ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. lv.

An Act to consolidate and amend the Acts relating to the *Edinburgh, Perth, and Dundee* Railway Company, and to grant further Powers to the said Company. [3d *July* 1851.]

WHEREAS the *Edinburgh, Perth, and Dundee* Railway Company hath been formed under the Authority of the Act Tenth and Eleventh *Victoria,* Chapter Two hundred and thirty-nine, by the Union or Amalgamation of Two Companies separately incorporated under the Names of the *Edinburgh and Northern* Railway Company and the *Edinburgh, Leith, and Granton* Railway Company respectively: And whereas the several Acts specified in the Schedule (A.) to this Act annexed have been passed with reference to the said Companies, either prior to or subsequent to their Union into One Company, and such Acts are now subsisting with reference to the said *Edinburgh, Perth, and Dundee* Railway Company: And whereas the Objects and Purposes for which the said Company hath been incorporated and the said Acts respectively have been passed are the Formation and Maintenance of a Line or Lines of Railway Communication from *Edinburgh* to *Leith* and *Granton* Pier, and from *Burntisland* to or near the City of *Perth,* there to join the *Scottish Central* Railway to the Royal Burgh of *Dunfermline,* there

there to join the *Stirling and Dunfermline* Railway to the Royal Burgh of *Cupar*, to *Ferry Port on Craig* and *Newport*, to the Harbour of *Kirkcaldy*, and other Towns and Places, and also the Purchase and Maintenance of a certain Ferry across the *Frith of Forth* between *Granton* Pier and *Burntisland* aforesaid, and of another Ferry across the River *Tay* between *Ferry Port on Craig* aforesaid and *Broughty*, so as to connect the Main Line of Railway at the said last-mentioned Place with the Line of the *Dundee and Arbroath* Railway, and for the Construction of certain Harbour and Pier Works at *Granton*, *Burntisland*, *Ferry Port on Craig*, and *Broughty* aforesaid: And whereas under the Provisions of the said Acts a Railway has been made and is now opened to the Public from *Edinburgh* to *Granton* and *Leith*, and from *Burntisland* to the *Scottish Central* Railway to *Dunfermline*, and to *Cupar*, and *Ferry Port on Craig*, to the Harbour of *Kirkcaldy*, and other Towns and Places, and the said Ferries have also been purchased or agreed to be purchased, and have been improved by the Construction of certain of the Works aforesaid, and are now in use by the Company; but several of the Objects and Purposes of the said Acts remain unfulfilled, and the said Company require further Powers for the Execution thereof, and also for enabling them to hold Shares in the *Stirling and Dunfermline* Railway Company, and for confirming the Purchase of certain Property heretofore acquired by them: And whereas the whole Share Capital authorized to be raised by the said Company consists of the Sum of Two million five hundred thousand two hundred and sixty Pounds, the whole of which has been subscribed or taken, and of which the Sum of One million eight hundred and twenty-nine thousand five hundred and fifty-four Pounds Eight Shillings and Fourpence has been paid up: And whereas, in addition to the said Share Capital, the said Company has been authorized to borrow on Mortgage or Bond a further Sum of Eight hundred and thirty-three thousand four hundred and twenty Pounds, of which the Sum of Eight hundred and seventeen thousand two hundred and seventy-seven Pounds Nineteen Shillings and Fourpence has been borrowed: And whereas the said Company have expended on the Objects and Purposes by the said several Acts authorized the Sum of Two million eight hundred and seventeen thousand and eighty-five Pounds Eighteen Shillings and Twopence, and have become bound to free and relieve the Directors of the said Company for certain Advances and Liabilities by them incurred for Monies obtained and advanced for and applied to the said Objects and Purposes, pursuant to the Resolutions of a General Meeting of the said Company specially called in that Behalf: And whereas, under the Provisions of the said repealed Act of the Seventh and Eighth *Victoria*, Chapter Eighty-one, and of the subsequent Acts before referred to, a preferential Right of Dividend at the Rate of Five Pounds *per Centum per Annum* hath been

been granted or confirmed in respect of a Portion of the Capital of the said Company not exceeding Ninety-seven thousand seven hundred and thirty-three Pounds: And whereas, under the Provisions of the said repealed Act of the Twelfth *Victoria*, Chapter Fifteen, the said Company were authorized to raise an additional Capital of Five hundred and fifty thousand Pounds bearing a preferential Dividend over the other Share Capital of the said Company, except the said Capital of Ninety-seven thousand seven hundred and thirty-three Pounds, which was by the said Act of the Twelfth *Victoria* authorized and directed to be applied for the several Objects of the said repealed Acts then passed, and for Payment of all Liabilities which might have been incurred or Advances which might have been made by or on the Credit of the Directors of the said Company on account of the Undertakings of the said Company: And whereas, having regard to the several Matters herein-before recited, it is expedient that certain of the Provisions of the said Acts should be explained and amended or enlarged, and that the Capital of the said Company should be regulated, and that the nominal Value of the several Shares therein, and the Rights and Interests of the several Holders thereof, should be defined: And whereas it would be attended with Convenience if the said Acts so to be amended as aforesaid, and with such further Powers as aforesaid, were consolidated into One Act; but the several 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 Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Dissolution of Edinburgh, Perth, and Dundee Railway Company.

I. From and after the passing of this Act the *Edinburgh, Perth, and Dundee* Railway Company, incorporated as herein-before mentioned, shall be and the same is hereby dissolved, and the several Acts relating to the said Company specified in the Schedule (A.) to this Act, save as to such of the Provisions thereof as are herein-after excepted, shall be and the same are hereby repealed.

Saving of Rights.

II. Nothing in this Act contained shall extend in any way to defeat, affect, or prejudice any Rights, Privileges, Liberties, Powers, Accommodations, or Exemptions not herein-after specified and reserved, or otherwise expressly provided for by this Act, which under or by virtue of the said repealed Acts or any of them were given, granted, continued, or reserved for the Interest of Navigation, or to the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Benefit or Protection of the Public, or to or for the

Benefit

Benefit of any Persons or Corporations whose Estates, Properties, or Interests are, have been, or may be in anywise affected in or by the making of or maintaining or otherwise on account of the Undertaking by the same Acts respectively authorized to be made and maintained, or to which such Persons or Corporations are or may be, or but for the Repeal of the said Acts would have been, otherwise entitled, under or by virtue of such Acts or any of them, and which Rights, Privileges, Liberties, Powers, Accommodations, or Exemptions were subsisting or capable of being exercised at the Time of the passing of this Act, but all such Rights, Privileges, Liberties, Powers, Accommodations, and Exemptions shall be and they are hereby declared to be as valid and effectual as if the said Acts were not repealed, and such several Persons and Corporations shall be entitled to, and shall have, use, and enjoy, the same Rights, Privileges, Liberties, Powers, Accommodations, and Exemptions, and such or so many of them as immediately before the passing of this Act they were entitled to have, use, and enjoy, as fully and effectually as if the said Acts had not been repealed, and shall and may have and be entitled to such or the like Powers and Remedies upon and against the Company, for securing the Possession, Use, and Enjoyment of such Rights, Privileges, Accommodations, and Exemptions, as under the Provisions of the said repealed Acts they had, or were or might have been entitled to, against the Company hereby dissolved in case the said Acts had not been repealed; and all such Penalties, Damages, Monies, Costs, and Expenses as under the Provisions of the said repealed Acts or any of them would or hereafter might have become payable to or recoverable by such Persons and Corporations as aforesaid of and from the Company hereby dissolved, in case the same Acts had not been repealed, shall and may be payable by and recoverable from the Company in such Manner and by such Ways and Means (except where otherwise provided for by this Act) as the same are respectively made payable and recoverable under the Provisions of the said repealed Acts.

Provisions of 8 & 9 Vict. cc. 17. 19. & 33. incorporated with this Act.

III. Except where otherwise provided in this Act, "The Companies Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall be applicable to the Company, and to the Purposes of this Act, and, save as aforesaid, the same shall for such Purposes be incorporated with and shall form Part of this Act.

Certain Provisions of 10 & 11 Vict. c. 27. incor-

IV. The several Harbours, Piers, and Ferries herein-after specified, which either now belong to or are authorized to be acquired by the Company, shall from and after the passing of this Act be subject to

the Provisions in "The Harbours, Docks, and Piers Clauses Act, 1847," but that in respect only to the Construction of Harbours, Docks, and Piers, the Construction of Warehouses, Wharfs, and other Conveniences, and with respect to Lighthouses, which Provisions of the said Act shall be incorporated with and form Part of this Act. porated with this Act.

V. From and immediately upon the passing of this Act the several Persons and Corporations who at the Time of the passing thereof were Proprietors of Stock or Shares in the Company hereby dissolved, and all other Persons and Corporations who shall hereafter subscribe towards the Undertaking of the Company, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company, for the Purpose of making, completing, maintaining, and working the several Railways and Branch Railways, Piers, Docks, and other Works authorized to be constructed, completed, maintained, and worked by the said repealed Acts and this Act, and for working and maintaining the Ferries belonging to or in the Right and Use of the said hereby dissolved Company, and which are herein-after referred to as the Undertaking of the Company, and for the Purposes aforesaid, and subject to the Powers and Authorities by this Act conferred, shall be incorporated by the Name of "The *Edinburgh, Perth, and Dundee* Railway Company," and by that Name shall be a Body Corporate and have a Common Seal, with perpetual Succession, and shall have Power to purchase, hold, sell, and dispose of Lands for the Purpose of or in relation to the said Undertaking, and the Common Seal of the Company hereby dissolved shall continue to be the Common Seal of the Company, until the same be altered, pursuant to the Powers in that Behalf conferred on the Company. Re-incorporation of Edinburgh, Perth, and Dundee Railway Company.

VI. The Undertaking of the Company shall consist of the several Railways and Branch Railways, Tramways, Piers, Wharfs, Quays, Harbours, Locks, Cuts, Breakwaters, Roadways, Docks, Ferries, Lands, Buildings, Stations, Property, and Works, and the Appurtenances thereto respectively belonging, which at the Time of the passing of this Act were vested in, acquired by, or authorized to be acquired, constructed, completed, and maintained by the Company hereby dissolved, and which are as follows; (that is to say,) Defining the Undertaking of the Company.

First, a Main Line of Railway, herein-after called for Distinction "the Main Line," commencing at or near to *Princes Street* in the City of *Edinburgh*, and proceeding from thence to the *Granton and Burntisland* Ferry at *Granton*, and from the Northern Shore of the said Ferry at *Burntisland*, to *Kinghorn*, *Kirkcaldy*, *Dysart*, *Markinch*, *Kettle*, and *Ladybank*, and from such last-mentioned Place to *Collessie* and *Newburgh*, and to the *Scottish*

Central Railway at a Point thereon at *Hilton* within a short Distance of the City of *Perth*, including a Junction with the said *Scottish Central* Railway West of *Hilton*, and to *Cupar*, *Ferry Port on Craig*, and *Newport*, which Main Line was authorized by the said repealed Acts, Sixth and Seventh *William* the Fourth, Chapter One hundred and thirty-one, Second and Third *Victoria*, Chapter Fifty-one, Seventh and Eighth *Victoria*, Chapter Eighty-one, Eight and Ninth *Victoria*, Chapter One hundred and fifty-eight, Ninth and Tenth *Victoria*, Chapters Seventy-nine, One hundred and thirty-six, and One hundred and thirty-nine, Tenth and Eleventh *Victoria*, Chapters Two hundred and twenty and Two hundred and seventy-seven, together with the Property adjoining the said Company's Station in *Edinburgh* acquired from the Trustees of *Robert Knox Trotter*, and a Railway diverging out of the said Main Line from a Point thereon at or near to the Village of *Thornton*, and terminating near to *Reform Street* in the Royal Burgh of *Dunfermline* in the County of *Fife*, authorized by the said repealed Acts, Ninth and Tenth *Victoria*, Chapter One hundred and thirty-eight, Tenth and Eleventh *Victoria*, Chapter Two hundred and twenty, and Eleventh and Twelfth *Victoria*, Chapter One hundred and twelve, and the *Townhill* and *Wellwood* Tramways or Railways, and Branches and Extensions thereof, belonging to or acquired by the Company hereby dissolved, at or near to the said *Dunfermline* Branch Railway:

Second, a Branch Railway called for Distinction "the *Kirkcaldy* Branch," diverging out of the said Main Line near to the Colliery of *Dunnikier* in the Parish of *Kirkcaldy* and County of *Fife*, and terminating at or near to the Harbour of *Kirkcaldy* in the said Parish and County, authorized by the said repealed Act, Eighth and Ninth *Victoria*, Chapter One hundred and fifty-eight:

Third, a Branch Railway called for Distinction "the *Pettycur* Branch," diverging out of the said Main Line at or near to the Royal Burgh of *Kinghorn*, and terminating at the Harbour or Pier of *Pettycur*, all in the Parish of *Kinghorn* and County of *Fife*, authorized by the said repealed Act, Ninth and Tenth *Victoria*, Chapter Seventy-nine:

Fourth, a Branch Railway called for Distinction "the *Saint Andrew's* Branch," proceeding from the said Main Line at a Point thereon at, in, or near to *Seggie Hill* in the Parish of *Leuchars*, to the City of *Saint Andrew's*, and a Branch Railway called for Distinction "the *Newburgh* Harbour Branch," proceeding from the said Main Line at a Point thereon at or near to *Craigmill* in the Parish of *Abdie* or Parish of *Newburgh* to the Harbour

Harbour of *Newburgh*, authorized to be constructed by the said repealed Act, Tenth and Eleventh *Victoria*, Chapter Two hundred and seventy-seven:

Fifth, a Branch Railway called for Distinction "the *Leith* Branch," proceeding from the said Main Line at or near to *Warriston*, and terminating at the Wet Docks at *North Leith*, authorized by the said repealed Acts, Sixth and Seventh *William* the Fourth, Chapter One hundred and thirty-one, and Seventh and Eighth *Victoria*, Chapter Eighty-one:

Sixth, a Branch Railway called for Distinction "the *Leith* Extension," commencing at a Point at the aforesaid Branch to *Leith* at or near to the Bridge at *Great Junction Street*, and terminating at or near to the Upper Drawbridge in the Town of *Leith*, and a Branch Railway called for Distinction "the *Leith and Granton* Junction," commencing on a Point on the foresaid Branch to *Leith* at or near to *Bonnington Bridge*, and terminating at or near to *Trinity Villa*, respectively authorized by the said repealed Acts, Tenth and Eleventh *Victoria*, Chapters One hundred and fifty-one and One hundred and fifty-two:

Seventh, Three Branch Railways respectively called for Distinction "the *Roscobie*, *Keltyhead*, and *Glencraig* Branches," *videlicet*, the *Roscobie* Branch, commencing at a Point on the said *Dunfermline* Branch Railway at or near to *South Lumphinans* in the Parish of *Ballingry*, and terminating at or near to *Roscobie* Lime Works in the Parish of *Dunfermline*, the *Keltyhead* Branch, diverging from or out of the said *Roscobie* Branch at a Point thereon near to *Leuchats Beath* in the Parish of *Beath* and County of *Fife*, and terminating at or near to *Keltyhead* in the said Parish of *Beath*, and the *Glencraig* Branch, proceeding from a Point on the said *Dunfermline* Branch at or near to *South Lumphinans* in the Parish of *Ballingry*, and terminating at or near to *Glencraig* in the said Parish of *Ballingry*, all in the County of *Fife*, authorized by the said repealed Act, Eleventh and Twelfth *Victoria*, Chapter One hundred and twelve:

Eighth, "the *Tay* Ferry and Works," consisting of a Low-water Pier at, near, or upon the Shore or Bed of the River *Tay* at or near to *Broughty Castle* in the Parish of *Monifieth* in the County of *Forfar* and the Parish of *Caputh* in the same County, or County of *Perth*, and a Low-water Pier at, near, or upon the South or opposite Shore or Bed of the said River *Tay*, at, in, or near to the Village or Town of *Ferry Port on Craig* and County of *Fife*, with the Quays, Wharfs, Basins, Breakwaters, Warehouses, Locks, and Approaches, Works, and Conveniences connected with the said Piers respectively, as authorized by the said repealed

repealed Act, Tenth and Eleventh *Victoria*, Chapter Two hundred and seventy-four, together with the Right of Ferry across the River *Tay* from *Ferry Port on Craig* to *Broughty*, back and fore, with all Privileges, Property, and Appurtenances thereto belonging, as authorized to be purchased from the Owner thereof by the said repealed Act, Ninth and Tenth *Victoria*, Chapter seventy-two:

Ninth, "the *Granton and Burntisland* Ferry and Works," consisting of the Low-water Pier at *Burntisland* in the County of *Fife* (including under the Term "Low-water Pier at *Burntisland*" all the Quays, Wharfs, Approaches, Cranes, Houses, Lighthouses, and other Erections, Lands, and Buildings connected therewith, and the whole Rights and Privileges belonging thereto or connected therewith, and the exclusive Right for the Term of Twenty-five Years from and after the First Day of *January* One thousand eight hundred and forty-seven of the Ferry between *Burntisland* aforesaid and *Granton* in the County of *Edinburgh*), as the said Low-water Pier was constructed and the said Ferry was established under the Act, Fifth and Sixth *Victoria*, Chapter Ninety-one, and as the said Company hereby dissolved was empowered to acquire, and now use the same, under the said repealed Act, Tenth and Eleventh *Victoria*, Chapter One hundred and ninety-two, together with a Bulwark on the West Side of the Entrance to the Harbour of *Burntisland*, a Pier, Bulwark, and Wharfs on the East Side of the said Harbour, and Breakwaters, Approaches, and other Buildings, Erections, Works, and Conveniences in connexion therewith, and Works for deepening and improving the said Harbour and Entrances thereof, authorized to be constructed by the said repealed Act, Eleventh and Twelfth *Victoria*, Chapter Ninety-eight, and the Dry Dock and contiguous Property to the West of the aforesaid Low-water Pier at *Burntisland*, purchased by the Company hereby dissolved from *James Farnie* and others, and a Low-water Slip or Pier and a level Quay or Roadway on the East Side of and adjoining to the Duke of *Buccleuch*'s Low-water Pier at *Granton*, authorized by the said repealed Act, Twelfth and Thirteenth *Victoria*, Chapter Seventy-nine.

Railways, &c. vested in new Company.

VII. All the said Railways, Branch Railways, Tramways, Piers, Docks, Ferries, Wharfs, Quays, Basins, Harbours, Locks, Cuts, Breakwaters, Roadways, Lands, Stations, Buildings, or Works, and Appurtenances, and all Rents, Tenements, Rights, Privileges, Exemptions, Heritages, and Real Estate whatever, and also all Right of Action, and all Personal Estate and Effects whatsoever, which were respectively vested in or belonged to or were capable of being exercised

or enjoyed by the Company hereby dissolved immediately before the passing of this Act, shall from and after the passing of this Act be and become vested in and belong to and be available for and to the Company, in the same Manner and to the same Extent as they were vested in and belonged to or were available for and to the Company hereby dissolved.

Powers and Interests in other Railways, &c. vested in Company.

VIII. All Parts, Shares, Estates, Interests, Powers, Rights, Privileges, Servitudes, and Authorities which the Company hereby dissolved had, or might have had or used or exercised, at the Time of the passing of this Act or at any Time thereafter, in, to, upon, over, or in reference to any Railway, or any Station, Ferries, Piers, Wharfs, or other Works or Conveniences not hereby vested in them, shall from and after the passing of this Act be and become in like Manner and to the like Extent vested in and belong to and be used and exercisable by the Company.

Grants, Conveyances, Contracts, &c. to continue in force.

IX. All Acts of Parliament and Provisions of Acts, other than and except the Acts and Provisions of Acts hereby specially repealed, and all Gifts, Grants, Conveyances, Leases, Assignments, Assurances, Purchases, Sales, Titles by Possession or otherwise, Covenants, Contracts, Agreements, Rents, Annuities, Debts, Mortgages, Bonds, Securities, Liabilities, Verdicts, Judgments, Decrees, Orders, Processes, Awards, Consents, Approvals, Certificates, Notices, and other Matters and Things enacted, made, executed, entered into, acquired, obtained, issued, incurred, made payable, served, published, or given to, with, from, by, upon, in favour of, against, or in reference to the Company hereby dissolved, or any Company whose Undertaking has been vested in or amalgamated or incorporated with or acquired by the said dissolved Company, shall from and after the passing of this Act be as good, valid, and effectual, upon or in favour of or against or in reference to the Company, as the same respectively were good, valid, and effectual immediately before the passing of this Act upon or in favour of or against or in reference to the Company hereby dissolved, and the Company shall be considered identical with the Company hereby dissolved in reference to all such Matters, as well as in reference to all other Transactions of and Matters relating to the said dissolved Company.

Actions, &c. not to abate.

X. No Action, Suit, Prosecution, Appeal or Notice of Appeal, Arbitration, Submission, Order or Decision, Distress, Execution, or other Proceeding whatsoever, commenced, carried on, levied, given, or made by, against, or in reference to the said dissolved Company previously to the passing of this Act, shall abate or be discontinued, annulled, or prejudicially affected by this Act, but, on the contrary, the same

same shall continue and take effect in favour of or against or in reference to the Company, in the same Manner in all respects as the same would have continued and taken effect in favour of or against or in reference to the said dissolved Company if this Act had not been passed; and all Penalties incurred by or for any Offence against the Provisions of the said hereby repealed Acts or any of them, or against any Byelaw or Regulation of or concerning the said dissolved Company, previously to the passing of this Act, shall and may be sued for, proceeded for, and recovered, and all Offences which may have been committed before the passing of this Act against the Provisions of the said repealed Acts or any of them, or any such Byelaw or Regulation, may be prosecuted, in such or the like Manner, to all Intents and Purposes, as the same might have been sued for and prosecuted respectively if this Act had not been passed, the Company being, in reference to the Matters aforesaid, in all respects considered identical with the Company hereby dissolved.

Rights of Action saved.

XI. Nothing in this Act contained shall be held to prejudice or affect any Right or Cause of Action or Suit, or any Remedy, which the Company hereby dissolved had against any Person or Corporation, or which any Person or Corporation had against the said Company hereby dissolved, at the Time of the passing of this Act, but all such Rights, Causes, and Remedies may be enforced or prosecuted by or against the Company in like Manner and within the same Periods as the same might have been enforced or prosecuted by or against the Company hereby dissolved if this Act had not been passed.

Act not to affect Resolutions or Orders of Meetings of Proprietors, Directors, &c.

XII. Nothing in this Act contained shall be held or construed to annul, prejudice, or affect any Resolution or Order of any Meeting of the Proprietors of the Company hereby dissolved, or of the Directors or of any Committee of the Directors of the same Company, or of either of the Companies amalgamated or incorporated by the said repealed Act of the Tenth and Eleventh *Victoria*, Chapter Two hundred and thirty-nine, nor any Call, Notice of Call, Register of Shareholders, Shareholders Address Book, Register of Transfers, Shares, Mortgages, Bonds, Books of Account, or other Register or Book whatsoever, of or relating to the same Companies or any of them, but all such Resolutions and Orders, Calls, Notices, Registers, and Books respectively, shall, notwithstanding the passing of this Act, continue in full Force and Effect, and be applicable to the Company, in like Manner and to the like Extent as they would have continued and been applicable to the Company hereby dissolved if this Act had not been passed.

Moneys belonging to Incorpora-

XIII. In all Cases in which any Sum of Money has already been paid by the Company hereby dissolved, or by either of the Companies amalgamated

amalgamated or incorporated as aforesaid, into any Bank, or to any Trustee or Trustees, on account of the Purchase of any Land or Interest therein, or for any Compensation or Satisfaction, or on any other Account, such Sum, or the Stocks, Funds, or Securities in or upon which the same has been or shall be invested, and the Interest, Dividends, and annual Produce thereof, shall be applied and disposed of pursuant to the Act or Acts under which the same has been so paid into such Bank or to such Trustee or Trustees as aforesaid, or pursuant to the Act or Acts under which the same would have been applied and disposed of if this Act had not been passed; and all the Clauses, Provisions, Powers, and Authorities contained in such Act or Acts respectively in relation to such Monies, Stocks, Funds, and Securities, and the Interest, Dividends, and annual Produce thereof, shall for the Purposes of this Act remain in full Force, and shall be construed and taken as if the Company were named in each such Act instead of the Company to which such Act relates.

Applications or Persons to be applied according to Provisions of Acts under which Purchases made.

XIV. All Arbiters, Umpires, Valuers, Surveyors, Receivers of Tolls or Rates, Constables, and also all Auditors, Officers, Clerks, Servants, and other Persons whatsoever, appointed by or for or relating to the Company hereby dissolved at the Time of the passing of this Act, shall continue in and hold their respective Appointments, Offices, and Employments, according to the Terms and Exigencies thereof, until the Determination thereof, or until the Removal therefrom by the Company or otherwise in due Course of Law; and all such Arbiters, Umpires, Valuers, Surveyors, Receivers, Constables, Auditors, Officers, Clerks, Servants, and others shall have the same Duties, Powers, Privileges, and Advantages, and shall be liable to the same Responsibilities, Penalties, Obligations, Restrictions, and Regulations, as if they had been appointed under this Act; and all Acts, Matters, and Things made, done, and permitted by them respectively in their respective Appointments, Offices, and Employments, before the passing of this Act, shall be as good, valid, and effectual, to all Intents and Purposes, and shall have reference to the Company, in the like Manner and to the like Extent as they would have been good, valid, and effectual, and had reference to the Company hereby dissolved, if this Act had not been passed.

Present Officers, &c. continued until removed.

XV. All Officers and Persons who on the passing of this Act shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, or any Effects, under or by virtue of any of the said repealed Acts relating to the Company hereby dissolved, shall account for and deliver up all such Money, Books, Documents, Papers, Writings, or other Effects to the Company, or to such Persons as they shall appoint to receive the same, in the same Manner, and subject

Officers under repealed Acts to account.

subject to the same Process, Pains, and Penalties for Refusal or Neglect, as if such Officer or Persons had been appointed, and had become possessed of such Money, Books, Documents, Papers, Writings, or other Effects, under the Provisions of this Act.

Existing Byelaws to remain in force.

XVI. All Byelaws, Rules, and Regulations which immediately before the passing of this Act were in force upon, concerning, or in respect of the Undertakings of the Company hereby dissolved, or any of them, shall after the passing of this Act continue and be in full Force and Effect upon, concerning, or in respect of the same Undertakings respectively, subject nevertheless as the same may be specially repealed or altered by this Act, or in conformity with any Power by this Act or any other Act granted or to be granted.

Saving Rights of Shareholders to unpaid Dividends and Interests.

XVII. All Dividends and Interest which had accrued or were accruing to the Proprietors of Shares or Stock in the Company out of the Funds of the Company at the Time of the passing of this Act, and which shall not have been previously paid to them, shall be paid to such Proprietors, notwithstanding the Repeal by this Act of the Act or Acts under which the same had accrued or were accruing.

Books, &c. to be Evidence.

XVIII. All Share Registers and other Registers, Books, Decrees, Verdicts, and other Matters of Record and Documents whatsoever; and all Byelaws, Rules, and Regulations, and all certified and other authenticated Copies or Extracts of or from Registers, Books, Records, Documents, Byelaws, Rules, and Regulations, made, kept, recorded, certified, and authenticated under or in pursuance of the several Acts hereby repealed, and which by any such Acts or otherwise were made Evidence or authorized to be given in Evidence, shall, notwithstanding the Repeal of such Acts, and the Dissolution and Re-incorporation by this Act of the *Edinburgh, Perth, and Dundee* Railway Company, be admitted as Evidence in all Courts of Law and elsewhere, as fully and effectually as the same respectively would or might have been admitted if this Act had not been passed.

Plans, &c. deposited to remain with Sheriff Clerks, &c., and to be open to Inspection.

XIX. The several Maps, Plans, Sections, and Books of Reference, and Corrections and Certificates of Correction of Maps, Plans, Sections, and Books of Reference, which, prior to or in pursuance of the said repealed Acts or any of them, have been deposited with any Sheriff Clerks, Town Clerks, Schoolmasters, and Session Clerks of the several Counties, Cities, Burghs, Parishes, and Places to which the same relate, or any Parishes and Places adjoining thereto, shall remain in the Custody of the said Sheriff Clerks, Town Clerks, Schoolmasters, and Session Clerks respectively, to the end that all Persons interested in any Manner therein may at all reasonable Times have

Liberty to inspect the same, and to take Copies thereof or Extracts therefrom, at their Pleasure, such Persons paying to such Sheriff Clerks, Town Clerks, Schoolmasters, and Session Clerks, from whom such Inspection a Copy or Extracts may be demanded respectively, such Fee or Fees as may be legally exigible; and the said Maps, Plans, Sections, and Books of Reference, and the said Corrections and Certificates of Correction thereof, or any Copy thereof respectively, or of so much thereof respectively as shall relate to any Matter which may be in question, certified to be a true Copy by the respective Sheriff Clerks, Town Clerks, Schoolmasters, and Session Clerks who have made the same, shall be admitted as Evidence in all Courts of Law or elsewhere, as fully and for all the like Intents as if this Act had not been passed.

Capital.

XX. The Capital of the Company shall be Two million five hundred thousand two hundred and sixty Pounds, and the same shall be deemed and taken to be applicable only to all or any of the Objects and Purposes by the said Acts or this Act authorized.

Capital issued to be divided as at present.

XXI. With respect to such Part of the said Capital as hath already been created or issued, the same shall, until otherwise determined on under the Provisions of this Act, continue to be divided into Stock and Shares of the Amount or restricted Amount heretofore determined on by the said dissolved Company; and where any Shares in the Capital of the said dissolved Company have before the passing of this Act been restricted by a Resolution of a General Meeting of the said Company to any particular Amount less than the nominal Value thereof as originally created, and where any Shares in the said Capital shall in like Manner be restricted under the Provisions of this Act, the Power of the Company to make Calls upon the Proprietors of any such Shares in respect of such Shares shall not be exercised beyond the Amount to which such Shares shall have been so restricted.

Powers continued for issuing Shares.

XXII. And with respect to such Parts of the said Capital as may not have already been created or issued, or which is not represented by any Shares held by the Proprietors in the said Company, and capable of being called for by the said Company, the same may be created or issued either in Shares or Stock, upon such Terms, and with such preferential Rights, and in such Manner, and of such Amount, as may from Time to Time be agreed upon by not less than Three Fifths of the Shareholders present at any General Meeting or Meetings of the Company specially called for that Purpose: Provided always, that the Rate of Interest which may be guaranteed in respect of any such Capital, or any Part thereof, shall not exceed the Rate of Seven Pounds *per Centum per Annum*.

Shares to vest in the Proprietors of Shares of the dissolved Company.

XXIII. Every Person and Corporation who immediately before the passing of this Act was possessed of or entitled to any Part of the Stock or to any Share or Shares in the Capital of the Company hereby dissolved shall in respect thereof be possessed of or entitled to the same Amount of Stock or a like Number of Shares of equal Amount in the Capital of the Company, and such Stock and Shares are hereby vested in such Persons and Corporations accordingly, and shall confer on the Holders thereof the same Rights and Interests as they would have enjoyed in respect thereof if this Act had not been passed, save in so far as such Rights or Interests may be expressly altered by this Act.

Certificates of old Stock and Shares to apply to the new Shares.

XXIV. The Certificates of the Stock and Shares created under the Powers of the several Acts hereby repealed, and which shall be existing at the Time of the passing of this Act, shall, until called in, continue to be the Certificates of the Stock and Shares created by this Act in substitution of such former Stock and Shares, and it shall not be necessary or required for the Company to issue fresh Certificates in respect of such Stock and Shares, except under the Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," in Cases where such Certificates shall be worn out or damaged, or lost or destroyed, but the Company may, if they think fit, at any Time call in such Certificates, and grant others in lieu thereof.

New Stock and Shares to be subject to the same Trusts as old Shares.

XXV. All Persons and Corporations in whom any of the said Stock or Shares are or may be vested as aforesaid shall stand and be possessed thereof upon the same Trusts, and subject to the same Powers, Provisions, Declarations, and Agreements, Charges and Incumbrances, as the Trusts, Powers, and Provisions, Declarations, and Agreements, Charges and Incumbrances, upon and to which the Stock or Shares held by them in the Capital of the dissolved Company, and for which such Stock or Shares in the Capital of the Company hereby incorporated was or were substituted, was or were held, or was or were subject and liable, immediately before the passing of this Act.

Calls paid upon former Shares to be considered as paid upon the substituted Shares.

XXVI. All Sums of Money which at the Time of the passing of this Act shall have been called up and paid, or called up but not paid, for or on account of any Stock or Shares in the Capital of the Company hereby dissolved, shall be considered as having been called up and paid, or called up and not paid, (as the Case may be,) for or on account of the Stock or Shares in the Company which shall be substituted for such former Stock or Shares by virtue of this Act, and all Rights and Remedies to or in respect of any Shares in the Capital of the Company hereby dissolved, on which Shares any Call shall

remain unpaid at the Time of the passing of this Act, or which Shares shall have been forfeited for Nonpayment of Calls or otherwise affecting any such Shares, and whether such Rights and Remedies were Rights and Remedies of the Holders or Persons interested in such Shares or of the said Company hereby dissolved, shall continue and be applicable to the Shares which shall be substituted for such former Shares by virtue of this Act, such substituted Shares being considered in all respects with reference to such Rights and Remedies as identical with the Shares for which they were substituted, and the Company as identical with the Company hereby dissolved.

Calls.

XXVII. The greatest Amount of any One Call which the Company may make on Shares after the passing of this Act shall be One Fifth Part of a Share, and Three Months at the least shall be the Interval between successive Calls on any specific Class of Shares.

Power to Directors to argee with Shareholders forSurrender of their Shares, instead of forfeiting the Share.

XXVIII. The Directors, in Cases where in their Opinion any Shares, if sold, would not produce a sufficient Sum to discharge the Arrears of Call thereon, or in any other Cases where they may deem it for the Advantage of the Company, may agree, if authorized to do so by a Special Meeting of the Company called for the Purpose of considering such Agreement, with the Proprietors thereof, for the Sale or Surrender of the same to the Company, on such Terms as the Directors shall think fit, and after such Sale or Surrender the Shares so sold or surrendered shall merge in and form Part of the Capital of the Company.

As to Shares surrendered on Terms.

XXIX. In all Cases where prior to the passing of this Act the Company hereby dissolved, or the Directors thereof, acting under the Authority of a General Meeting of the Company, may have agreed with the Holders of any Shares for the Surrender or Forfeiture of such Shares in respect of which Calls may have been in arrear at the Time of such Agreement, the Shares surrendered or forfeited in pursuance of such Agreement shall be deemed and taken to have been lawfully surrendered or forfeited, in like Manner as though such Forfeiture had taken place by a Vote of a Meeting of Proprietors after due Notice, as required by "The Companies Clauses Consolidation (*Scotland*) Act, 1845," and such Shares shall as from the Date of such Agreement be deemed to have merged in the Capital of the Company.

Forfeited Shares which cannot be sold may merge in the Company.

XXX. In all Cases where any other Share or Shares shall have prior to the passing of this Act been or shall hereafter be forfeited, and such Forfeiture has been confirmed at a General Meeting of the Company hereby dissolved, or shall be confirmed at a General Meeting of the

the Company, according to the Provisions of the "Companies Clauses Consolidation (*Scotland*) Act, 1845," and Notice of such Forfeiture shall have been or shall be given to the Owner of the Share forfeited, by Letter from the Secretary of the Company hereby dissolved, or from the Secretary of the Company, as the Case may be, either delivered to such Owner or sent by Post to or left at his Place of Abode or Business as described in the Shareholders Address Book, the Directors of the Company, if they shall be unable to sell the said Share for a Sum equal to the Arrears of Calls and Interest due in respect thereof, may declare the same to be merged in the general Capital Stock of the Company, and the same shall thenceforth merge accordingly in the said Capital; and a Declaration in Writing, made by some credible Person, not interested, before any Justice of the Peace, or before the Sheriff of the County of *Edinburgh* or any of his Substitutes, stating that a Sum of Money sufficient to pay the Arrears of Calls and Interest in respect of such Share could not be obtained for the same at the Time of such Merger, shall be *primâ facie* Evidence of the Facts therein stated, and the Proprietor of such Share or Shares shall from and after the making of such Declaration be precluded from all Right, Title, or Interest therein.

As to Shares restricted.

XXXI. In Cases where, prior or subsequent to the passing of this Act, the nominal Value of any particular Shares in the Capital of the dissolved Company, or of the Company hereby incorporated, have been or may be, by any Resolution of such Company and by the Concurrence of the Holders of such Shares, restricted to a specific Amount less than the nominal Value thereof as originally created, such Shares shall be deemed and taken to be Shares of the nominal Amount or Value so restricted.

Company may issue new Shares in lieu of Shares merged into the Company.

XXXII. The Company may from Time to Time, with the Approbation of Three Fifths at least of the Votes of the Proprietors present, in Person or by Proxy, at any General Meeting of the Company specially convened for that Purpose, create and issue new Shares, upon such Terms, in such Manner, of such Amount, and with such preferential Rights, as by such Meeting shall be determined, to the Extent of the Capital originally represented by any Shares which have been or may be surrendered or forfeited or merged as aforesaid, and of the Capital which, by reason of the Restriction of the nominal Amount or Value of any Shares as aforesaid, may at the Time be unrepresented by any Shares or Stock of the Company: Provided always, that the Rate of Interest which may be guaranteed upon such Shares shall not exceed Seven Pounds *per Centum per Annum*: Provided also, that the Amount to be raised by any Shares substituted under this Act for the Shares so surrendered, forfeited, or merged

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as aforesaid shall not exceed the Amount which shall not have been paid up in respect of such last-mentioned Shares: Provided also, that the Amount of Capital to which any guaranteed Interest may be attached under the Provisions of this Act shall not exceed the Sum of Three hundred and sixty thousand Pounds, and such last-mentioned Sum shall not include any Part of the guaranteed Capital authorized to be raised by the said Acts of the Seventh and Eighth *Victoria*, Chapter Eighty-one, and Twelfth *Victoria*, Chapter Fifteen, but shall be in addition to such last-mentioned Capital; but no guaranteed Interest shall be stipulated to be paid on the said Sum of Three hundred and sixty thousand Pounds, or on any Part thereof, for any Period prior to the First Day of *February* in the Year One thousand eight hundred and fifty-three: Provided also, that any Shares which may be issued under the Powers lastly herein-before contained, in lieu of any Shares surrendered, forfeited, or merged as aforesaid, and which may be entitled to any preferential Interest or Dividend, may be issued so as to have and enjoy, so far as the same extends, the same Priority as regards the Payment of any such preferential Interest or Dividend as the Shares in lieu of which they may be created; and as to any preferential Rate of Interest or Dividend additional in Amount which may be attached to such last-mentioned Shares, they shall in respect thereof have Priority over any other preferential Interest or Dividend which may be attached to or be payable in respect of any other Shares not entitled at the passing of this Act to the Payment of any preferential Interest or Dividend.

Order of Dividends.

XXXIII. The Revenues and Income of the Company applicable to the Payment of Interest or Dividends upon Shares or Stock in the Capital of the Company shall be applied in the Order following; (that is to say,)

First, in Payment of the preferential Interest or Dividend on the Shares or Stock representing the Capital created under the Authority of the said repealed Act, Seventh and Eighth *Victoria*, Chapter Eighty-one, at the Rate fixed by the said Act:

Secondly, subject to such First Payment, in Payment of the Interest or Dividend agreed or which may be agreed to be paid upon any of the Shares created under the Powers of the said repealed Act, Twelfth *Victoria*, Chapter Fifteen:

Thirdly, subject to such First and Second Payments, in Payment of such preferential Interest or Dividend as may be agreed to be paid upon any other Shares or Stock in the Capital of the Company pursuant to the Provisions of this Act:

Fourthly, subject to such First, Second, and Third Payments respectively, in Payment of Dividends to the Holders of the remaining Shares or Stock in the Capital of the Company *pari passu*, and according to the Amounts paid on such Shares or Stock.

Deficiency of Profits to pay preferential Dividends to be made good out of subsequently accruing Profits.

XXXIV. If at any half-yearly or other Division of the Profits of the Company the Amount of such Profits divisible amongst the Shareholders shall not be sufficient to pay in full the said preferential and guaranteed Dividends for the Time being payable, and such Profits at the next or some subsequent Division of Profits shall be more than sufficient to pay the preferential and guaranteed Dividends then accruing, then and in such Case the Surplus of such Profits, or so much thereof as shall be necessary for the Purpose, shall be applied in or towards making good to the Proprietors of the Shares for the Time being entitled to the said preferential and guaranteed Dividends the Amount of preferential and guaranteed Dividends left unpaid at the former Division of Profits, and so from Time to Time whenever and so long as such Deficiency and subsequent Surplus shall continue to occur, it being the true Intent and Meaning hereof that the Proprietors of the Shares for the Time being entitled to preferential and guaranteed Dividends shall be fully paid and satisfied the Amount of their preferential guaranteed Dividends in respect of such Shares and all Arrears thereof before any Part of the Profits of the Company for the Time being divisible among Shareholders shall be liable for or applied in Payment of any Dividend or Interest to the Proprietors of any other Shares in respect of such other Shares.

Former Grants of Preference not to be prejudiced.

XXXV. No Preference or Priority in the Payment of Interest or Dividend which may be granted in respect of any Shares or Stock in pursuance hereof, nor anything in this Act contained, shall prejudice or affect any Priority or Preference in the Payment of Interest or Dividend on any other Shares or Stock which may have been granted by the Company hereby dissolved by or in pursuance of or which may have been confirmed by any Act of Parliament passed prior to the passing of this Act, or which may otherwise be lawfully subsisting.

Providing for the Payment of Monies provided for the Service of the Company.

XXXVI. Where the Directors of the Company or any of them may have made any Payments or incurred any Liabilities by reason of any Advances of Money provided for the Service of the said dissolved Company, and with the Authority or Approval of any Special General Meeting thereof called for the Purpose of considering and resolving upon such Matters, the said Directors, their Heirs, Executors, and Administrators, shall be indemnified by the Company for all such Advances and Liabilities, and for all Losses, Costs, Charges, or Expenses which they may incur or have incurred by reason thereof; and the Directors for the Time being of the Company may also apply the existing Funds, Revenues, and Capital of the Company for the Purposes of such Indemnity, and may, if necessary for that Purpose, make Calls of the Capital remaining unpaid, if any; and where any

Shares

Shares of the Company may have been assigned as Security for any such Advances made or provided by the said Directors, it shall be lawful for the said Directors, with the Consent of the Parties to whom the said Shares have been assigned, to sell the same for the best Price that can be obtained therefor; and if such Shares shall not by any such Sale, or by being sold by the Parties to whom the same may have been assigned, produce a Sum sufficient to pay off and discharge the Amount advanced on the Security thereof, the Amount remaining unpaid shall be paid by the Company.

Interest not to be paid on Calls paid up.

XXXVII. The Company shall not, out of any Money by this Act or any other 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 the Calls made in respect of the Shares held by him in the Capital of the Company; nevertheless, 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 already made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation (*Scotland*) Act, 1845," contained.

Deposits of future Bills not to be paid out of the Company's Capital.

XXXVIII. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, 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 authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

Power to close Transfer Books 14 Days on giving Notice.

XXXIX. The Directors of the Company may from Time to Time close the Registers of Transfers of Shares or of Consolidated Stock of the Company, or of both, for a Period not exceeding Fourteen Days previous to each Ordinary Meeting of the Company, and may fix a Day for closing of the same, of which at least Seven Days Notice shall be given by Advertisement in any Two *Edinburgh* Newspapers, and any Transfers made during the Time when the said Transfer Books are so closed shall, as between the Company and the Party claiming under the same, but not otherwise, be considered as made subsequently to such Ordinary Meeting.

Power to borrow on Bond or Mortgage,

XL. The Company may borrow on Bond or Mortgage of their Undertaking any Sum or Sums not exceeding in the whole Eight hundred and thirty-three thousand four hundred and twenty Pounds, being

being One Third of the Capital herein-before defined; and all Monies which may have been borrowed or may hereafter be borrowed by the Company shall be deemed and taken to be applicable only towards carrying all or any of the Purposes of the Company into execution.

Mortgages not to affect Harbour of Burntisland.

XLI. No Mortgage or other Security to be granted under the Powers herein contained shall extend to or affect any Part of the public Harbour of *Burntisland*, or any Part of the Works at the said Harbour authorized by this Act, or by the said repealed Act, Eleventh and Twelfth *Victoria*, Chapter Ninety-eight, in so far as the same belong to the Magistrates and Town Council of the Royal Burgh of *Burntisland*, nor the Lands belonging to the said Burgh on which the same or any Part of the same are or shall be situate.

Future Bonds, &c. to be under this Act.

XLII. All Bonds or Mortgages to be granted after the passing of this Act shall proceed on the Recital and be granted under the Powers of this Act.

Act not to affect Validity of existing Loans, &c., or Right of Priority of Creditors.

XLIII. Nothing herein contained shall be held or construed to affect the Validity of any Bond, Mortgage, or Debenture on the Undertakings of the Company hereby dissolved, or on any of them, or any Part or Parts thereof respectively, which shall be subsisting at the Time of the passing of this Act, nor to alter or affect the Rights or Priorities of the Holders of any such Bonds, Mortgages, or Debentures, in respect of such Bonds, Mortgages, or Debentures respectively, but all such Bonds, Mortgages, or Debentures shall while they subsist continue, and all such Rights and Priorities shall remain, as if this Act had not been passed, the Company being in respect of such Bonds, Mortgages, and Debentures substituted for or considered identical with the Company hereby dissolved.

Bonds, &c. to be stamped.

XLIV. Every Mortgage, Bond, or other Security for Money to be granted by virtue of this Act shall be by Deed duly stamped, wherein the Consideration for the same shall be duly stated, anything herein contained to the contrary notwithstanding.

Future Mortgagees to rank equally.

XLV. The respective Holders of any Mortgages, Bonds, or other Securities for Monies borrowed which may be granted or created by the Company after the passing of this Act shall not be entitled to any Preference one above another by reason of the Priority of the Date of any such Mortgage or Bond or Security, or of the Meeting at which the same was authorized, or otherwise howsoever, but shall rank *pari passu* one with the other.

First and other Meetings.

XLVI. The First Ordinary Meeting of the Company shall be held within Three Months after the passing of this Act, and the subsequent Ordinary

Ordinary Meetings of the Company shall be held half-yearly in the Months of *February* or *March* and in the Months of *August* or *September*; and all Meetings of the Company whether ordinary or extraordinary, shall be held within the City of *Edinburgh*.

Number and Qualification of Directors.

XLVII. The Number of Directors shall be Twelve, and the Qualification of a Director shall be the Possession in his own Right of Shares or Stock on the Company of the nominal Amount or Value of at least One thousand Pounds.

First Directors of the Company.

XLVIII. The several Persons who at the Time of the passing of this Act are Directors of the Company hereby dissolved shall be the First Directors of the Company, and all future Elections of Directors shall take place as herein-after prescribed.

Power to vary the Number of Directors.

XLIX. It shall be lawful for the Company to increase or reduce the Number of Directors, provided that the increased Number do not exceed Fourteen, and that the reduced Number be not less than Six.

Directors to continue in Office till First Meeting in the Year next after the passing of this Act.

L. The Directors appointed by this Act, and the Chairman and Deputy Chairman of such Directors, shall continue in Office until the First Ordinary Meeting to be held in the Year next after the passing of this Act, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number 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 eligible as Members of such new Body; and annually thereafter, and at an Ordinary Meeting, the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in the said "Companies Clauses Consolidation (*Scotland*) Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed or disqualified nor having resigned, shall continue to be the Directors until others are elected in their Stead in manner provided by the said Act.

As to Election of new Directors.

Directors to go out by Rotation.

LI. The Number of Directors annually to go out of Office shall be, as near as may be, One Third of the entire Number of Directors, and they shall be eligible for Re-election.

Quorum.

LII. The Quorum of a Meeting of the Directors shall be Three.

Chairman of Directors.

LIII. At the First Meeting of the Directors held after such annual Appointment of Directors the Directors present at such Meeting shall choose One of their Number to act as Chairman, and another or other

Two to act as Deputy Chairman or Deputy Chairmen, of the Directors for the Year following such Choice.

Qualification of Auditors.

LIV. It shall not be necessary that any Auditor appointed under this Act shall be a Holder of Stock or Shares in the Undertaking.

Period for Balance of Books, and for Inspection.

LV. The Period to which the Books of Account of the Company shall be brought to a Balance shall be the Thirty-first Day of *January* and the Thirty-first Day of *July* in each Year; and the Period at which the Shareholders and Loan Creditors of the Company shall be entitled to an Inspection of such Books shall be Fourteen Days before and One Month after each of the Ordinary Meetings of the Company.

Company may hold Shares in the Stirling and Dunfermline Railway.

LVI. The Company shall and may accept and take a Transfer of and may hold such Shares in the *Stirling and Dunfermline* Railway Company as may have already been purchased by them or for their Behoof, and may apply any Part of the Funds or Capital of the Company for that Purpose, not exceeding Sixty thousand Pounds; and the Company shall, in respect of all such Shares which may be registered in their Name in the Books of the said *Stirling and Dunfermline* Railway Company, have, exercise, and enjoy all the Rights, Powers, Privileges, and Authorities of Shareholders in the *Stirling and Dunfermline* Railway Company, and all Payments made by or for the Company in respect of such Shares or any of them shall hereafter be deemed to have been lawfully made by or for the Company, as though such Payments had been made after the passing of this Act.

Power to nominate Persons to vote at Meetings of Stirling and Dunfermline Company.

LVII. The Directors of the Company may from Time to Time nominate and appoint, by a Writing under the Hand of the Chairman of the Company, or under the Corporate Seal of the Company, any Person (being a Shareholder in the said *Stirling and Dunfermline* Railway Company or in the Company) to vote at any Meetings of the *Stirling and Dunfermline* Company, on the Behalf of the Company, in respect of the Shares or Stock in such *Stirling and Dunfermline* Railway Company which may be registered as aforesaid, and such Person shall have and enjoy, and may exercise, to all Intents and Purposes, the same Right of voting in respect of such Shares as if he were the Holder of such Shares, and as if the same stood registered in his own Name.

Power to make Works authorized.

LVIII. Subject to the Provisions and Powers in the said Companies Clauses and Railways Clauses Consolidation Acts and in this Act contained, the Company may continue to make or complete, in so far as not already made or completed, and to maintain, the said several Rail-

ways, Piers, Docks, and other Works comprehended in the Undertaking of the Company, and which the said dissolved Company were authorized to make and maintain in, through, and upon the Lands delineated on the Plans and described in the Books of Reference deposited with the several Sheriff Clerks of the Counties within which the said Railways, Piers, Docks, and other Works are authorized to be made, and according to the Directions and Levels shown on the said Plans, and on the Sections deposited therewith, or according to such Alterations thereof as may be authorized by the said "Railways Clauses Consolidation (*Scotland*) Act, 1845," and they may enter upon, take, and use such of the said Lands as they may require for the Purposes aforesaid: Provided always, that the compulsory Powers of taking the said Lands shall only be exercised in respect of the Lands authorized to be taken by the said repealed Acts and within the Periods thereby limited.

As to compulsory Powers to purchase Lands.

LIX. The Periods limited for the Construction of the several Works authorized by this Act to be completed shall expire at the respective Times limited for their Completion by the said repealed Acts, and on the Expiration of the respective Periods specified in the said repealed Acts for executing the Works thereby authorized to be completed the Powers granted for executing the same shall cease to be exercised, except as to so much of the said Works as shall then have been completed.

Time for the Construction of Works.

LX. The Company may purchase or complete the Purchase of and may hold and use any of the Ferries, Harbours, Docks, Piers, Stations, and other Works and Property, and may exercise and enjoy all Powers, Rights, and Privileges appertaining thereto, which they were authorized to purchase, hold, or use by the said repealed Acts or any of them, and which are herein-before declared to form Part of the Undertaking of the Company; and all Clauses and Provisions of any Acts or Charters relating to the said Ferries whereby any such Rights, Powers, or Privileges are conferred shall remain in full Force, and shall, in so far as the Benefit of the same has been transferred to the said dissolved Company, be available to the Company for the Maintenance and Enforcement of such Powers, Rights, and Privileges.

Company may purchase and use Works authorized to be purchased and used by the dissolved Company.

LXI. It shall not be lawful for the Company to construct below High-water Mark at ordinary Spring Tides any Work by the said repealed Acts and this Act authorized to be made, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations

Works below High-water Mark not to be executed without the Consent of the Admiralty.

tions as the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, may approve of, such Approval being signified as last aforesaid; and where any such Work shall have been 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 Work shall be commenced or completed, or altered or extended, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral to abate 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 to the Crown, and be recoverable accordingly, with Costs of Suit.

Power to Admiralty to order a local Survey, the Expense to be paid by Company.

LXII. If, after Working Drawings of the Works by the said repealed Acts and this Act authorized shall have been submitted to the Lord High Admiral of the United Kingdom, or to the Commissioners for executing the Office of Lord High Admiral, it shall be deemed expedient by him or them to order a local Survey and Examination of such Works or of the intended Site thereof, the Company shall defray the Costs of 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 the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Works abandoned across tidal Waters may be removed by the Admiralty, at Expense of the Company.

LXIII. If any Bridge, Pier, Jetty, Wharf, or other Work constructed or to be constructed by the Company in or across any tidal Water or navigable River, or if any Portion of the said Bridge, Pier, Jetty, Wharf, or other Work which affects any such Water or River, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay by the Company, the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, may 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 he or they may restore the Site thereof to its former Condition, at the Costs 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.

Stationary Lights visible from the Sea to be masked.

LXIV. All the stationary Lights exhibited by the Company on the Railway which may be seen at Sea, and so be mistaken for Light-houses, shall at all Times be sufficiently and properly shaded by the Company with good and sufficient Shades, so that such Lights shall not

not be visible from the Sea; and after being thereto required, for every Default herein the Company shall forfeit and pay a Penalty not exceeding Ten Pounds.

As to crossing of Roads on the Level.

LXV. Subject to the Provisions in the said "Railways Clauses Consolidation (*Scotland*) Act, 1845," contained, in reference to the crossing of Roads on the Level, the Company may carry the several Railways and Works forming the Undertaking, so far as the same are not already completed, across and on the Level of the several Turnpike Roads, Tramways or Railways, Highways and Roads, which were authorized to be so crossed by the said repealed Acts, and they shall also maintain at the several Points where any of the Railways of the Company already cross any Roads on the Level, and shall erect and maintain at any other Points where any other of the Railways remaining to be completed by the Company shall cross any Roads on the Level, the like Stations or Lodges which they are required to erect and maintain by the said repealed Acts or any of them, and they shall continue to be liable and subject to the like Directions, Rules, Regulations, and Penalties respectively made applicable thereto by the said repealed Acts.

Regulating Dimensions of certain Bridges.

LXVI. The Bridges or Arches at the Points where the Railways of the Company remaining to be completed cross any Roads shall, in so far as not already constructed, be constructed and maintained of the Dimensions specified in the Acts respectively relating to such Railways and in the Acts incorporated therewith.

Regulating Inclination of certain Roads.

LXVII. The Rates of Inclination of any Roads to be altered in completing any of the Railways of the Company shall not be less than the Inclination prescribed in the Acts respectively relating to such Railways and in the Acts incorporated therewith.

Land for extraordinary Purposes.

LXVIII. The Company may purchase, for the Purpose of the several Railways and Works forming their Undertaking, such Quantity of Land as may be necessary for extraordinary Purposes, not exceeding, together with what they may have already purchased, the Quantity authorized to be purchased by the Acts respectively relating thereto.

Lands of Scottish Central Railway Company not to be taken without Consent, except under

LXIX. Excepting in so far as necessary for the Formation of the Junction referred to in the Fifteenth Section of the Act, Tenth and Eleventh *Victoria*, Chapter two hundred and twenty, nothing in this Act contained conferring on or vesting in the Company any Powers, Rights, Privileges, or Authorities granted to or vested in the said dissolved Company in and by the repealed Acts, Tenth and Eleventh

10 & 11 Vict. cc. 220. and 239.

Victoria, Chapters Two hundred and twenty and Two hundred and thirty-nine, shall authorize the Company to enter upon or acquire any Lands belonging to the *Scottish Central* Railway Company, without their previous Consent in Writing, nor to alter the Line or Levels or Width of the *Scottish Central* Railway, nor in any Manner to interrupt the Traffic thereon.

Junction with the Scottish Central Railway.

LXX. As regards the Line of Railway proposed to join the *Scottish Central* Railway at *Hilton*, authorized by the said Acts, Tenth and Eleventh *Victoria*, Chapters Two hundred and twenty and Two hundred and thirty-nine, the said Junction shall be made and for ever maintained and watched at the Expense of the Company, and at the Sight of the Engineer for the Time being of the *Scottish Central* Railway Company.

Lands and Works of Scottish Central Railway not to be interfered with without Consent.

LXXI. Nothing in this Act contained conferring on or vesting in the Company any Powers, Rights, Privileges, or Authorities granted to or vested in the said dissolved Company by the said Acts of the Ninth and Tenth *Victoria*, Chapter One hundred and thirty-nine, and Tenth and Eleventh *Victoria*, Chapter Two hundred and thirty-nine, shall be held to authorize the Company to enter upon, purchase, or take any Lands belonging to the *Scottish Central* Railway Company, nor to alter or vary the Line or Levels of the said *Scottish Central* Railway, nor to interfere with the said *Scottish Central* Railway, except for the Purpose of maintaining the Junction of the said Main Line with the *Scottish Central* Railway authorized by the said Act, Ninth and Tenth *Victoria*, Chapter One hundred and thirty-nine, and such other Junction, if any, as may hereafter be authorized by the Commissioners of Railways North of the said Point of Junction, and necessary Works connected therewith, without the Consent of the said *Scottish Central* Railway Company, nor in any Manner to interrupt or interfere with the Traffic passing on the last-mentioned Railway; and the Company shall bear all Expense of maintaining, watching, and working the said Junction, and of the necessary Works for preventing Danger, Inconvenience, or Interruption to the Traffic on the said *Scottish Central* Railway, and shall also, at their own Costs and Charges, construct and for ever maintain such and so many Switches, Turntables, Sidings, and other Works and Conveniences as may be necessary or convenient in connexion with the said Junction, and for preventing any such Danger, Interruption, or Inconvenience to the Traffic of the said *Scottish Central* Railway: Provided always, that if any Difference shall arise between the Company and the said *Scottish Central* Railway Company as to the Nature or Necessity of any such Works as aforesaid, the same shall be referred to the Decision of the Commissioners of Railways.

LXXII. The

No Junction with the Scottish Central Line to the North of Hilton.

LXXII. The Company shall not make any Junction or Connexion between any Part of their Works authorized by the repealed Act, Eighth and Ninth *Victoria*, Chapter One hundred and fifty-eight, and the *Scottish Central* Railway, to the North of the Point of Junction at *Hilton* by the repealed Act, Ninth and Tenth *Victoria*, Chapter One hundred and thirty-nine, authorized, without the Consent of the Commissioners of Railways, to be given and signified by their Certificate in Writing, after Re-consideration of the whole Circumstances of the Case.

Saving Rights of the Scottish Central Railway Company.

LXXIII. Nothing in this Act contained conferring on or vesting in the Company any Powers, Rights, Privileges, or Authorities granted to or vested in the said dissolved Company by the said Acts of the Ninth and Tenth *Victoria*, Chapter One hundred and thirty-nine, and Tenth and Eleventh *Victoria*, Chapters Two hundred and twenty and Two hundred and thirty-nine, shall extend or be deemed or construed to extend to alter, vary, prejudice, or diminish any of the Rights, Powers, Privileges, Franchises, or Authorities vested in the *Scottish Central* Railway Company by virtue of the Acts relating to such Company, or any of them.

Certain Lands of Scottish Central Railway Company not to be taken compulsorily.

LXXIV. Nothing herein contained shall be held to authorize the Company to enter upon or take compulsorily any Portion of the Railway or Works of the *Scottish Central* Railway Company, or to enter upon or take compulsorily or use any Lands belonging to the *Scottish Central* Railway Company, situated to the West, North, or North-west of the Bridge over the *Scottish Central* Railway at *Saint Leonard's* in the *West Church* Parish of *Perth*, or of the Road leading by the same Bridge from *Craigie* towards *Perth*.

Power to purchase the Harbour of Pettycur and Kinghorn.

LXXV. The Company may purchase and use, and the Managers of the Royal Burgh of *Kinghorn* may sell and transfer to the Company, the free Ports and Stations or Harbours of *Pettycur* and *Kinghorn* in the County of *Fife*, and all the Works and Property, Powers and Authorities, connected therewith or belonging thereto, for such Price or Consideration and on such Conditions as may be or may have been agreed on between the Company and the said Managers respectively; and on the Completion of such Purchase by the Company, and Transfer or Conveyance thereof by the said Managers, the said Harbours, and all the Works and Property, Powers and Authorities, connected therewith or belonging thereto, with the Right to levy the Dues and Duties heretofore in use to be levied at the said free Ports and Stations or Harbours of *Pettycur* and *Kinghorn*, by this Act, and by the said Act, Ninth and Tenth *Victoria*, Chapter Seventy-nine, authorized to be levied, and the Benefit of all Contracts and

On Completion of Purchase, the Company may levy Duties authorized by 9 & 10 Vict. c. 79. and this Act.

and Agreements relating thereto, shall vest in and may be enjoyed and exercised by the Company; and the said Harbours, Works, and Property shall from thenceforth be and become Part of the Undertaking of the Company, and as such shall be subject to all the Provisions of this Act relating thereto; but nothing herein contained shall authorize the Company to demand or receive any of the aforesaid Dues or Duties, save and except such as the Magistrates or Managers of the Royal Burgh of *Kinghorn* were lawfully entitled to demand or receive at the Time of the passing of the said Act, Ninth and Tenth *Victoria*, Chapter Seventy-nine.

All Persons, upon Payment of Dues, to have free Access to Harbour of Pettycur, &c.

LXXVI. Subject to the Payment of the Dues and Duties last above mentioned, all Persons shall have free Access to the said Harbours of *Pettycur* and *Kinghorn*, and the Wharfs and Landing Places thereto belonging; and the said Dues and Duties shall at all Times be charged equally and at the same Rate in respect of the same Description of Vessels and Goods.

Company not to give undue Preference to Persons or Goods.

LXXVII. The Company, their Agents and Servants, shall not give any undue Preference to Persons or Goods which shall have passed or are intended to pass along the Railway by the repealed Act, Ninth and Tenth *Victoria*, Chapter Seventy-nine, authorized, or on any Railway connected therewith, or to Vessels carrying such Goods, as against other Persons or other Goods of like Nature, or Vessels carrying such other Goods, or to any Persons, Vessels, or Goods whatsoever as against any other Persons or Vessels, or other similar Goods whatsoever, as respects the Use of the said Harbours of *Pettycur* and *Kinghorn*, Wharfs, or any of the Conveniences thereto belonging, or as respects the Tolls, Dues, Duties, or Charges to be taken by the Company for the Use of the said Harbours, Wharfs, Landing Places, and Conveniences, either as regards the Amount thereof or otherwise; and in case the Company, their Agents or Servants, shall give any such undue Preference, the Company shall for every such Offence forfeit and pay the Sum of Five Pounds, to be recovered and applied in manner directed by the said "Railways Clauses Consolidation (*Scotland*) Act, 1845."

Vessels returning by Stress of Weather not to pay Dues a Second Time.

LXXVIII. If any Vessel for which the Dues or Duties have been paid shall, after leaving the said Harbours of *Pettycur* and *Kinghorn*, put back from Stress of Weather or other Cause, and return with the same Cargo, the Dues so paid for the said Vessel or its Cargo shall not again be payable in respect thereof.

Tonnage Measurement how

LXXIX. The Tonnage of every *British* Vessel liable to the Payment of any Tonnage Rate at the said last-mentioned Harbours under this

this Act, and duly registered according to Law, shall be ascertained according to the certified Tonnage in the Register; and the Tonnage of all other Vessels shall be ascertained according to the Rules of Measurement established by any Law for the Time being regulating such Admeasurement. to be ascertained.

LXXX. The Company shall, in so far as not already paid, pay to the Trustees acting in the Execution of an Act passed in the Tenth Year of His late Majesty King *George* the Fourth, for more effectually making, amending, widening, repairing, and maintaining the Great North Roads, leading from the *North Queensferry* and from the Harbour of *Burntisland*, both in the County of *Fife*, by *Kinross*, to the City of *Perth*, such Sum of Money by way of Compensation as shall be agreed upon between the Company and the said Trustees in respect of the Diminution of the Revenues of the said Roads by reason of the Traffic thereon being diverted therefrom to the foresaid *Dunfermline* Branch Railway; and, failing such Agreement, it shall be competent for the Trustees or other Parties seeking Compensation to apply to the Sheriff of the County of *Perth*, praying him to ascertain the Amount of Compensation, by directing that the Accounts of the Treasurer of the said Road shall be laid before him, showing the Amount of the Revenue from Tolls levied on the said Road, and of the Expenditure for the ordinary Maintenance and Repair thereof, during the Three Years preceding the passing of the repealed Act, Ninth and Tenth *Victoria*, Chapter One hundred and thirty-eight, and also showing in like Manner the Revenue from the said Tolls and the Expenditure as aforesaid during the Three Years following the opening of the said Branch Railway to the Public from Terminus to Terminus, as authorized by the said Act; and the average Amount of the Revenue, after deducting the ordinary Expenditure as aforesaid, being so ascertained for the said respective Periods of Three Years, if the Amount shall have decreased during the Second Period the said Sheriff shall thereupon ascertain and declare the Amount of such average annual Loss of Revenue, and shall also ascertain and declare the Proportion thereof which shall be found by him to have been caused by the Operation of the said Branch Railway, and such Proportion he shall convert into a Capital Sum at a Rate of such Number of Years Purchase as to him shall seem just, and shall declare and decree the same to be the Amount of Compensation to be paid by the Company to the Road Trustees, and the Sum paid as such Compensation shall be applied, so far as the same will extend, in Payment and Extinction of the Debts due on the Credit of the Tolls; and the Sheriff shall also determine the Matter of Expenses incurred in ascertaining the Amount of Compensation, and give Decree for the same accordingly; and for any Sum of Compensation which shall be so Regulating Compensation to Road Trustees.

ascertained, decreed, or awarded to be paid, and be paid, by the Company, the Company shall become Creditors on the Tolls of the Road in the Place of the Creditors whose Debts shall have been so paid off, but postponed, both as to Principal and Interest, to the Creditors in the other Debts affecting the said Lines of Roads; but in the event of Application being made to Parliament for Powers to construct another Line of Railway betwixt *Queensferry* and *Perth*, or in the Division of or near to the Great North Road, or any Part of it, by any other Company than the Company, after the foresaid Sum of Compensation shall have been ascertained and paid to the said Trustees, the said Trustees, by Acceptance of such Sum of Compensation, shall be bound and obliged, at the Costs and Charges of the Company, to make a similar Claim for Compensation against such other Company, and, if needful, to take all proper Steps for making good such Claim, by obtaining the Sanction and Authority of Parliament therefor against such other Company; and out of such Sum to be so obtained, the said Trustees shall repay to the Company the Sum of Compensation previously paid by them, or such Part thereof as the said Sheriff shall determine, on Application to him at the Instance of either Party.

Agreement with Road Trustees not to be affected.

LXXXI. Nothing contained in the last Section shall be held to invalidate, alter, or restrict a Deed of Agreement entered into between the said Road Trustees and the Promoters of the dissolved *Edinburgh and Northern* Railway Company, relative to the said Roads, of Date the Fourteenth and Fifteenth Days of *July* One thousand eight hundred and forty-five.

Restrictions in constructing St. Andrew's Branch.

LXXXII. The Line of the *Saint Andrew's* Branch of the Company where it skirts the Sea Shore near *East Edenside* shall not be carried to the North of the Black continuous centre Line shown on the Plan deposited at the Admiralty Office.

Further Restrictions in constructing St. Andrew's Branch.

LXXXIII. The Line of the said *Saint Andrew's* Branch within the Line of High-water Mark near the Third Mile from the Main Line shall be constructed on the extreme Southern Line of Deviation shown on the said deposited Plan.

As to the crossing the River Eden on St. Andrew's Branch.

LXXXIV. The same Branch shall be carried across the Tide River *Eden* near the *Guard Bridge* on a Bridge to be constructed in such Position and Form and according to such Plans as shall be approved of by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, by Writing under the Hand of the Secretary of the Admiralty, and if by any other Bridge it shall be lawful for the said Lord High Admiral or the said Commissioners to abate and remove the same, and all Works connected therewith, or

such

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 be recoverable accordingly.

During Construction of the Bridge Lights to be exhibited.

LXXXV. During the Construction of the said Bridge across the said River *Eden*, and Works connected therewith, and the Construction of any Bridge or Work in or across any tidal Water or navigable River, the Company shall cause to be hung out or exhibited, every Night, from Sunset to Sunrise, a Light, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels, and for ever after the Completion of the said Bridge and any and every other such Bridge the Company shall cause to be hung out or exhibited upon or near the Centre of the said Bridge, and any and every other such Bridge, every Night, from Sunset to Sunrise, a good and sufficient Light, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels, and which Lights shall be subject to the Provisions in that Behalf contained in the said "Harbours, Docks, and Piers Clauses Act, 1847;" and in case the Company shall neglect to exhibit and keep either of such Lights burning as aforesaid they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

Restrictions in constructing the Newburgh Harbour Branch.

LXXXVI. The said *Newburgh* Branch Railway shall not be made Northward of the Black continuous centre Line of Way shown on the Plan deposited at the Admiralty Office, on and after reaching the Shore of the *Frith of Tay* near *Newburgh* at the Premises marked on the Plan deposited at the Admiralty Office with the Reference Number Twelve.

As to the Construction of the Newburgh Harbour Branch along the Shore belonging to the Proprietor of Mugdrum.

LXXXVII. The Company shall be obliged, in constructing the said *Newburgh* Harbour Branch along that Portion of the Shore belonging to the Proprietor of the Estate of *Mugdrum* which lies on the West Side of the Town of *Newburgh*, and opposite and contiguous to the Pier called *Blayd's Wharf*, to provide and maintain all such convenient Passages over and across the said Portion of Railway as the Sheriff of the County of *Fife* shall from Time to Time fix and determine, on Application to him by the Proprietor or Tenants of the Estate of *Mugdrum*; but nothing in this Act contained shall be held to diminish or abridge the Rights and Privileges presently enjoyed by the said Proprietor in and to the Harbour of *Newburgh* or the said Pier, and the Dues leviable therefrom, in so far as the same are not inconsistent with the Powers hereby and by the said Act, Tenth and Eleventh *Victoria*, Chapter Two hundred and seventy-seven, granted.

LXXXVIII. The

Company to compensate for Encroachment on the Upper Harbour of Leith.

LXXXVIII. The Company, in compensation for the Encroachment or Interference which will be made on the tidal Water of the Upper Harbour of *Leith* in constructing the Branch Railway authorized by the said repealed Act, Tenth and Eleventh *Victoria*, Chapter One hundred and fifty-one, shall, at their own Expense, improve the said Harbour, by deepening and widening the Area thereof according to the Plans and under such Restrictions and Regulations as, after being submitted to the Commissioners of the Harbour and Docks of *Leith*, shall be approved of by the Lords Commissioners of the Admiralty, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty for the Time being, before any Part of the Works which may encroach upon the said Harbour shall be commenced.

Limits of Deviation below High-water Mark.

LXXXIX. In regard to the Works to be constructed below the Line of High-water Mark in the Formation of the said last-mentioned Branch Railway, no Deviation shall be made to the South of the continuous outer Line shown on the Plan which was submitted by the said dissolved *Edinburgh, Leith, and Granton* Railway Company to the Surveying Officers of the Admiralty at their preliminary Inquiry at *Leith* under the Powers of the Public and General Act, Ninth and Tenth *Victoria*, Chapter One hundred and six.

Restriction as to Construction of Roscobie, &c. Branches

XC. If the Company shall not have completed and opened to the Public the whole Line of Railway authorized by the repealed Act, Ninth and Tenth *Victoria*, Chapter One hundred and thirty-six, within Three Years after the passing of the said Act, Eleventh and Twelfth *Victoria*, Chapter One hundred and twelve, none of the Powers by this Act, and by the said Act, Eleventh and Twelfth *Victoria*, Chapter One hundred and twelve, granted, in so far as the same are applicable to the Three Branch Railways by the last-recited Act authorized, shall be exercised until the whole of the Railway by the said Act, Ninth and Tenth *Victoria*, Chapter One hundred and thirty-six, shall be so completed and opened.

Power to use and work the said Ferry.

XCI. The Company may purchase or hire, keep and maintain, Steam Boats and other Vessels and Boats, and with the same may maintain, work, and use the said Ferry across the River *Tay*, and may exercise the whole Rights and Privileges appertaining thereto, or may contract with others for doing the same.

Saving Rights of the Trustees of Dundee Harbour.

XCII. Nothing herein contained in relation to the said Ferry shall extend or be construed to extend to alter, diminish, prejudice, or affect any Rights, Property, Titles, Rates, Dues, Duties, Payments, Powers, Privileges, Jurisdictions, or Authorities belonging to or

vested in the Trustees of the Harbour of *Dundee* by virtue of the several Acts now in force for maintaining and improving the said Harbour.

Restriction on Length of Pier on South Side of the Tay.

XCIII. In executing the Works authorized by the said repealed Act, Tenth and Eleventh *Victoria*, Chapter Two hundred and seventy-four, the Company shall not construct on the South Side of the River *Tay* any Structure which shall project into the River beyond a Line drawn from the outer Extremity of the Passage Pier marked on the Plan deposited at the Admiralty Office, extending in a Direction to the Eastward Tangent to *Tentsmuir Point*, nor shall they construct on the North Side of the River *Tay* any Structure which shall project into the River beyond a Line drawn from High-water Mark at *Broughty Castle*, extending in a Direction Westward to the outward Extremity of the Wooden Jetty marked on the deposited Plan.

Restriction on Length of the Pier on the North Side of the Tay.

Certain Restrictions in working the Tay Ferry.

XCIV. No Ferry Boat used by the Company on the River *Tay* shall be attached to any Chain, but every such Ferry Boat shall be a free Boat, and no such Ferry Boat shall cross the said River with any Vessel or Barge in tow or attached to any Part of such Ferry Boat, or cross in any Manner between Sunset and Sunrise, except under such Regulations with respect to Lights as shall at any Time or Times be approved of by the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, the Approval being signified in Writing under the Hand of the Secretary of the Admiralty; and the Company shall forfeit and pay the Sum of Ten Pounds for each and every Vessel at any Time taken in tow by any Ferry Boat, and the like Sum of Ten Pounds for each and every Time such Ferry Boat shall cross the said River after Sunset and before Sunrise, contrary to such Regulations with respect to Lights as aforesaid.

Tay Ferry and Works subject to Provisions of Dundee and Arbroath Railway Extension Act.

XCV. On the said Ferry across the said River *Tay* being completed and opened to the Public, the same, together with all the Piers and Works thereof on the North Side of the said Ferry, shall be subject to all the Provisions relating thereto contained in "The *Dundee and Arbroath* Railway Extension Act, 1846," as fully as if the said Provisions had been re-enacted in this Act, and made specially applicable to the said Ferry, and the Piers and other Works authorized by this Act and the repealed Act, Tenth and Eleventh *Victoria*, Chapter Two hundred and seventy-four.

Saving Rights of Dundee and Arbroath

XCVI. Nothing herein contained in relation to the said Ferry, Piers, and other Works shall be held to abridge or prejudice the Rights, Powers, and Privileges conceived in favour of the *Dundee and Arbroath*

Railway Company.

Arbroath Railway Company under "The *Dundee and Arbroath* Railway Extension Act, 1846;" and in the Exercise of the Powers conferred on the Company by this Act the Company shall not take any Lands which the *Dundee and Arbroath* Railway Company have Power under the said last-mentioned Act to acquire, without the Consent in Writing of the said last-mentioned Company, excepting such Portions of the Lands as may be required for the Purpose of constructing the Piers, Docks, Wharfs, and other Works and Accommodations authorized by the said Act, Tenth and Eleventh *Victoria*, Chapter Two hundred and seventy-four; and in case any Difference shall arise in regard to the Lands so to be taken, then the same shall be determined by the Commissioners of Railways, or any Engineer to be named by them.

Saving Rights of Trustees of Tay Ferries.

XCVII. Nothing in this Act contained conferring on or vesting in the Company any Powers, Rights, Privileges, or Authorities granted to or vested in the said dissolved Company in and by the said Acts, Tenth and Eleventh *Victoria*, Chapters Two hundred and thirty-nine and Two hundred and seventy-four, shall alter, diminish, prejudice, or affect any of the Rights, Powers, or Privileges vested in or belonging to the Trustees appointed by and acting under the several Acts of Parliament now in force for erecting, improving, regulating, and maintaining the Ferries and Passages across the River *Tay* in the Counties of *Fife* and *Forfar*, or vested in or belonging to any Parties deriving Right from the said Trustees; but, nevertheless, nothing herein contained shall be held to infer the Existence of any Rights in the said Trustees, or shall prejudice any Pleas or Suits now pending in the Court of Session in *Scotland*, or which may have been or may be brought by Appeal from such Court to the House of Lords.

Power to purchase Burntisland Pier, &c.

XCVIII. The Proprietors of the said Low-water Pier at *Burntisland* (comprehending in such Term "Low-water Pier," when used in this Act, the said Low-water Pier, and all the Quays, Wharfs, Approaches, Cranes, Houses, Lighthouses, and other Erections, Lands, and Buildings connected therewith, and the whole Rights and Privileges belonging to the said Low-water Pier or connected therewith, and the exclusive Right of Ferry, mentioned in the Act, Fifth and Sixth *Victoria*, Chapter Ninety-one,) may complete the Sale and Transfer of the said Low-water Pier to the Company as the same is presently possessed and used by the Company hereby dissolved, and the Company may acquire the said Low-water Pier, for any Price or Consideration agreed or to be agreed upon between the said Proprietors and them; and any Agreement entered into between the said Proprietors and the Company hereby dissolved, before the passing of the said Act of the Tenth and Eleventh *Victoria*, Chapter One hundred and ninety-

two, for any Acts or Purposes to be effected under the Authority of the said Act, shall be as binding and effectual as if made under the Powers hereby created.

Burntisland Pier, on Completion of Purchase, to vest in Railway Company.

XCIX. Upon the Completion of the Purchase of the said Low-water Pier by the Company (of which Completion a Deed or Instrument of Conveyance duly stamped for denoting the full and proper Stamp Duty by Law payable in respect of the Purchase Money for the Consideration to be paid shall be sufficient Evidence), the same, or such of the Premises respectively as shall be comprised in such Purchase, shall cease to be the Property of the said Proprietors executing said Conveyance, and shall thenceforth vest in and be the Property of the Company, but subject to the several Provisions of the Act, Fifth and Sixth *Victoria*, Chapter Ninety-one, relating thereto, so far as the same may be applicable, and are not modified by or inconsistent with the Provisions of this Act.

Company not to be liable for Application of Price of Burntisland Pier, &c.

C. The Price or other Consideration to be paid by the Company for the Purchase of the said Low-water Pier, in so far as the same has not already been paid, shall be paid by the Company to the Agent of or other Person appointed to receive the same by the said Proprietors; and the Company shall not be answerable for or bound to see to the Application of the Monies or other Consideration so paid by them or by the said Company hereby dissolved.

Company may exercise Powers of Proprietors of Burntisland Pier, &c.

CI. So soon as the said Low-water Pier shall have become vested in the Company in manner aforesaid, and on Notice thereof being or having been given by One Insertion in each of the Two consecutive Weeks in the *Edinburgh Gazette*, and in some One and the same Newspaper published in the County of *Fife*, the Company shall and may thenceforward hold and enjoy the said Low-water Pier and Appurtenances thereof comprised in such Purchase, and shall have, and may have, use, exercise, and enjoy, by themselves, their Officers, Servants, and others, all Powers, Rights, and Privileges conferred on and acquired by the said Proprietors by virtue of the said Act, Fifth and Sixth *Victoria*, Chapter Ninety-one, or otherwise, and which immediately before the Completion of such Purchase the said Proprietors, by themselves, their Officers, Servants, and others, held, used, exercised, or enjoyed, or were competent to have exercised and enjoyed, except in so far as such Powers, Rights, and Privileges are modified by or may be inconsistent with the Provisions of this Act; and the vesting of the said Low-water Pier in the Company, and Publication thereof in manner aforesaid, shall have the like Force and Effect as the Certificate under the Hands of the Sheriff of the County of *Fife*, prescribed by the last-recited Act, would have had, if the said Certificate

ficate had been granted and published in the Manner directed by the said last-recited Act.

Saving of Rights as regards Burntisland Pier.

CII. Save as by this Act is otherwise provided, nothing herein contained shall extend or be construed to extend to defeat, affect, or prejudice any Rights, Privileges, Liberties, Powers, Easements, Accommodations, or Exemptions, in connexion with the said Low-water Pier, which, under or by virtue of the said Act, Fifth and Sixth *Victoria*, Chapter Ninety-one, are specifically granted or reserved to or for the Benefit of particular Persons and Corporations whose Estates, Properties, or Interests are, have been, or may be in anywise affected in or by the making or maintaining or Use of the said Low-water Pier, or to which such Persons and Corporations, or any Person using the said Low-water Pier, and Ferry between the same and *Granton*, are or may be otherwise entitled, under or by virtue of the said last-mentioned Act, or by virtue of any Contract or Agreement entered into between them and the said Proprietors; and such Persons and Corporations shall be entitled to such or the like Powers and Remedies upon and against the Company, for securing the Possession, Use, and Enjoyment of such Rights, Privileges, Easements, Accommodations, and Exemptions, as under the Provisions of the last-mentioned Act they would have been entitled to against the said Proprietors or Persons, or to have enjoyed in respect of the Use of the said Low-water Pier and Ferry, in case the said Act, Tenth and Eleventh *Victoria*, Chapter One hundred and ninety-two, and this Act, had not passed.

Actions, &c. as to Burntisland Pier not to abate.

CIII. No Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the said Proprietors of the foresaid Low-water Pier, in any Matter connected therewith, previously to the Time when the same shall become vested in the Company, shall abate or be discontinued or prejudicially affected by virtue or in consequence of the Provisions of this Act, or of the Act, Tenth and Eleventh *Victoria*, Chapter One hundred and ninety-two, but, on the contrary, the same shall continue and take effect in the same Manner and in all respects as the same would have been continued and taken effect if this Act or the foresaid last-mentioned Act had not been passed; and all Penalties by reason of any Offence against the Provisions of the said Act, Fifth and Sixth *Victoria*, Chapter Ninety-one, previously to the Transfer of the said Low-water Pier to the Company, the Right to sue for which may at the Time be existing or in force, may be sued for, and all Offences committed before such Transfer against the Provisions of the last-mentioned Act may be prosecuted, in such or the like Manner, to all Intents and Purposes, as the same might have been sued for and prosecuted respectively if this Act, or the said Act, Tenth and Eleventh *Victoria*, Chapter One hundred and ninety-two, had not been passed.

CIV. All

Contracts as to Burntisland Pier, &c. to remain in force.

CIV. All Purchases, Sales, Contracts, Conveyances, Mortgages, Bonds, Securities, Grants, Leases, or Agreements made, entered into, or granted in relation to the said Low-water Pier, before the Sale thereof, to or by or with or on behalf of the said Proprietors in any Manner affecting or having relation to the same or to the Tolls arising thereon, shall, after the Sale and Transfer of the said Low-water Pier to the Company, operate and be in force, and may be sued upon and enforced by or against the Company, as fully and effectually as if they had been entered into by the Company in lieu of the said Proprietors, so nevertheless that no Estate or Assets of the Company, except the said Low-water Pier to be sold to them as aforesaid, shall be liable to the Satisfaction of the Securities or Engagements to be so enforced against them.

As to Number of Passages the Company shall make across Burntisland Ferry.

CV. The Company shall be bound to make at least the same Number of Passages daily between *Granton* and *Burntisland* as are provided for in the said Act, Fifth and Sixth *Victoria*, Chapter Ninety-one, and provided to be made in consideration of the Right of levying the Rates thereby conferred, and to maintain and use such Number of Steam and other Boats as may be necessary for that Purpose, not being fewer than the Number mentioned in the last-mentioned Act; but in the event of any additional Passages of said Ferry being deemed necessary by the Company for the Accommodation of the Traffic in connexion with the Railways on each Side of the said *Burntisland and Granton* Ferry, the ordinary Passenger Traffic not in connexion with said Railways shall be conveyed and accommodated on such additional Passages, on paying the Tolls, Rates, and Duties ordinarily leviable; but the Company shall not be bound to convey, by any Boats making such additional Passages, Horses, Carriages, Cattle, Goods, Wares, Merchandise, Minerals, and other Articles and Things, other than the personal Luggage of Passengers, not being carried in connexion with the said Railways, nor shall they be bound to convey the same by Steam Vessels set aside and used by the Company for the Accommodation of Passenger Traffic exclusively; but the Number of Passages daily by which Horses, Carriages, Cattle, Goods, Wares, Merchandize, and Minerals, and other Articles and Things, may be conveyed, whether connected with such Railways or not, shall not be less in Number than the Number specified in the said last-mentioned Act, and required to be made in consideration of the Right of levying Rates thereby conferred.

Penalty on claiming Exemption, not being entitled.

CVI. If any Person claim and take the Benefit of any Exemption in and by the last Section conferred, without being entitled thereto, he shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Works at Burntisland Pier to be made under Powers of 5 & 6 Vict. c. 91.

CVII. Except where otherwise provided for by this Act, all the Provisions, Matters, and Things contained in the said Act, Fifth and Sixth *Victoria*, Chapter Ninety-one, and thereby made applicable to the Construction of Works thereby authorized, save so much thereof as authorizes the taking of Lands compulsorily, shall extend to and be applicable to the Works authorized to be constructed under the Authority of the said repealed Act, Tenth and Eleventh *Victoria*, Chapter One hundred and ninety-two, as fully as if the same Provisions, Matters, and Things had been re-enacted in this Act with reference to such last-mentioned Works, and as if such Works had formed Part of the Works authorized thereby.

Ferry Trustees may, with Consent of Treasury, wind up their Affairs.

CVIII. Notwithstanding anything contained in the said Act, Fifth and Sixth *Victoria*, Chapter Ninety-one, the Trustees acting under the several Acts relating to the Ferries across the River *Forth* may at any Time after the passing of this Act proceed to wind up finally the Affairs of the said Ferries, having previously obtained the Consent of the Lords Commissioners of Her Majesty's Treasury and the Lords Commissioners of the Admiralty, and they the said Trustees may then sell and dispose of the whole Estate and Property of every Description which belonged to them the said Trustees, and that notwithstanding a Certificate under the Hands of the Sheriff of *Fife* shall not have been granted or published that the Works authorized by the said last-mentioned Act have been completed.

5 & 6 Vict. c. 91. to remain in force, except as to the Low-water Pier, &c.

CIX. The said Act, Fifth and Sixth *Victoria*, Chapter Ninety-one, shall continue and be in force for the Term of Twenty-five Years from and after the First Day of *January* One thousand eight hundred and forty-seven, excepting as to the Right to the said Pier at *Burntisland* or other Works, which shall continue to be the Property of the present Proprietors thereof, or others deriving Right from them under the Provisions of the foresaid Act, Tenth and Eleventh *Victoria*, Chapter One hundred and ninety-two, or of this Act.

Power to improve the Harbour of Burntisland.

CX. Subject to the Provisions of this Act, the Company may, with the Consent in Writing of the Magistrates and Town Council of the Royal Burgh of *Burntisland*, deepen and improve the Harbour of *Burntisland* and the Entrances thereof, and may make and construct the several Piers and other Works upon the Lands delineated on the Plans and described in the Books of Reference deposited in reference to the Works authorized by the repealed Act, Eleventh and Twelfth *Victoria*, Chapter Ninety-eight.

Works at Burntisland Harbour to

CXI. For such last-mentioned Purposes, but subject always to the Provisions herein contained, the Company may enter upon, purchase, take, and use such of the Lands delineated on the said deposited

Plans and referred to in the Book of Reference thereto as they may require for the Purposes of improving the said Harbour and constructing the Works in connexion therewith; and the said Magistrates and Town Council of *Burntisland* may sell and convey to the Company such Parts or Portions of the Lands as belong to or are in the Right of the said Burgh of *Burntisland* or the Community thereof, and may receive and discharge the Price or Prices to be paid in respect of the same.

be constructed according to deposited Plans.

CXII. The Works to be made by the Company at the said Harbour shall be a Bulwark on the West Side of the Entrance to the said Harbour, a Pier, Bulwark, and Wharfs on the East Side of the said Harbour, with proper Breakwaters, Approaches, and other Buildings, Erections, and other Works and Conveniences in connexion therewith, and such other Works as may be necessary for deepening the said Harbour and the Entrances thereof, and for removing a Part of the Pier at the said Harbour known by the Name of the East Pier.

Works to be made at Burntisland Harbour.

CXIII. The Bulwark or Breakwater on the West Side of the said Harbour of *Burntisland* shall, when completed, belong to and be the Property of the Magistrates and Town Council of the Burgh of *Burntisland*, for behoof of the Community of the said Burgh, and they shall be entitled to use the same for the Construction of Wharfage or for a Pier for the Use of Vessels frequenting the said Harbour, as they may see proper; but the said Bulwark or Breakwater or Pier, if such Pier shall be by them constructed, shall not be so constructed or used as to interfere with, injure, or obstruct the Use of the said proposed Pier on the East Side of the said Harbour; and the Company, and the Vessels engaged in Traffic for the Railway, shall be entitled to use such Pauls or Mooring Rings as may be placed on the said Bulwark or Breakwater or Pier, in working the said Vessels to or from the said East Pier, or on entering or departing from the inner Harbour, free of Charge, and, when absolutely necessary, or when there may not be Accommodation in the inner Harbour, the Masters or other Persons in charge of such Vessels shall be entitled to lay the same alongside the said Bulwark or Breakwater or Pier, but so as not to obstruct the Entrance to the Harbour; and until the said Bulwark or Breakwater shall be used by the said Magistrates and Town Council for the Construction of Wharfage or a Pier as aforesaid, the Company shall uphold and maintain the same in proper Repair.

Bulwark, when constructed, to become the Property of the Burgh.

CXIV. The Quay Wall leading out to the proposed Pier-head at the said Harbour from the present East Pier to the Extent of a Breadth of open Quay or Roadway of Twenty Feet, measured Eastward

Quay Wall and Pier-head at Burntisland to the

Breadth of 20 Feet to be the Property of the Burgh.

ward from the Face of the Coping, with the Ground on which that Extent of Pier rests, and also the proposed Pier-head to the Extent of Twenty Feet in Breadth around the same, likewise measured from the Face of the Coping, together with the Ground on which the Pier-head to that Extent rests, shall belong to and be the Property of the said Magistrates and Town Council of *Burntisland*, for behoof of the Community of the said Burgh, but the Company shall have the Use thereof at all Times, and when and so long as they shall have Occasion for the same, for loading and unloading their Railway Traffic; and the Vessels engaged in the said Traffic shall, subject to the Provisions herein-after contained, be entitled exclusively to lay alongside of the said Portion of Pier, and to use the same for the Purposes of loading and unloading their Cargoes, and for all other necessary Purposes.

Stoneforth Road at Burntisland, and Continuation thereof, to be made and maintained by the Company.

CXV. The present Road leading from the Shore of *Burntisland* to the said East Pier and *Gray Sandy*, called *Stoneforth Road*, shall be widened by the Company to Twenty Feet, and by them maintained at the same Width of Twenty Feet, and shall be kept open for the Use of the Public, subject nevertheless to such Arrangements and Agreements for giving Access to the Traffic of the Company across or along the same as have been agreed upon between the Company hereby dissolved and the said Magistrates and Town Council, or as may be agreed upon between the said Magistrates and Town Council and the Company; and the Company shall make and construct and maintain a Road of Access of at least Twenty Feet wide from the said *Stoneforth Road* to the North End of the proposed East Pier, which shall at all Times be kept open and free to the Public.

Entrance to the Harbour of Burntisland to be kept clear, and a Space of 20 Feet broad along the Front of the Quay Wall to be open to the Public.

CXVI. The Entrance to the said Harbour of *Burntisland* shall at all Times be kept clear and open for the Ingress and Egress of all Vessels entering the Harbour, and a Space of at least Twenty Feet shall be kept open by the Company along the Front of the said Quay Wall as a free Access to the Public along the same to the Pier-head, with Power, nevertheless, to the Company to place Cranes on Part of the said Pier, and Quay Wall of Twenty Feet, and also all such Pauls and Mooring Rings as shall be necessary to secure Vessels berthed at the said Pier, which Pauls and Mooring Rings shall be provided, fixed, and kept in repair and altered by the Company in such Manner and at such Places as the Lord High Admiral or the Commissioners for executing the Office of the Lord High Admiral shall approve, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty; and all Masters and other Persons in charge of Vessels entering or leaving the Harbour of *Burntisland* shall be entitled to use the said Pauls or Mooring Rings, without any Charge being made or paid in respect thereof.

CXVII. In

In case of Removal of the present East Pier at Burntisland, Company to construct a new Half-tide Pier and other Works, to the Satisfaction of the Admiralty.

CXVII. In case the present East Pier of the said Harbour shall at any Time hereafter be removed by the Company, they shall, at their Expense, before such Removal, construct a sufficient Half-tide Pier, for the free Use of Fishing Boats and small Coasting Vessels, such Half-tide Pier being provided by continuing the said proposed East Pier Northward from the South Side of the present East Pier to the South Wall of the Shipbuilding Yard belonging to the Company hereby dissolved, and the Company shall from Time to Time dredge and maintain a sufficient Channel leading up to such Pier to the Level of Low Water at Spring Tides, and the Company shall also build a Lighthouse at the Entrance of the Harbour on the new East Pier-head in the Place of that which may be removed, such Works to be executed by the Company to the Satisfaction of the said Lord High Admiral or the said Commissioners of the Admiralty; and the said Half-tide Pier and Lighthouse, when completed, shall belong to and be the exclusive Property of the Magistrates and Town Council of the Burgh of *Burntisland*, for behoof of the Community of the said Burgh, and the said Pier and Lighthouse shall thereafter be kept up and maintained by the said Burgh.

Vessels taking the Harbour of Burntisland in certain Cases may lay alongside proposed East Pier.

CXVIII. Vessels taking the Harbour of *Burntisland* in Stress of Weather, or arriving in a leaky or dangerous State, and unable with Safety to reach the inner Harbour, or in other Circumstances which in the Opinion of the Harbour Master shall make it necessary, shall be allowed to lay alongside the said proposed East Pier and Quay Wall, but only if there shall be a Berth or Berths empty at the Time, and in Cases where the Company's Use of the said Pier and Quay Wall is not thereby obstructed; but such Vessels shall be removed therefrom as soon thereafter as possible, and so that as little Interruption as may be shall be occasioned to the Traffic of the Company.

Works to be deemed to be within the Limits of the Harbour of Burntisland, and to be under the Regulation of the Harbour Master.

CXIX. The Works at the said Harbour hereby authorized shall be deemed and taken to be within the Limits of the Harbour of *Burntisland*, subject nevertheless to the Provisions of this Act, and to such Agreements as have been made with reference thereto between the said Magistrates and Town Council of *Burntisland* and the Company hereby dissolved, or as may be made between the said Magistrates and Town Council and the Company; and the Powers of the Harbour Master appointed or to be appointed by the said Magistrates and Town Council shall extend to the said Works authorized by the said Act, Eleventh and Twelfth *Victoria*, Chapter Ninety-eight, and this Act, and may be executed by him as fully and freely in all respects as the same have been or may be exercised by him within any other Part of the Harbour of *Burntisland*.

Company may agree with the Magistrates and Town Councils, &c. as to Rates.

CXX. To reimburse the Company for the Works at *Burntisland* Harbour before mentioned being executed at the Expense of the Company, the Magistrates and Town Council of the Royal Burgh of *Burntisland* may receive from the Company, in lieu of the Shore Dues and Burgh Customs now leviable by them on Goods, Animals, Matters, and Things shipped and landed by or for the Company at the Harbour of *Burntisland* or within the Boundaries thereof, or at the said new Pier and Wharfs to be constructed under this Act, or to be conveyed by or for the Company within or through the said Burgh, or to be conveyed by or for the Company across the *Burntisland and Granton* Ferry, such modified or restricted Sums, for such Period, and on such Terms and Conditions as shall be mutually agreed upon between the Parties; and the said Magistrates and Town Council and the Company may from Time to Time enter into any Agreements and Contracts for the Purposes aforesaid or any of them, and for the Construction of the said Works and Improvement of the said Harbour, within the Powers of this Act, and for the Regulation and Use thereof, and such Agreements and Contracts may contain such Covenants and Conditions as may be or may have been mutually agreed upon; and the Company may levy such Shore Dues and Customs on Goods, Animals, Matters, and Things in respect of which such Composition or restricted Sum shall be payable by them, and the Company shall have and enjoy all the Rights, Powers, and Remedies for levying the same, or recovering of Penalties in connexion therewith, which are now competent to and which might have been exercised in the same Matters by the said Magistrates and Town Council; but such Shore Dues and Customs shall in no Case exceed the Sums which are at present legally exigible by the said Magistrates and Town Council for such Shore Dues and Customs; and no such Contract or Agreement shall prevent the said Magistrates and Town Council, after the Expiration thereof, from again exercising all the Rights and Privileges of the said Burgh in relation to such Shore Dues and Customs conferred by Charter, Custom, or otherwise, as fully and freely as if such Contract or Agreement had not been made or entered into; the Rights of the said Magistrates and Town Council to exact and levy Anchorage Dues, Shore Dues, Burgh Customs, and Lighthouse Dues during the Period of the said Agreement, on all Ships, Goods, Animals, Matters, and Things not comprehended within the said Agreement, being in all respects reserved to them entire.

Four Fifths of the Burgh Harbour Revenue to be applied solely to

CXXI. Four Fifths of the whole Amount of Money hereafter to be received by the Magistrates and Town Council of the said Burgh as Harbour Revenues, whether in name of Harbour Dues or Burgh Customs, in respect of all Goods, Animals, Matters, or Things shipped

or

or landed at the said Harbour, including any Sum payable by the Company by way of Compensation in lieu and stead thereof, shall be applied solely to Harbour Purposes; and the said Magistrates and Council shall be bound, once in every Year, to render to the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, an Account showing the Amount of the said Four Fifths of the said Harbour Revenues received by them, and the Application thereof for the Purposes aforesaid; but the Company shall not be bound to see or to be responsible for the Application of the said Revenues or of any Part thereof.

Harbour Purposes by the Magistrates, who shall render an Account annually to the Admiralty.

CXXII. The Works contemplated by the said Act, Eleventh and Twelfth *Victoria*, Chapter Ninety-eight, and the Lands on which such Works are made, except where otherwise especially provided for by this Act, shall be the Property of the Company, subject to such Contracts and Agreements as may have been entered into by and between the said Magistrates and Town Council and the Company hereby dissolved, or as may be agreed upon between the said Magistrates and Town Council and the Company, with reference to the Construction, Management, Regulation, and Use thereof, and the levying of Tolls, Dues, and Duties in respect of the same.

Part of Works to be the Property of the Company.

CXXIII. Nothing herein contained in relation to such last-mentioned Works shall interfere with or infringe any Rights of Ferry between *Burntisland* and *Leith* presently possessed by the said Magistrates and Town Council of *Burntisland*.

Saving Rights of a certain Ferry.

CXXIV. Except as herein otherwise provided, and except also in so far as the same are not inconsistent with the Provisions of this Act, all Rights, Benefits, Privileges, or Immunities which the Magistrates and Town Council of *Burntisland* are possessed of or have a Right unto, by Charter, Prescription, Custom, or otherwise, and all their Jurisdiction over and within the Space to be occupied by the foresaid Works, shall subsist and continue in full Force and Effect.

Saving Rights of Magistrates and Town Council of Burntisland.

CXXV. The Company may take the Pieces of Ground lying within or near to the Royal Burgh of *Burntisland* in the County of *Fife* belonging to the said Royal Burgh, or held by the Magistrates and Council thereof in trust or otherwise for behoof of the Community of the said Burgh or the Public or others, shown on a Plan, and described in a Book of Reference to the said Plan containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers, deposited with the Sheriff Clerk of the County of *Fife*, as set forth in the said Act, Eleventh and Twelfth *Victoria*, Chapter One hundred and twelve; and the said Magistrates

Power to complete Sale of Ground at Burntisland.

Magistrates and Council may complete a Sale or Sales, on such Terms as have been agreed upon, of the said Pieces of Ground, and may receive and discharge the Price or Prices paid thereof; and any Agreements, Contracts, or Conveyances in relation to the said Pieces of Ground or any of them, not inconsistent with the Provisions of this Act, which may have been entered into or executed prior to the passing of the said Act, Eleventh and Twelfth *Victoria*, Chapter One hundred and twelve, or of this Act, between the said Magistrates and Council, or the Community of the said Burgh, and the Company hereby dissolved, shall be valid, binding, and obligatory on all concerned, as if the same had been entered into or executed subsequently to the passing of this Act; but the Company shall not be entitled under this Act to take or acquire from the said Magistrates and Council any other Piece or Pieces of Ground than such as have already been acquired and are now occupied by the said dissolved Company.

Accesses to the Beach at Burntisland to be kept open.

CXXVI. The Company shall keep open all existing Accesses from the Town and Links of *Burntisland* to the Sea Beach there, and shall not be at liberty to purchase or in any other Way obtain the Possession of any further Ground, so as in any Manner to interfere with or prevent such free Accesses to the said Sea Beach.

Publication of Notice under Burntisland Pier and Ferry Act.

CXXVII. Instead of the Notices required by the said Act, Fifth and Sixth *Victoria*, Chapter Ninety-one, in regard to the Hours of Departure at the said Ferry between *Burntisland* and *Granton*, and any Alteration thereof, it shall be sufficient that Notice of all the Hours of Departure from either Side of the said Ferry, and of every Alteration thereof, shall be given at least twice in some Newspaper published and circulated in the County of *Edinburgh* and once in some Newspaper published and circulated in the County of *Fife*, not more than Fifteen Days nor less than Seven Days before such Alteration.

Reserving Rights of Duke of Buccleuch and his Successors in the Piers and Harbour of Granton.

CXXVIII. Nothing in this Act contained in relation to the said *Granton* Branch shall diminish, alter, prejudice, affect, or take away any of the Rights, Privileges, Powers, or Authorities vested in the Duke of *Buccleuch and Queensbury*, and his Heirs and Successors, by the Acts, Seventh *William* the Fourth and First *Victoria*, Chapter Fifteen, and Fifth and Sixth *Victoria*, Chapter Nineteen, or shall authorize or empower the Company in any Manner to obstruct or impede the Use or Navigation of the Pier and Harbour thereby authorized, or the Completion of the Works already constructed or which may be hereafter constructed within the Boundaries of the same, under the Authority of the said Two several Acts or either of them,

them, or to purchase, take, or use any of the Lands or Buildings belonging to the said Duke within the Boundaries of the Lands of *Granton*, in the first of the said last Two recited Acts described, or otherwise, for the Purpose of making the said *Granton* Branch at or near to *Granton* Pier aforesaid, without the Consent of the said Duke or his foresaids first had or obtained.

Granton Branch to be kept in repair by Company.

CXXIX. The said *Granton* Branch shall from Time to Time be maintained and kept in repair by and at the Expense of the Company; and the Right of Soil of and in the said *Granton* Branch within the Boundaries aforesaid shall remain vested in the said Duke and his foresaids.

Wayleave only acquired in respect of Granton Branch.

CXXX. A Wayleave only in and along the said *Granton* Branch has been acquired by the Company under and by virtue of the Powers in and by the foresaid Act authorizing the Construction of said Branch.

Power of the Duke of Buccleuch to make communicating Branches reserved.

CXXXI. Nothing in this Act contained shall extend to prevent the said Duke and his foresaids from laying down, either upon his or their own Lands, any Branches therefrom to communicate with the said *Granton* Branch, by way of Extension of the same, or otherwise, for the Purpose of bringing Carriages to or from or upon or across any such Branch Railway; and the Company shall be bound to make, at the Expense of the said Duke and his foresaids, such Turning Plates and Openings in the Ledges or Flanches of the said Railway, for effecting such Communication, in such Places as may be most convenient for that Purpose; and the Company shall not receive any Rate or Toll or Sum for the passing of any Goods or any other Things along such Branch or Branches so to be made by him or them as aforesaid; but the Company shall not be bound to make any such Openings in the Ledges or Flanches of the said Railway, for the Purpose of effecting such Communication, in any Places where they shall have erected or set up any Building, Steam Engine, Works, Machinery, or Yard, or in any Places which they shall have appropriated or set apart for any specific Purpose with which such Communication would interfere, nor upon any Inclined Plane nor in any Tunnel; and in case any Disagreement or Difference shall arise between the said Duke and his foresaids and the Company as to the proper Places for making any such Openings in the Ledges or Flanches of the said Branch Railway, for the Purpose of such Communication, then the same shall be left to the Decision of the Sheriff or Sheriff Substitute for the County of *Edinburgh*, whose Determination, after the Examination of such competent Witnesses as may be produced before them, shall be binding; and such Sheriff or Sheriff Substitute are hereby authorized

and empowered to take cognizance of all such References, and to act therein accordingly.

Persons making Branches to be subject to Byelaws of the Company.

CXXXII. The Persons making or using any Branch Railways to be made to communicate with or pass across the said Branch Railway, under the Powers by the last Section conferred, shall be subject to all such Byelaws with respect to Traffic upon or across the said Branch Railway to *Granton* as shall be subsisting at the Time of the passing of this Act with reference to the Premises, or as may from Time to Time be made by the Directors of the Company.

As to the Sale of superfluous Grounds of the Edinburgh, Leith, and Granton Railway.

CXXXIII. The Company may absolutely sell and dispose of any Houses or Lands which they have already acquired or purchased, or may hereafter acquire or purchase, as in the Thirtieth Section of the said Act of the Seventh and Eighth *Victoria*, Chapter Eighty-one, mentioned, and which they may not think necessary for the said Works, in such Manner as the Company shall think proper, without being required previously to offer to sell the same to the Persons whose Lands adjoin thereto.

Contract, &c. between the Duke of Buccleuch and Company hereby dissolved to continue binding.

CXXXIV. The Provisions contained in a Contract or Agreement in Writing made between the Duke of *Buccleuch and Queensbury* and the Company hereby dissolved, on the Fifteenth and Twenty-seventh Days of *January* One thousand eight hundred and forty-seven, and registered in the Books of Council and Session in *Edinburgh* on the Twenty-third Day of *February* of the same Year, as to the working of certain Quarries the Property of the said Duke, and as to the Use of certain Parts of the said Duke's Works at *Granton*, and the Conveniences connected therewith, for the occasional Accommodation of the Ferry Boats and Traffic of the said Company, and as to the occasional Use by the said Duke of the Works by the said repealed Act, Twelfth and Thirteenth *Victoria*, Chapter Seventy-nine, authorized, and for the laying down of certain Lines of Rails on certain Parts of such several Works, for the Accommodation of the Traffic thereof and of the Traffic of the said Ferry, and also for reserving to the said Duke certain Crossings over and upon the Works by the last-mentioned Act authorized, and the Right of making Branch Railways in connexion with the Works of the said Company, and as to the Power of selling, assigning, or sub-letting the Privileges in and by such Contract or Agreement conferred on the said Company, and as to the Payments to be made by the Company to the said Duke for and in respect of the Matters in such Contract or Agreement mentioned, and as to other Matters relating to the Rights and Interests of the said Duke and the said Company, and as to which several Matters the said Contract and Agreement was ratified and confirmed by

by the last-mentioned Act, shall continue, and shall be as binding in all respects, and may be enforced by, for, or against the Company and the said Duke, as if the said Contract had been made and entered into under the Authority of this Act.

Right of Soil to remain in Proprietor of Granton Pier.

CXXXV. The Right of Soil of and in the Piers and other Works by the said repealed Act, Twelfth and Thirteenth *Victoria*, Chapter Seventy-nine, authorized to be constructed, shall remain vested in the Proprietor of *Granton* Harbour to the like Extent as the same is now vested in the said Proprietor, but the Company shall have the exclusive Use of the said Piers and Works by them constructed at *Granton*, subject nevertheless to the Provisions in this Act and in the said Contract and Agreement contained.

Locomotive Engines, &c. not to come upon the Pier at Granton without the Consent of the Company.

CXXXVI. No Company or Person with any Locomotive Engine, Waggon, or Carriage shall come upon or use any Rails laid down by the Company hereby dissolved, or which may hereafter be laid down by the Company, upon any Part of the Works by the said repealed Act, Twelfth and Thirteenth *Victoria*, Chapter Seventy-nine, authorized, without the Consent of the Company first had and obtained; but nothing in this Act contained shall affect or diminish, or be construed so as to affect or diminish, any Rights reserved or conferred upon the said Duke in and by the herein-before mentioned Contract and Agreement between him and the said dissolved Company.

Provision as to the Settlement of certain Matters between the Company and the said Duke.

CXXXVII. If any Difference shall arise or if no Agreement can be come to between the Company and the said Duke or his foresaids as to any of the Matters set forth in the Eighteenth Section of the said repealed Act, Seventh and Eighth *Victoria*, Chapter Eighty-one, the same shall, in so far as not already settled, be settled in the Manner prescribed in the said Section.

Saving Rights of the Duke of Buccleuch.

CXXXVIII. Save as by this Act is expressly provided, nothing in this Act in relation to the said Low-water Pier and other Works at *Granton*, authorized by the said repealed Act, Twelfth and Thirteenth *Victoria*, Chapter Seventy-nine, contained, shall prejudice, supersede, or in any Manner interfere with any of the Rights, Powers, or Privileges vested in the said Duke, his Heirs and Successors, as such Proprietors of *Granton* Pier aforesaid, under or by virtue of the said Two several recited Acts, Seventh *William* the Fourth and First *Victoria*, Chapter Fifteen, and Fifth and Sixth *Victoria*, Chapter Nineteen, or either of them, or otherwise, but the same shall, save as aforesaid, be preserved and continued, and may be exercised and enjoyed as if this Act or the said repealed Act had not been passed.

CXXXIX. The

For protecting from Injury the Piers, &c.

CXXXIX. The Seventy-fourth, Seventy-fifth, and Seventy-sixth Sections of the said Harbours, Docks, and Piers Clauses Act, 1847, shall extend and be applicable to the Protection from Injury of the aforesaid Piers, Docks, and other Works of the Company at *Granton*, *Burntisland*, *Ferry Port on Craig*, and *Broughty*.

Company may demand and receive Tolls, &c.

CXL. The Company may lawfully demand and receive, in respect of the Use of the Railways, Ferries, and Works comprised in their Undertaking, any Rates, Tolls, and Charges, not exceeding the Rates, Tolls, Dues, Duties, and Charges which at the Time of the passing of this Act they were authorized to demand and receive in respect of the said Railways, Ferries, and Works respectively by the said several Acts relating thereto; and the several Provisions of the said Acts whereby the Amount of the said Rates, Tolls, Dues, Duties, and Charges is limited, and which Provisions are contained or referred to in the Sixteenth, Seventeenth, Eighteenth, and Nineteenth Sections of the said Act, Tenth and Eleventh *Victoria*, Chapter One hundred and fifty-one, in the Eighteenth, Nineteenth, Twentieth, and Twenty-first Sections of the said Act, Tenth and Eleventh *Victoria*, Chapter One One hundred and fifty-two, in the Twenty-second and Twenty-third Sections of the said Act, Tenth and Eleventh *Victoria*, Chapter Two hundred and twenty, in the Thirty-fourth Section of the said Act, Tenth and Eleventh *Victoria*, Chapter Two hundred and thirty-nine, in the Twenty-fourth and Twenty-fifth Sections of the said Act, Tenth and Eleventh *Victoria*, Chapter Two hundred and seventy-seven, in the Twenty-ninth and Thirtieth Sections of the said Act, Eleventh and Twelfth *Victoria*, Chapter One hundred and twelve, and in the Twenty-fifth and Twenty-sixth Sections of the said Act, Twelfth and Thirteenth *Victoria*, Chapter Seventy-nine, shall be excepted from the Repeal of the said Acts, and shall remain and be applicable to the Limitation and to the levying of the Tolls, Rates, and Charges which the Company may demand and receive upon and for the Use of the said several Railways, Ferries, and Works respectively.

Provisions as to Burgh Customs, Shore Dues, &c.

CXLI. With the respective Concurrence and Authority of the Magistrates and Town Councils or Managers of any Royal or other Burgh or Place in or through or near to which the Railways or Stations of the Company may pass or be situate, and also with the Concurrence of any Persons or Bodies respectively, for their respective Rights and Interests, having Right to levy any Tolls, Rates, Dues, Duties, or Customs in respect of any Passengers, Animals, Goods, Articles, Matters, or Things coming into, passing through, or out of any such Royal or other Burgh or Place, by the Railways or to the

the Stations of the Company, or coming to or passing any Ferry, or landing, loading, or being unshipped at any Pier, Port, or Landing Place used by the Company, to or from which Passengers, Animals, Goods, Articles, Matters, or Things are carried by the Company, granted prior to the passing of this Act to the Company hereby dissolved, and with any like Concurrence and Authority to be hereafter granted to the Company, the Company may levy and collect such Tolls, Rates, Dues, Duties, and Customs, in so far as the same are or might be legally exigible by the Body or Persons theretofore having Right to levy the same, and whose Concurrence for the Levy thereof may have been or shall be obtained, and the Company may for such Purpose use and exercise all the Powers and Authorities applicable to the levying and collecting of the same Tolls, Rates, Dues, Duties, and Customs, and the Company may account to the said respective Bodies or Persons for their respective Rights and Interests in the Premises, or may make such Compensation or pay such Composition therefor as shall be mutually agreed upon; and any such Body or Person and the Company may enter into such Agreements, Leases, or other Contracts as may be expedient and proper in reference to the Premises or any of them; and such Agreements, Leases, and Contracts may contain such Covenants and Conditions as have been or may be mutually agreed upon between the Parties; but nothing in this Act contained in relation to such Tolls, Rates, Dues, Duties, or Customs, or any of them, shall be held to apply to the Trustees for the Harbour of *Dundee*, or to any Rights and Privileges belonging to them in relation thereto, all which are hereby reserved entire.

Agreement with the Magistrates and Council of Kirkcaldy to be valid.

CXLII. The Agreement in the Thirty-third Section of the said Act, Eleventh and Twelfth *Victoria*, Chapter One hundred and twelve, mentioned as having been entered into by and between the Company hereby dissolved and the Provost, Magistrates, and Town Council of the Royal Burgh of *Kirkcaldy*, is and shall continue to be valid and binding as between the said Provost, Magistrates, and Council, and their Successors in Office, and the Company: Provided always, that, save as aforesaid, nothing in this or the said repealed Acts contained shall extend or be construed to extend to alter, prejudice, diminish, or affect the Rights, Privileges, Jurisdictions, Immunities, and Authorities possessed and enjoyed by the Magistrates and Town Council of the Royal Burgh of *Kirkcaldy*, under Acts of Parliament, Royal Charter, immemorial Usage, or otherwise.

Railway and Company to be subject to Provisions of 1 & 2 Vict. c. 98.,

CXLIII. Nothing in this Act contained shall be held to exempt the said Railways or the Company from the Provisions of the several Public and General Acts, First and Second *Victoria*, Chapter Ninety-eight, Third and Fourth *Victoria*, Chapter Ninety-seven, Fifth and Sixth

3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

Sixth *Victoria*, Chapter Fifty-five, Seventh and Eighth *Victoria*, Chapter Eighty-five, and Ninth and Tenth *Victoria*, Chapters Fifty-seven and One hundred and five respectively, but such Provisions shall be in force in respect of the said Railways and Company, so far as the same shall be applicable thereto.

Railway and Company not to be exempt from Provisions of future General Acts.

CXLIV. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act or the recited Acts authorized to be made, or the Company, from the Provisions of any General Act relating to such Acts, or of any General Act relating to Railways, or to the better and 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 authorized by this Act.

Saving Rights of the Crown.

CXLV. Nothing contained in this Act, or in the Acts herein recited or referred to, shall extend or authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods and Forests, Lands Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners or any Two of them are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Exemption of certain Vessels in the Service of Her Majesty, &c.

CXLVI. Nothing in this Act contained shall extend to charge with Rates or Duties, or to regulate or subject to any Control, any Vessel 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 Customs or Excise, or of the Corporation of *Trinity House of Deptford Strond*, or the Commissioners of Northern Lights, using the Piers, Wharfs, Quays, Harbours, Locks, Cuts, Docks, and other Harbour Works of the Company, 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 employed in the Service of the Admiralty, 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 or Goods for the Service of or being the Property of Her Majesty, or any Troops landed upon or delivered or disembarked from any of the said Piers, Wharfs, Quays, Harbours, Locks, Cuts, Docks, and other Works, or their Baggage, but all such Vessels, Officers, or Persons as aforesaid shall have the free Use of the said Piers, Wharfs, Quays, Harbours, Locks, Cuts, Docks, and other Works, without any Charge or Rate being made for using the same: Provided always, 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.

Expenses of Act.

CXLVII. All the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the Company.

Interpretation of Terms.

CXLVIII. In this Act the Words "the Company" shall mean "The *Edinburgh, Perth, and Dundee* Railway Company," re-incorporated by this Act, and "the Undertaking" shall mean the several Railways, Piers, Ferries, Docks, and other Property and Rights before defined, and vested in or belonging to the Company; and where any Act is recited by the Year of the Reign and Chapter, without any Statement that the same is a Public and General Act, the same shall be taken to be a Local and Personal Act.

Short Title.

CXLIX. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Edinburgh, Perth, and Dundee* Railway (Consolidation) Act, 1851."

SCHE-

SCHEDULE (A.) of Acts relating to the Company, referred to in the foregoing Act.

6 & 7 William the 4th, Chapter 131.
2 & 3 Victoria, Chapter 51.
7 & 8 Victoria, Chapter 81.
8 & 9 Victoria, Chapter 158.
9 Victoria, Chapter 57.
9 & 10 Victoria, Chapters 72, 79, 136, 138, & 139.
10 & 11 Victoria, Chapters 151, 152, 192, 220, 239, 274, & 277.
11 & 12 Victoria, Chapters 98 & 112.
12 Victoria, Chapter 15.
12 and 13 Victoria, Chapter 79.

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