CHAP. xlvi.

An Act to authorise the Construction of the Edinburgh, Loanhead, and Roslin Railway. [20th June 1870.]

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WHEREAS the making and maintaining of the railway by this Act authorised would be of local and public advantage:

And whereas the persons herein-after named, with others, desire to be incorporated into a company for making the said railway:

And whereas plans and sections showing the lines and levels of the railway, together with books of reference to such plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of the lands and property required or which may be taken for the purposes of the undertaking, have been deposited for public inspection in the office of the principal sheriff clerk of the county of Edinburgh, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference:

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:

Short title.

1. This Act may be cited for all purposes as "The Edinburgh, Loanhead, and Roslin Railway Act, 1870."

Provisions of general Acts herein named incorporated.

2. "The Companies Clauses Consolidation (Scotland) Act, 1845," Parts I. and III. of "The Companies Clauses Act, 1863," (relating respectively to the cancellation and surrender of shares, and to debenture stock,) "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation (Scotland) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation (Scotland) Act, 1845," and Parts I. and III. of "The Railways Clauses Act, 1863," (relating respectively to

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construction of a railway and to working arrangements,) are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction: "the Company" means the Company incorporated by this Act; the expression "the railway," or "the undertaking," means the railway or undertaking by this Act authorised, or any part thereof; the expression "the undertakers," or "the promoters of the undertaking," means the Company.

Company incorporated.

4. Peter Brash, Thomas Brown, William Glover, Sir Norman McDonald Lockhart, Baronet, James McGechan, Hector Frederick McLean, Hezekiah Merricks, junior, William Paterson, John Thomson, Lieutenant-Colonel Robert Archibald Trotter, John Weir, and all other persons and corporations who have already subscribed or shall hereafter subscribe to the undertaking, and their executors, administrators, successors and assigns respectively, shall be united into a company for the purpose of making and maintaining the railway, and for the other purposes of this Act, and for those purposes shall be incorporated by the name of "The Edinburgh, Loanhead, and Roslin Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make railways according to deposited plans.

5. Subject to the provisions of this Act, the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railway herein-after described, with all proper stations, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the deposited plans, and described in the deposited books of reference, as may be required for that purpose; the railway herein-before referred to and authorised by this Act is—

A railway (on the deposited plans and sections called Railway No. 1), six miles one furlong and 3·20 chains in length, commencing by a junction with the North British Railway, in the parish of Newton, and county of Edinburgh, near the Millerhill station, and terminating in the parish of Lasswade, and county of Edinburgh, at a point in a field called Longpark, twelve yards or thereby from the northern fence of the road from Roslin to Auchendinny, and sixty yards or thereby from the fence forming the south-western boundary of the grounds of Roslin Free Church manse.

Capital, number, and amount of shares.

6. The capital of the Company shall be forty-eight thousand pounds, divided into four thousand eight hundred shares of ten pounds each.

Shares not to be issued until one fifth part thereof is paid up.

7. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

8. One fifth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval between successive calls, and four fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Power to divide shares.

9. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share;" provided always, that the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

10. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares, in manner following; (that is to say,) first, in payment of dividend, after such rate not exceeding six per centum per annum as shall be determined at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder, if any, in payment of dividend on the deferred half share, and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on preferred shares to be paid out of the profits of the year only.

11. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid, in priority to the deferred half share bearing the same number, but if in any year ending the thirty-first day of December there shall not be profits available for the payment

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of the full amount of dividend on any preferred half share for that year, 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.

Half shares to be registered, and certificates issued.

12. Forthwith after the creation of any half shares, the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof: Provided always, that the directors shall not be bound to issue a certificate of any half share until the certificate of the existing share be delivered to them to be cancelled, unless it be shown to their satisfaction that the certificate is destroyed or lost, and on any such certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated in certificates.

13. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred shares.

14. The provisions of "The Companies Clauses Consolidation (Scotland) Act, 1845," with respect to the forfeiture of shares for nonpayment of calls, shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall for that purpose be considered a whole share, distinct from the corresponding deferred half share: Provided always, that until any forfeited preferred half share shall be sold by the directors of the Company all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon, with interest.

Preferred shares not to be cancelled or surrendered.

15. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

16. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares (whether both preferred or both deferred, or one preferred and the other deferred,) held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions hereinbefore contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Power to borrow.

17. The Company may from time to time borrow on mortgage any sum or sums of money not exceeding in the whole sixteen thousand pounds, but no part thereof shall be borrowed until the whole capital of forty-eight thousand pounds is subscribed for, issued, and accepted, and one half thereof is paid up, and the Company 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 the whole of such capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such sheriff of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

For appointment of a judicial factor.

18. The mortgagees of the Company may enforce payment of the arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a judicial factor; and in order to authorise the appointment of a judicial factor in respect of the principal, or principal and interest, the amount owing to the mortgagees by whom the application for a judicial factor shall be made shall not be less than one thousand pounds in the whole.

Debenture stock.

19. The Company may create and issue debenture stock.

Application of moneys.

20. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied only to the purposes of this Act.

First ordinary meeting.

21. The first ordinary meeting of the Company shall be held within three months after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held twice in every year, in the months of January or February and July or August respectively, as the directors may appoint.

Number of directors.

22. The number of directors shall be five, but it shall be lawful for the Company from time to time to reduce the number, provided that the number be not less than three.

Qualification of directors.

23. The qualification of a director shall be the possession in his own right of not less than ten shares.

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Quorum.

24. The quorum of a meeting of directors shall be three, unless the number of directors is reduced to three, and then and so long as the number shall continue to be three, the quorum shall be two.

First directors.

25. Sir Norman McDonald Lockhart, Baronet, Hector Frederick McLean, Hezekiah Merricks, junior, Lieutenant-Colonel Robert Archibald Trotter, and John Weir shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors or directors to supply the place of those not continued in office, the directors appointed by this Act being if qualified eligible for re-election, and may appoint additional directors, but so as that the number shall not exceed five; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the place of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation (Scotland) Act, 1845," contained, and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

26. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation (Scotland) Act, 1845," shall not exceed two acres.

Period for compulsory purchase of lands.

27. 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.

Period for completion of works.

28. The railways shall be completed within five years from the passing of this Act; and if the railway shall not be completed within that period, then on the expiration thereof the powers by this Act granted to the Company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Power to alter levels of certain roads.

29. In altering for the purposes of this Act the road next herein-after mentioned the Company may make the same of any

inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on deposited plan.	Parish.	Description of road.	Intended inclination.
37	Liberton - -	Turnpike road -	1 in 20 on one side, level on the other.

Deposit money not to be repaid until line opened or half the capital paid up and expended.

30. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth and tenth years of Her present Majesty, chapter twenty, a sum of two thousand four hundred pounds, being five per centum upon forty-eight thousand pounds, the amount of the estimate in respect of the railway authorised by this Act, has been deposited with the Court of Exchequer of Scotland in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said recited Act, the said sum of two thousand four hundred pounds so deposited as aforesaid in respect of the application for this Act shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway hereby authorised to be made either open the said railway for traffic or prove to the satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the said railway for traffic, or have given such proof as aforesaid to the satisfaction of the Lords of the said Committee, the said sum of money deposited as aforesaid shall be applied in the manner herein-after specified, and the certificate of the Lords of the said Committee that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding.

Application of deposit.

31. The said sum of money deposited as aforesaid shall be applicable, and after due notice in the Edinburgh Gazette shall be

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applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said railway, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation, or inadequate compensation, shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, or such portion thereof as may not be required as aforesaid, shall be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivor or survivors of them: Provided that until the said sum of money shall have been repaid to the depositors, or shall have become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

Tolls.

32. It shall be lawful for the Company to demand and take any tolls for the use of the railway not exceeding the following; (that is to say,)

In respect of passengers and animals.

In respect of passengers and animals conveyed in carriages upon the railway:

For any person conveyed in or upon any such carriage, per mile not exceeding twopence; and if conveyed in or upon any carriage belonging to the Company an additional sum per mile not exceeding one penny;

Class 1. For every horse, ass, mule, or other beast of draught or burden conveyed in or upon any such carriage, per mile not exceeding twopence halfpenny; and if conveyed in or upon any carriage belonging to the Company an additional sum per mile not exceeding one penny halfpenny;

Class 2. For every ox, cow, bull, or head of neat cattle conveyed in or upon any carriage, per mile not exceeding twopence; and if conveyed in or upon any carriage belonging to the Company an additional sum per mile not exceeding one penny;

Class 3. For every calf, pig, sheep, lamb, or other small animal conveyed in or upon any such carriage, per mile not exceeding one penny halfpenny; and if conveyed in or upon any carriage belonging to the Company an additional sum per mile not exceeding one halfpenny:

In respect of articles of merchandise.

In respect of the tonnage of all articles conveyed upon the railway:

Class 4. For all coal, coke, culm, charcoal, and cinders, all stones for building, pitching, and paving, all bricks, tiles, slates, clay, sand, dung, compost, and all sorts of manure, lime, and limestone, and all undressed materials for the repair of public roads or highways, per ton per mile not exceeding one penny halfpenny; and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one halfpenny;

Class 5. For all ironstone and iron ore, pig iron, bar iron, rod iron, hoop iron, and all other similar descriptions of wrought iron and iron castings not manufactured into utensils or other articles of merchandise, per ton per mile not exceeding threepence; and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one penny;

Class 6. For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves and deals, metals (except iron), nails, anvils, vices, and chains, per ton per mile not exceeding threepence halfpenny; and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one penny halfpenny;

Class 7. For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandise, fish, articles, matters or things, per ton per mile not exceeding fourpence halfpenny; and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding twopence;

Class 8. And for every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, per mile not exceeding sixpence; and if any such carriage be conveyed on a truck or platform belonging to the Company an additional sum per mile not exceeding twopence; and for every additional quarter of a ton or fractional part of a quarter of a ton beyond one ton which any such carriage may weigh, further tolls not exceeding one penny halfpenny; and for the use of any truck or platform provided by the Company one halfpenny.

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Charge for propelling power.

33. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal, or for each ton of goods or other articles, in addition to the several other tolls or sums by this Act authorised to be taken.

Regulation as to tolls.

34. The following provisions and regulations shall be applicable to the fixing of all tolls and charges payable under this Act; (that is to say,)

For all passengers, animals, or goods conveyed on the railway for a less distance than four miles the Company may demand tolls and charges as for four miles;

For a fraction of a mile beyond four miles, or beyond any greater number of miles, the Company may demand tolls and charges on animals and goods for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile; and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile;

For a fraction of a ton the Company may demand tolls according to the number of quarters of a ton in such fraction; and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton;

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight;

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

Small parcels and great weights.

35. With respect to small packages not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding anything in this Act, the Company may demand and take any tolls not exceeding the following; (that is to say,)

For the carriage of small parcels on the railway:

For any parcel not exceeding seven pounds in weight, threepence;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight, fivepence;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, sevenpence;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, ninepence;

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Company may demand any sum which they may think fit:

Provided always, that articles sent in large aggregate quantities, although made up of separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but such term shall apply only to single parcels in separate packages:

For the carriage of single articles of great weight on the railway:

For the carriage of any one boiler, cylinder, or other single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall not exceed eight tons, the Company may demand any sum not exceeding, for the use of the railway, one shilling per ton per mile; and if conveyed in or upon any carriage belonging to the Company an additional sum per ton per mile not exceeding fourpence; and if drawn or propelled by an engine belonging to the Company a further sum per ton per mile not exceeding threepence;

For the carriage of any one boiler, cylinder, or any single piece of machinery or single piece of timber, stone, or other single article, the weight of which with the carriage shall exceed eight tons, the Company may demand such sum as they think fit.

Maximum rate of charges for passengers.

36. The maximum rate of charge to be made by the Company for conveyance of passengers upon the railway, including the tolls for the use of the railway, and for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following sums:

For every passenger conveyed in a first-class carriage, threepence per mile;

For every passenger conveyed in a second-class carriage, twopence per mile;

For every passenger conveyed in a third-class carriage one penny per mile.

Maximum rates for animals and goods.

37. The maximum rate of charges to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railway, including the tolls for the use of the railway, and for waggons or trucks and locomotive power, and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the

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business or duty of a carrier, where any such service is performed by the Company), shall not exceed the following sums; (that is to say,)

For every animal comprised under Class 1, fourpence per mile;

For every animal comprised under Class 2, twopence halfpenny per mile;

For every animal comprised under Class 3, twopence per mile;

For all articles comprised under Class 4, twopence per ton per mile;

For all articles comprised under Class 5, twopence halfpenny per ton per mile;

For all articles comprised under Class 6, threepence per ton per mile;

For all articles comprised under Class 7, fourpence per ton per mile;

For every carriage comprised under Class 8, not weighing more than one ton, not exceeding sixpence per mile; and if weighing more than one ton, not exceeding one penny halfpenny per mile for every quarter of a ton or fractional part of a quarter of a ton.

Passengers luggage.

38. Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof.

Terminal station.

39. No station shall be considered a terminal station in regard to any goods conveyed on the railway, unless such goods have been received thereat direct from the consignor, or are directed to be delivered thereat to the consignee.

Foregoing charges not to apply to special trains.

40. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Company may take increased charges by agreement.

41. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto or in respect to the conveyance of animals or goods (other than small parcels) by passenger trains.

Tolls may be taken by other company subject to working agreement.

42. If under the provisions of this Act, or of "The Railways Clauses Consolidation (Scotland) Act, 1845," or any contract or agreement authorised by this Act, the Company agree with any other company for the use by any such other company of the railway, or any part or parts thereof, then and in such case during such contract or agreement tolls or charges not exceeding such as are authorised by this Act may be demanded and taken by such other company upon or in respect of the railway in accordance with the terms and stipulations of such contract or agreement, and such tolls and charges, or any agreed proportionate part thereof, shall be paid over to the Company, or be retained by such other company for their own use or benefit, subject to such deductions, payments, or liabilities as may be provided for in such contract or agreement.

Power to enter into traffic arrangements.

43. The Company and the North British Railway Company may from time to time enter into contracts or arrangements with respect to the following purposes, or any of them; (that is to say,)

The working, use, management, and maintenance by either of the contracting companies of the railways and works of the other of them, or any part thereof;

The management, regulation, interchange, collection, transmission, and delivery of the whole or any part of the traffic upon or coming from or destined for the railways of the contracting companies, or either of them, the supply and maintenance of engines, stock, and plant for such purposes, the fixing, collection, payment, appropriation, apportionment, and distribution of the tolls, rates, income, and profits arising from the railways and works of the contracting companies, or either of them, or any part thereof, and the employment of officers and servants.

Tolls on traffic conveyed partly on the railway and partly on the railways of North British Railway Company.

44. During the continuance of any agreement to be entered into under the provision of this Act for the use of the railway by the North British Railway Company, the railways of the Company and of the North British Railway Company shall, for the purposes of tolls and charges, be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the railway of the North British Railway Company for a less distance than four miles, tolls and charges may only be charged as for four miles; and in respect of passengers, for every mile or fraction of a mile beyond four miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter

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of a mile beyond four miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway and partly on the railway of the North British Railway Company.

Interest not to be paid on calls paid up.

45. The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation (Scotland) Act, 1845."

Deposits for future Bills not to be paid out of capital.

46. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or to execute any other work or undertaking.

Railway not exempt from provisions of present and future general Acts.

47. Nothing herein contained shall be deemed or construed to exempt the railway by this Act authorised to be made from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force, or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

Expenses of Act.

48. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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