CHAPTER cxciv.

An Act to authorise the Glasgow Yoker and Clydebank Railway Company to make a Branch Railway in the Parish of Old Kilpatrick and for other purposes. A.D. 1891.

[5th August 1891.]

WHEREAS by the Glasgow Yoker and Clydebank Railway Act 1878 (in this Act called "the Act of 1878") the Glasgow Yoker and Clydebank Railway Company (in this Act called "the Company") were incorporated for making and maintaining a railway from the Stobcross Railway to Yoker and Clydebank with branches therefrom all in the Act of 1878 described and were authorised to raise a share capital of eighty-five thousand pounds and to borrow twenty-eight thousand three hundred pounds: 41 & 42 Vict. c. cl.

And whereas by the North British and Yoker Railway Companies Act 1880 (in this Act called "the Act of 1880") an agreement for the working management and maintenance of the said railway and branches by the North British Railway Company was confirmed and it was provided by such agreement that the same should endure for ten years from the fourth day of July one thousand eight hundred and seventy-eight and for such further period from the expiry of said period not exceeding ten years as the Board of Trade might after the lapse of said period determine: 43 & 44 Vict. c. cxxxv.

And whereas by the Glasgow Yoker and Clydebank Railway Act 1883 (in this Act called "the Act of 1883") the Company were authorised to make a railway in the parish of Govan to connect the main line of the Company with the Stobcross branch of the North British Railway and to raise an additional share capital not exceeding seventeen thousand five hundred pounds and to borrow five thousand eight hundred and thirty pounds and it was enacted that sections 60 and 61 of the Act of 1878 should extend to and include the last-mentioned railway and the works connected therewith and that the agreement before referred to should be read and construed and receive effect as if that railway and works had formed 46 & 47 Vict. c. lxvi.

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part of the undertaking of the Company authorised by the Act of 1878 and as if the additional share and loan capital authorised to be raised under the Act of 1883 had been raised under the Act of 1878:

And whereas the Company have constructed the railways and works authorised by the Acts of 1878 and 1883 with the exception of Railway No. 4 authorised by the Act of 1878 and have raised the whole of the share capital authorised by the Act of 1878 and excepting to the extent of fifty-eight pounds three shillings and eleven pence have also borrowed the whole money by that Act authorised to be borrowed and have converted the money so borrowed to the extent of eighteen thousand seven hundred and forty-one pounds sixteen shillings and one penny into debenture stock but the powers of raising capital conferred on the Company by the Act of 1883 have not been exercised:

And whereas it is expedient that the Company should be authorised to make the railway and works hereinafter described and to raise additional share and loan capital and that the agreement before referred to should be renewed and made applicable to such railway and works:

And whereas the powers granted by the Act of 1878 for the compulsory purchase of lands for the construction of Railway No. 4 authorised by that Act expired on the fourth day of July one thousand eight hundred and eighty-one and the period limited by that Act as extended by the Act of 1883 for the completion of the said Railway No. 4 expired on the fourth day of July one thousand eight hundred and eighty-six and no contract has been entered into or notice given by the Company for the purchase of any land for the purposes of or in relation to the said Railway No. 4 or any portion thereof and the construction of the said railway has not been commenced and the same cannot be made without further statutory powers and it is expedient that provision should be made for the payment of the proportion of the money deposited with the Court of Exchequer in Scotland in respect of the application to Parliament for the Act of 1878 applicable to the said Railway No. 4 to the persons referred to in that Act as the depositors:

And whereas plans and sections showing the line and levels of the railway and works authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the principal sheriff clerk for the county of Dumbarton in his office at Dumbarton and are hereinafter

respectively referred to as the deposited plans sections and books of reference : A.D. 1891.

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title.

1. This Act may be cited as the Glasgow Yoker and Clydebank Railway Act 1891.

Incorporation of Acts.

2. The Lands Clauses Acts the Railways Clauses Consolidation (Scotland) Act 1845 Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 the clauses and provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the following matters (that is to say) The distribution of the capital of the Company into shares the transfer or transmission of shares the payment of subscriptions and the means of enforcing the payment of calls the forfeiture of shares for non-payment of calls the remedies of creditors of the Company against the shareholders the borrowing of money by the Company on mortgage or bond the conversion of the borrowed money into capital the consolidation of the shares into stock the general meetings of the Company and the exercise of the right of voting by the shareholders the making of dividends the giving of notices and the provision to be made for affording access to the special Act by all parties interested and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 are (except where expressly varied by this Act) incorporated with and form part of this Act and all the provisions of the Companies Clauses Consolidation (Scotland) Act 1845 which relate to stock into which shares in the capital of the Company have been converted or consolidated shall apply to the stock which the Company are by this Act authorised to issue and to the holders thereof.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and in the Acts wholly or partially incorporated with this Act as applied to this Act the expression "the Company" means the Glasgow

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Yoker and Clydebank Railway Company the expression "the special Act" means this Act the expression "the railway" means the railway by this Act authorised the expression "the undertaking" means the undertaking of the Company as authorised by the Act of 1878 the Act of 1883 and this Act.

Power to make Railway.

4. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railway hereinafter described with all proper stations junctions sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes The railway hereinbefore referred to and authorised by this Act is—

A railway two furlongs three chains and one yard or thereabouts in length to be wholly situate in the parish of Old Kilpatrick in the county of Dumbarton commencing by a junction with the main line of railway of the Company at a point thereon three hundred and fifty-four yards or thereabouts (measured in a westerly direction along the same) from the east end of the booking office of Yoker Station and terminating at a point on the northern boundary of the shipbuilding yard of Messrs. Napier Shanks and Bell at the centre of the principal gateway of the said shipbuilding yard.

Power to raise additional capital.

5. Subject to the provisions of Part II. of the Companies Clauses Act 1863 the Company may for the purpose of constructing the works and acquiring the lands by this Act authorised to be constructed and acquired raise any additional capital not exceeding in the whole six thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock convertible into ordinary shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share or stock vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share or the whole of such stock shall have been paid in respect thereof Provided that if in any year ending on the thirty-first day of December or so long as the half-yearly accounts of the Company shall be brought down to the thirty-first day of January and the thirty-first day of July then if in any year ending on the thirty-first day of January there are not profits available for the payment of the full amount of preferential dividend or interest for that year on any such new preference shares or stock no part of the deficiency

shall be made good out of the profits of any subsequent year or out of any other funds of the Company. A.D. 1891.

New shares or stock to be subject to the same incidents as other shares or stock:

6. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

And to form part of capital of Company.

7. The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares or stock.

8. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Right of voting in respect thereof.

9. Each holder of new shares or stock in the capital by this Act authorised to be raised shall be entitled to the same number of votes in respect thereof which the possession of an equal nominal amount of the existing capital of the Company would have conferred upon him Provided always that except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any such new shares or stock to which a preferential dividend shall be assigned.

Receipt clause in case of persons not sui juris.

10. If any money is payable to a shareholder or mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate or of his tutor or curator or curator bonis shall be a sufficient discharge to the Company.

Extending to additional capital provisions of Act of 1878 as to dividing shares.

11. The provisions contained in sections 11 to 18 both inclusive of the Act of 1878 with reference to the division of the shares in the capital into half-shares shall extend and apply to the shares in the additional capital by this Act authorised as if the same had been re-enacted in this Act with reference thereto.

Power to borrow.

12. The Company may in respect of the additional capital of six thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole two thousand pounds but no part thereof shall be borrowed until the whole of the said additional capital is

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issued and accepted and one-half thereof is paid up and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act 1845 before he so certifies that the whole of such additional capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share (forming part of such capital so issued) has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and also in so far as the said capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such sheriff of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

For appointment of a judicial factor.

13. Section 22 of the Act of 1878 and section 11 of the Act of 1883 with reference to the appointment of a judicial factor are hereby repealed but without prejudice to any such appointment or proceedings for any such appointment pending before the passing of this Act and the mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than three thousand six hundred pounds in the whole.

Existing securities to have priority.

14. The principal moneys secured by all mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and bonds have priority over the principal moneys secured by any mortgages or bonds granted by virtue of this Act.

Power to create debenture stock.

15. The Company may create and issue debenture stock subject to the provisions of section 13 of the Act of 1883 Notice of the effect of that enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application of moneys.

16. All moneys raised under this Act whether by shares or stock or debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

Company may apply to purposes of this Act funds not required for other purposes.

17. The Company may apply towards the purposes authorised by this Act to which capital is properly applicable any capital or funds belonging to or authorised to be raised by them which may not be required for the purposes for which the same were authorised to be raised or directed to be applied.

Lands for extraordinary purposes.

18. The Company may take by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation (Scotland) Act 1845 in connection with the railway authorised by this Act any quantity of land not exceeding two acres but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section.

Power to take easements &c. by agreement.

19. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement servitude right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges ground annuals or feu duties so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements servitudes rights and privileges as aforesaid respectively.

Period for compulsory purchase of lands.

20. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to cross a certain road on the level.

21. Subject to the provisions in the Railways Clauses Consolidation (Scotland) Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of the railway carry the same with a single line only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the road next hereinafter mentioned (that is to say):—

Number on Deposited Plans.	Parish.	Description of Road.
13	Old Kilpatrick - -	Public road.

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As to working of traffic over level crossing.

22. In working the traffic across the road mentioned in the immediately preceding section of this Act by means of locomotives or other steam or mechanical power the Company shall conform to such reasonable rules and regulations enforceable in such manner and by such penalties as the trustees having the management of the said road may from time to time prescribe Provided always that in the event of any difference between such trustees and the Company as to the manner in which such traffic should be worked or as to the reasonableness of any such rules regulations or penalties the matter in difference when and so often as any difference shall arise shall be determined by the Board of Trade on the application of either party whose determination on each such difference shall be final and conclusive and the Company shall pay the costs of any such application unless in the case of such application being made by the trustees the Board of Trade shall decide the same was unreasonable.

For the protection of Messrs. Napier Shanks and Bell.

23. Whereas the railway is proposed to be laid partly along a private road numbered 14 on the deposited plans belonging to Messrs. Napier Shanks and Bell the following provisions shall apply and receive effect:—

(1.) The railway so far as laid upon the said private road shall be constructed with a single line of rails flush with the surface of the roadway along the west side of the roadway and the roadway between and for eighteen inches on each side of the rails shall be macadamized and maintained by the Company in proper repair at its existing level;

(2.) The Company shall not except with consent of Messrs. Napier Shanks and Bell enter upon or take any part of the land belonging to them numbered 15 on the deposited plans and the Company shall only acquire a servitude over the said private road for the construction and maintenance of the railway as above mentioned;

(3.) The railway shall not be constructed beyond a point distant 100 feet from the present northern boundary fence of the shipyard belonging to Messrs. Napier Shanks and Bell and they shall themselves at their own expense construct a private siding from its termination to their said yard;

(4.) In the event of the portion of the railway upon the said private road by reason of the said shipyard being discontinued or from any other cause ceasing for the period of two consecutive years to be used for traffic the Company shall at the request of the said Messrs. Napier Shanks and Bell remove the rails of the said portion of railway and restore the road to

the condition as nearly as may be in which it was before the rails were laid;

(5.) Goods and other materials delivered into or removed from the said shipyard over the railway shall at no time be liable to higher total charges than those charged to other parties using the railway for the time being for similar goods or materials under similar circumstances;

(6.) The Company shall pay to Messrs. Napier Shanks and Bell and their successors for the right to lay the railway on the said private road the sum of five shillings yearly so long as the railway on the said road shall exist which sum shall be in full of all compensation payable to them by reason of the construction of the said railway.

For the protection of the Lanarkshire and Dumbartonshire Railway if authorised.

24. In the event of the passing of a Bill now depending in Parliament for authorising the construction of the Lanarkshire and Dumbartonshire Railway the Company shall not construct the railway by this Act authorised or carry on or effect any work or operation or enter upon or take any land numbered 15 on the deposited plans in the parish of Old Kilpatrick and county of Dumbarton in virtue of this Act in such manner as to interfere with the construction of Railway No. 1 shown on the plans deposited with reference to the said Bill or any siding from that railway to be made in connection with the works of Messrs. Napier Shanks and Bell by agreement with that firm Provided always that the said Railway No. 1 shall be carried over the Road No. 14 in the said parish on the plans deposited with reference to the Bill for this Act by means of a girder bridge having a span of not less than sixty feet and a clear headway of not less than sixteen feet and that the said siding shall be made in such manner as not to interfere with the construction of the railway by this Act authorised.

Owners may be required to sell parts only of certain property.

25. And whereas in the exercise by the Company of the powers of this Act it may happen that a portion only of the property numbered 9 on the deposited plans will be sufficient for the purposes of the Company and that such portion may be severed from the remainder of the said property without material detriment thereto Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the said property may (if such portion of the said property can in the opinion of the jury arbiters oversman or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of the said property without material detriment thereto) be required to sell and convey to the Company the portion only of the said property required

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without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portion required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise Provided always that nothing in this section contained shall be held as determining whether the said property is or is not subject to the provisions of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

Restrictions on displacing persons of labouring class.

26.—(1) The Company shall not under the powers of this Act purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

(A) shall have obtained the approval of the Secretary for Scotland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Secretary for Scotland shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) shall have given security to the satisfaction of the Secretary for Scotland for the carrying out of the scheme.

(2) The approval of the Secretary for Scotland to any scheme under this section may be given either absolutely or conditionally and after the Secretary for Scotland has approved of any such scheme he may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Secretary for Scotland may dispense with the last-mentioned requirement subject to such conditions (if any) as he may see fit.

(4) Any provision of any scheme under this section or any conditions subject to which the Secretary for Scotland may have approved of any scheme or of any modifications of any scheme or

subject to which he may have dispensed with the above-mentioned requirement shall be enforceable by an order of the Court of Session to be obtained by the Secretary for Scotland.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase section 90 of the Public Health (Scotland) Act 1867 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of that Act and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or under any provisional order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the purposes of their undertaking:

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for the period of twenty-five years from the passing of this Act be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings by the Company shall be endorsed with notice of this enactment:

Provided also that the Secretary for Scotland may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as he may see fit.

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(8) The Secretary for Scotland may direct any inquiries to be held which he may deem necessary in relation to any scheme under this section and he and any person appointed by him to hold inquiry shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them respectively under the Public Health (Scotland) Act 1867 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act.

(9) The Company shall pay to the Secretary for Scotland a sum to be fixed by him in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the person appointed to hold any such inquiry and a sum to be fixed by the Secretary for Scotland not exceeding three guineas a day for the services of the person so appointed.

(10) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Penalty imposed unless the line is opened within the time limited.

27. If the Company fail within the period limited by this Act to complete the railway the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the works and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of the Queen's and Lord Treasurer's Remembrancer on behalf of the Court of Exchequer in Scotland in the bank specified in such warrant or order and shall not be paid thereout except as hereinafter provided but no penalty

shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the railway by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

28. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the "Edinburgh Gazette" shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit And if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a judicial factor has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such judicial factor or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors.

Compensation for damage to land by entry &c. for purposes of railway abandoned.

29. The abandonment by the Company of the Railway No. 4 authorised by the Act of 1878 shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out the line of the said railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation (Scotland) Act 1845 or the Act of 1878.

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Release of balance of railway deposit.

30. Subject to the provisions of this Act and of section 45 of the Act of 1878 with respect to compensation to landowners and other persons injured and for the protection of creditors the Court of Exchequer in Scotland or in time of vacation the Lord Ordinary officiating on the Bills in the Court of Session in Scotland may and shall at any time after the passing of this Act on the application of the person or persons referred to in section 44 of the Act of 1878 or of the survivors or survivor of them or of the majority of such persons or survivors or of the executors or administrators of the last survivor in a summary way order the sum of two hundred and sixty-one pounds eleven shillings and five pence being the portion of the money deposited with the said Court of Exchequer as recited in the said section 44 of the Act of 1878 applicable to the Railway No. 4 by that Act authorised and the interest and dividends thereof to be paid to the persons or person so applying or to any other person or persons whom they or he may appoint in that behalf.

Period for completion of works.

31. If the railway is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Tolls.

32. The Company may demand and take in respect of the use of the railway or any part thereof and of carriages and engines thereon and in respect of accommodation and services provided by the Company in connection therewith any tolls rates and charges not exceeding the tolls rates and charges which the Company are for the time being authorised to demand and take in respect of the use of the railways by the Act of 1878 authorised and of carriages and engines thereon and in respect of accommodation and services provided by the Company in connection therewith Provided that the railway shall as respects tolls rates and charges be considered in all respects as part of the undertaking of the Company and that only one short distance charge shall be made for the conveyance of traffic partly thereon and partly on any other railways of the Company.

Agreement between the Company and the North British Company renewed.

33. Sections 60 and 61 of the Act of 1878 shall extend to and include the railway and the works connected therewith by this Act authorised and the agreement scheduled to the Act of 1880 shall be read and construed and receive effect between the companies parties thereto as if the railway and works authorised by this Act had formed part of the undertaking of the Company authorised by the Act of 1878 and referred to in the said agreement and as if the

additional share and loan capital authorised to be raised under this Act had been raised under the Act of 1878 and the said agreement is hereby renewed and shall remain in force until the expiration of six months after notice in writing intimating their desire to terminate the same shall have been given by either party thereto to the other. A.D. 1891.

Saving rights of Postmaster-General under Telegraph Act 1878.

34. Nothing in this Act or in the Act of 1880 or in the agreement scheduled to the last-mentioned Act shall affect the rights of the Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the passing of this Act be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company or any part thereof is worked by the North British Railway Company.

Interest not to be paid on calls paid up.

35. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation (Scotland) Act 1845.

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

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

Provision as to general Railway Acts.

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

A.D. 1891.

Costs of Act.

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

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