5	- - -	449 9 7
25 & 26 Vict. c. 138. -	60,000 0 0	45,160 0 0	- - -	14,840 0 0
	1,371,700 0 0	1,291,744 4 11	62,550 0 0	17,405 15 1

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