ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

Cap. ccxiii.

An Act to authorize the Construction of a Railway across the *Firth of Forth* in connexion with the *Edinburgh and Glasgow* and *North British* Railways, and in completion of the improved Railway Route between *Edinburgh* and *Perth* across the Firth, also other Railways and Works; and for other Purposes. [5th *July* 1865.]

26 & 27 Vict. c. ccxiii.

WHEREAS by "The *North British* (*Edinburgh, Dunfermline, and Perth*) Railway Act, 1863," and "The *Edinburgh and Glasgow* Railway (*Queensferry*) Act, 1863," the *North British* and *Edinburgh and Glasgow* Railway Companies were severally authorized to construct different Railways and Works for improving the Railway Communication between *Edinburgh* and *Perth viâ* the *Firth of Forth*: And whereas the Continuity of the said Route by Railway is interrupted at or near *Queensferry* by the *Firth of Forth*, and Provision is by the said Acts made for connecting the Railways on either Side of the said Firth by means of Ferry Works and Steam Vessels: And whereas a Railway from the *Edinburgh and Glasgow* Railway in the Parish and County

of *Linlithgow* to the *North British* (late *Charleston* or *West of Fife*) Railway in the Parish of *Dunfermline* in the County of *Fife*, crossing the *Firth of Forth* by a Bridge, together with a Railway therefrom to another Point on the *Edinburgh and Glasgow* Railway, and a Railway from the *North British* (late *Charleston* or *West of Fife*) Railway to a Railway authorized by the *North British* (*Edinburgh, Dunfermline, and Perth*) Railway Act, 1863, and therein referred to as Railway No. 9., and the widening and enlarging of Part of the *North British* (late *Charleston* or *West of Fife*) Railway, would greatly improve the said Route, and be of Advantage to the Public by making it continuous; and it is expedient that the *North British* and *Edinburgh and Glasgow* Railway Companies (in this Act called "the Two Companies") should jointly, or One of them separately, be authorized to execute such Works: And whereas the Construction of the said new Works would render unnecessary Part of the Railway authorized by the *North British* (*Edinburgh, Dunfermline, and Perth*) Railway Act, 1863, and therein referred to as Railway No. 8., and a Pier, therein called the North Pier, in connexion with such Railway No. 8.; and it is expedient that the Construction thereof should be relinquished, and that certain of the Provisions of the said Act relating thereto and to the *Queensferry* Passage should be repealed: And whereas the Estimate for the Railways and Works by this Act authorized is Six hundred and fifty thousand Pounds, of which the Proportion agreed to be advanced by the *North British* Railway Company is Three hundred and ninety-five thousand two hundred Pounds: And whereas the Capital which the *North British* Railway Company were authorized to raise by "The *North British* (*Edinburgh, Dunfermline, and Perth*) Railway Act, 1863," for the Railways and Works by that Act authorized, is Four hundred and sixty thousand Pounds, whereof, by reason of the Abandonment of Part of the said Railways and Works, One hundred and forty thousand Pounds will be available for the Railways and Works by this Act authorized: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

8 & 9 Vict. cc. 17., 19., & 33., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 92. & 118., incorporated.

1. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation (*Scotland*) Act, 1845," Part I. of "The Railways Clauses Act, 1863," relating to Construction of a Railway, the Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the several Matters following; (that

(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 Nonpayment of Calls, the Remedies of Creditors of the Company against the Shareholders, the borrowing of Money by the Company on Mortgage or Bond, the Conversion of the borrowed Money into Capital, the Consolidation of the Shares into Stock, and the Provision to be made for affording Access to the Special Act, and Parts I., II., and III. of "The Companies Clauses Act, 1863," relating respectively to Cancellation and Surrender of Shares, to additional Capital, and to Debenture Stock, are hereby incorporated with this Act.

Interpretation of Terms.

2. In construing the incorporated Acts for the Purposes of this Act, and in construing this Act, the Words and Expressions herein mentioned or referred to shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Special Act" shall mean this Act:

The Expression "Joint Line" shall mean the Railways by this Act authorized to be made or enlarged, and all Stations, Sidings, Offices, Watering Places, Works, and Conveniences on or in connexion with such Railways.

Joint Committee of Directors, and Quorum.

3. There shall be a Joint Committee of the Two Companies (in this Act called "the Joint Committee"), which shall consist of Three of the Directors of the *North British* Railway Company, of whom the Chairman or acting Chairman for the Time being of that Company shall always be One, and Three Directors of the *Edinburgh and Glasgow* Railway Company, of whom the Chairman or acting Chairman for the Time being of that Company shall always be One; and the Two Companies shall respectively appoint their Members to serve on the Joint Committee within One Month after the passing of this Act, and the Members so appointed shall continue in Office till the First Day of *August* One thousand eight hundred and sixty-six.

Joint Committee in subsequent Years.

4. At a Meeting to be held in the Month of *June* or *July* in the Year One thousand eight hundred and sixty-six, and in One or other of the said Months in every succeeding Year, the Board of Directors of each of the Two Companies shall nominate and appoint Three of the Directors of the Company, of whom the Chairman or acting Chairman for the Time being shall be One, to succeed the Members of the Joint Committee then in Office; and the Members of the Joint Committee for the Time being shall continue in Office till the

Appointment of their Successors, but the retiring Members, if and so long as they shall continue to be Directors of the Company, shall be eligible for Re-election.

Occasional Vacancies.

5. If during the Period for which any Member of the Joint Committee shall have been appointed he shall die, resign, or cease to be a Director of the Company for which he was appointed, or by reason of ill Health or Absence from *Great Britain*, or from any other Cause, shall become and continue to be unable or unwilling to act, the Board of Directors by whom such Person had been appointed shall thereupon appoint another of their Directors in his Place.

Chairman.

6. The Chairman or acting Chairman of each of the Two Companies for the Time being shall be alternately Chairman of the Joint Committee for Twelve Months; and in the Absence of both the Chairmen the Members present may and shall appoint One of their Number to be Chairman for the Occasion.

No Casting Vote.

7. The Chairman of the Joint Committee shall not be entitled to a Casting Vote.

Meetings of the Joint Committee.

8. The Meetings of the Joint Committee shall be held in *Edinburgh* or *Glasgow*, according to the Domicile of the Company whose Chairman is Chairman of the Joint Committee for the Time being, or at such other Place as may from Time to Time be agreed upon; and the Joint Committee, at the First Meeting held after each Appointment of its Members, shall determine the Times and Places of its Stated Meetings during the Period for which the Members thereof then in Office shall have been appointed; but a Special Meeting may at any Time be called by the Chairman of the Joint Committee, or upon the Requisition of any Two Members; and all Special Meetings, whether upon such Requisition or without such Requisition, shall be called by the Secretary of the Joint Committee by Circular (which may be despatched by Post to the Address of the Members of the Joint Committee) at least Forty-eight Hours before the Time of such Meeting.

Quorum.

9. The Quorum of a Meeting of the Joint Committee shall be Three.

Appointment of Secretary.

10. The Joint Committee may from Time to Time appoint a Secretary, who shall also be Treasurer of the Joint Committee, and shall be removable at the Pleasure of the Joint Committee acting for the Time being; and in the Case of the Death, Removal, or Resignation of the Secretary the Joint Committee for the Time being shall immediately

immediately thereupon appoint some other Secretary in the Place of the one so dying, resigning, or being removed; and the Secretary of the Joint Committee at the Time of the passing of this Act shall, notwithstanding the passing thereof, continue in Office, but subject to the like Power of Removal as if he had been appointed under the Provisions of this Act.

Minutes of Proceedings.

11. Minutes of the Proceedings of the Joint Committee shall be entered by the Secretary in a Book to be provided for that Purpose, and shall be signed by the Chairman, and the Minutes so signed shall be Evidence for all Purposes of such Proceedings; and the Book in which the same shall be entered shall be open to the Inspection of any of the Directors of either of the Two Companies, and Copies of the Minutes shall be forwarded to the Secretaries of the Two Companies without Delay.

Umpire to be annually appointed for deciding Points in dispute between the Members of the Joint Committee.

12. At the First Meeting of the Joint Committee after the annual Appointment of the Members thereof the Joint Committee shall nominate an Umpire for One Year, to whom shall be referred all Questions which may occur during that Year in regard to the Matters under the Control of the Joint Committee on which they are equally divided; and in case the Joint Committee shall be equally divided on the Question of the Appointment of such Umpire it shall be referred to the Chairmen or acting Chairmen of the Two Companies to nominate such Umpire, and, in the event of their disagreeing, such Umpire shall, upon the Requisition of either of them, be nominated by the Board of Trade; and the Umpire shall decide upon all Questions that had been referred to him, although the Period for which he was appointed has expired.

Sub-Committee of Officers of the Two Companies may be appointed.

13. The Joint Committee shall be authorized to appoint a Sub-Committee of Officers of the respective Companies for carrying out the Objects of the Joint Committee, to whom Copies of the Minutes of the Joint Committee shall be forwarded without Delay.

Powers of the Joint Committee.

14. The Joint Committee shall have the sole Management of the Construction and Maintenance of the Joint Line, and the entire and absolute Management, Regulation, and Control thereof when made, and the entire and absolute Control of all Traffic Arrangements of the Two Companies in reference thereto, including the fixing of Tolls, Rates, and Fares, whether in regard to local Traffic, or to Traffic to be interchanged between the Undertakings of the Two Companies, or to Foreign Traffic; and it shall be the Duty of the Joint Committee to develop the Resources of the Joint Line to their fullest Extent.

Vesting of Lands for the Undertaking in the Two Companies jointly.

15. All Lands from Time to Time purchased for the Purposes of the Joint Line shall be conveyed to and vested in the Two Companies jointly, and shall be for ever after held and enjoyed by them jointly upon trust for the Purposes of the Undertaking: Provided always, that the Form of Conveyance of Lands prescribed by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," may be used with the requisite Alterations thereof for the Conveyance of Lands to the Two Companies jointly.

As to Capital for constructing the Undertaking.

16. The Capital necessary for and attending the Purchase of Lands for and the Construction of the Joint Line, or otherwise in relation thereto, shall be contributed by the Two Companies in the following Proportions; (that is to say,) the *North British* Railway Company shall contribute Sixty *per Centum* and Four Fifth Parts of One *per Centum* thereof, and the *Edinburgh and Glasgow* Railway Company shall contribute Thirty-nine *per Centum* and One Fifth Part of One *per Centum* thereof; and in the event of the Undertaking of the *Monkland* Railway Company being amalgamated with or leased to the *Edinburgh and Glasgow* Railway Company, then the said Capital shall be contributed by the Two Companies in the following Proportions; (that is to say,) the *North British* Railway Company shall contribute Fifty-six *per Centum* and Thirty-eight Hundredth Parts of One *per Centum* thereof, and the *Edinburgh and Glasgow* Railway Company shall contribute Forty-three *per Centum* and Sixty-two Hundredth Parts of One *per Centum* thereof.

Joint Committee may make Calls on the Two Companies.

17. The Joint Committee from Time to Time may make such Calls of Money upon the Two Companies rateably in respect of the Amount to be contributed by them respectively towards the Construction of the Joint Line as the Joint Committee think fit, and may appoint the Persons to whom, and the Times and Places at which, the Calls shall be paid.

Recovery of Calls in arrear.

18. If at the Time appointed by the Joint Committee for the Payment of any Call either of the Two Companies fail to pay the Amount of the Call, the Joint Committee may sue such Company for the Amount thereof in any Court of competent Jurisdiction, and may recover the same, and the Interest thereon, from the Day on which the Call was payable.

Interest on Calls in arrear.

19. If on or before the Day appointed for Payment of any Call, either of the Two Companies do not pay the Amount thereof to which they are liable, then they shall pay for the same, while in arrear, Interest at such Rate, not exceeding Five Pounds *per Centum*

per

per Annum, as the Joint Committee appoint: Provided, that not less than Twenty-eight Days Notice of every Call shall be given by the Joint Committee.

Payments in advance of Calls.

20. The Joint Committee, if they think fit, may receive from either of the Two Companies willing to advance the same any Sum of Money beyond the Sums actually called for; and on the Money so paid in advance, or so much thereof as from Time to Time exceeds the Amount of the Calls then made, the Joint Committee may pay Interest at such Rate, not exceeding Five Pounds *per Centum per Annum*, as the Joint Committee and the Company so paying in advance agree.

Two Companies to have equal Rights in respect of the Undertaking.

21. The Two Companies shall have equal Rights each with the other in all respects as to working over and using the Joint Line, and no Preference, Priority, or other Advantage shall be given to either of the Two Companies over or to the Exclusion or Disadvantage of the other of them.

Gross Earnings of the Two Companies to be stated as if the Two Companies were One.

22. The gross Earnings of the Two Companies in reference to the Joint Line shall be stated, accounted for, and published as if the Two Companies were One Company, both as regards Traffic dealt with by the Two Companies themselves, and that dealt with through the Clearing House.

Accounts of gross Earnings to be kept and submitted to the Directors of both Companies, &c.

23. The Joint Committee shall cause accurate Accounts of all their Receipts and Expenditure in any way relating to the Joint Line, and also of the gross Earnings of the Two Companies in reference to the Joint Line, to be kept, and at the Close of every financial Half Year, and before the Publication of their respective Balance Sheets, shall communicate to the Board of Directors of each Company Copies of these Accounts, to be submitted by them to their Auditors; and each Board, or the Officers appointed by them for this Purpose, or their Auditors, shall have Access to the Books and Accounts kept under the Control of the Joint Committee, in order to check and verify the Accuracy thereof; and the Joint Committee shall have Power to appoint an Audit Accountant and Clerks to give Effect to this and the next preceding Enactment.

Interest on Capital to be a Deduction from gross Earnings.

24. As between the Two Companies, the Dividends and Interest on the Capital to be expended in the Construction of the Joint Line shall be a Deduction from the gross Earnings of the Two Companies before any Division thereof between the Two Companies; and, subject thereto, and to the Salaries of the Staff and the Expenses of the Joint Committee, and to Payment of the Passenger Tax, and of the Expense

Expense of working and maintaining the Joint Railway, such gross Earnings shall be applied or divided between the Two Companies in the following Proportions; (that is to say,) to the *North British* Railway Company Sixty *per Centum* and Four Fifth Parts of One *per Centum* thereof, and to the *Edinburgh and Glasgow* Railway Company Thirty-nine *per Centum* and One Fifth Part of One *per Centum* thereof; or in the event of the Undertaking of the *Monkland* Railways Company being amalgamated with or leased to the *Edinburgh and Glasgow* Railway Company in the present Session of Parliament, then to the *North British* Railway Company Fifty-six *per Centum* and Thirty-eight Hundredth Parts of One *per Centum* thereof, and to the *Edinburgh and Glasgow* Railway Company Forty-three *per Centum* and Sixty-two Hundredth Parts of One *per Centum* thereof: Provided, that nothing herein shall be held to prejudice or affect any Rents or Rentcharges payable by either of the Companies, or the Rights of the Holders of Mortgages or Bonds or Debenture Stocks issued by either of the Companies, or the Rights or Priorities of any Holders of preferential Stock or Shares created by either of the Companies, which were respectively subsisting and in force at the Time of the passing of this Act.

As to Service of Notices on Joint Committee.

25. Any Summons or Notice, or any Writ or other Proceeding at Law or in Equity, requiring to be served upon the Joint Committee, may be served by the same being given personally to or transmitted through the Post, directed to the Secretary to the Joint Committee, or in case there be no Secretary to the Joint Committee, then by being given personally to or transmitted through the Post directed to the Secretary to each of the Companies.

Actions, &c. by and against the Two Companies.

26. All Actions, Suits, Indictments, and other Proceedings at Law or in Equity, or otherwise, in relation to the Joint Line, which might be brought and prosecuted by or against either of the Two Companies if that Company were solely authorized to execute the Powers of this Act with respect to the joint Line, may be brought and prosecuted by or against the Two Companies jointly, or either of them separately.

One Company entitled to recover from the other the whole or a fair Proportion of Damages where Action brought

27. If any Action, Suit, Indictment, or other Proceeding at Law or in Equity shall be brought or prosecuted against the Two Companies jointly for any Act or Default committed or incurred wholly or for the greater Part by One of the Two Companies, the other of the Two Companies shall be entitled to recover in any Court of competent Jurisdiction from the Company by whom such Act or Default shall have been so committed or incurred the whole or a fair Proportion of any Damages, Penalties, Costs, or other Payments to which

which the Two Companies jointly shall have been adjudged or become liable by reason of any Action, Suit, Indictment, or other Proceeding at Law or in Equity.

against the Two Companies jointly.

28. If any Action, Suit, Indictment, or other Proceeding at Law or in Equity shall be brought or prosecuted against either of the said Companies separately, for any Act or Default committed or incurred wholly or in part by both Companies jointly, the Company against whom such Action, Suit, Indictment, or other Proceeding at Law or in Equity shall have been brought or prosecuted shall be entitled to recover from the other Company in any Court of competent Jurisdiction a fair Proportion of any Damages, Penalties, Costs, or other Payments to which such first-mentioned Company shall have been adjudged or become liable by reason of any Action, Suit, Indictment, or other Proceeding at Law or in Equity.

One Company entitled to recover from the other fair Proportion of Damages where Action is brought against either Company separately.

29. The *North British* Railway Company may appropriate and apply to the Purposes of this Act any Capital which they are authorized to raise by "The *North British* (*Edinburgh, Dunfermline, and Perth*) Railway Act, 1863," not exceeding One hundred and forty thousand Pounds.

Power for North British Company to apply to Purposes of Act Capital authorized by Act of 1863.

30. In addition to any Capital which the Company may raise under other Acts of Parliament, it shall be lawful for the Company, with the Consent of Three Fifths of the Votes of the Shareholders present, in person or by proxy, at a General Meeting or General Meetings convened with special Notice of the Purposes, to raise by the Creation of new Ordinary or Preference Shares or Stock such additional Capital as they think fit, not exceeding in the whole Two hundred and fifty-five thousand two hundred Pounds.

Power to raise further Capital.

31. All Shares or Stock to be created by the *North British* Railway Company under the Authority of this Act shall, subject to the Provisions of this Act, form Part of the general Capital of that Company.

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

32. It shall not be lawful for the *North British* Railway Company to issue any Share or Stock to be created under the Powers of this Act, nor shall any such Share or Stock vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share or Stock shall have been paid up in respect thereof.

Shares not to issue until One Fifth paid up.

33. If by any other Act or Acts passed in the present Session of Parliament, and whether before or after the passing of this Act, the *North British* Railway Company be authorized to raise any Capital by new Shares or Stock, then, subject to the Provisions of the other Act or Acts and this Act respectively, the said Company,

Capital under several Acts may be raised by Shares or Stock of One Class.

pany, if they think fit, may raise by the Creation and Issue of Shares or Stock of One and the same Class, all or any Part of the aggregate Capital which they are by the other Act or Acts and this Act respectively authorized to raise by the Creation and Issue of Shares or Stock.

Power to borrow on Mortgage.

34. The *North British* Railway Company, in addition to any Sums which they are authorized to borrow under other Acts of Parliament, may from Time to Time borrow on Mortgage such Sums as they think fit, not exceeding in the whole Eighty-five thousand and sixty Pounds; but no Part of that Money shall be borrowed until the whole of the said Capital of Two hundred and fifty-five thousand two hundred Pounds shall have been *bonâ fide* subscribed and issued, and One Half of that Amount shall have been actually paid up, nor until the said Company shall have proved to the Sheriff who is to certify under the Forty-second Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," (before he so certifies,) that all the said Capital of Two hundred and fifty-five thousand two hundred Pounds has been subscribed for *bonâ fide* and issued, and that One Half thereof has been paid up, and that not less than One Fifth of the Amount of each Share or Sum of Stock was paid on Issue of the same, and that such Shares or Stock are held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same, of which Proof having been given the Certificate of such Sheriff under that Section shall be sufficient Evidence.

Priority of existing Mortgages.

35. All Mortgages granted by the *North British* Railway Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall, as regards the Undertaking comprised in and assigned by such Mortgages, have Priority over all Mortgages granted by virtue of this Act.

Debenture Stock.

36. The *North British* Railway Company may create and issue Debenture Stock.

Power to Edinburgh and Glasgow Company to apply to this Act Capital not otherwise required.

37. The *Edinburgh and Glasgow* Railway Company may appropriate and apply to the Purposes of this Act any Capital which they are authorized to raise by any of the Acts relating to the *Edinburgh and Glasgow* Railway Company, and which is not required for the Purposes of such Acts.

Power to Edinburgh and Glasgow Company to raise Capital by Shares or Stock.

38. The *Edinburgh and Glasgow* Railway Company, with the Consent of Three Fifths of the Votes of the Shareholders present, in person or by proxy, at any General Meeting or General Meetings convened with special Notice of the Purpose, may raise, by the Creation of new Ordinary or Preference Shares or Stock, such additional

additional Capital beyond the Amount which they may be authorized to raise by other Acts of Parliament as they think fit, not exceeding in the whole Two hundred and fifty-four thousand eight hundred Pounds.

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

39. All Shares or Stock to be created by the *Edinburgh and Glasgow* Railway Company under the Authority of this Act shall, subject to the Provisions of this Act, form Part of the general Capital of that Company.

not to issue until One Fifth paid up.

40. It shall not be lawful for the *Edinburgh and Glasgow* Railway Company to issue any Share or Stock to be created under the Powers of this Act, nor shall any such Share or Stock vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share or Stock shall have been paid up in respect thereof.

Capital under several Acts may be raised by Shares or Stock of One Class.

41. If by any other Act or Acts passed in the present Session of Parliament, and whether before or after the passing of this Act, the *Edinburgh and Glasgow* Railway Company be authorized to raise any Capital by new Shares or Stock, then, subject to the Provisions of the other Act or Acts and this Act respectively, the said Company, if they think fit, may raise, by the Creation and Issue of Shares or Stock of one and the same Class, all or any Part of the aggregate Capital which they are by the other Act or Acts and this Act respectively authorized to raise by the Creation and Issue of Shares or Stock.

Power to borrow on Mortgage.

42. The *Edinburgh and Glasgow* Railway Company, in addition to any Sums which they are authorized to borrow under other Acts of Parliament, may from Time to Time borrow on Mortgage such Sums as they think fit, not exceeding in the whole Eighty-four thousand nine hundred and thirty Pounds; but no Part of that Money shall be borrowed until the whole of the said additional Capital of Two hundred and fifty-four thousand eight hundred Pounds shall have been *bonâ fide* subscribed and issued, and One Half of that Amount shall have been actually paid up, nor until the said Company shall have proved to the Sheriff who is to certify under the Forty-second Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," (before he so certifies,) that all the said additional Capital of Two hundred and fifty-four thousand eight hundred Pounds has been subscribed for *bonâ fide* and issued, and that One Half thereof has been paid up, and that not less than One Fifth of the Amount of each Share or Sum of Stock was paid on Issue of the same, and that such Shares or Stock are held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same, of which Proof having been

given

given the Certificate of such Sheriff under that Section shall be sufficient Evidence.

Priority of existing Mortgages.

43. All Mortgages granted by the *Edinburgh and Glasgow* Railway Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall, as regards the Undertaking comprised in and assigned by such Mortgages, have Priority over all Mortgages granted by virtue of this Act.

Debenture Stock.

44. The *Edinburgh and Glasgow* Railway Company may create and issue Debenture Stock.

Application of Money raised under Act.

45. All Money raised under the Powers of this Act by the Creation of new Shares or Stock, or on Mortgage, shall be applied only to the Purposes by this Act authorized.

Power to make Railways.

46. It shall be lawful for the Two Companies to make and maintain the following Railways, with all proper Stations, Approaches, Works, and Conveniences connected therewith respectively; (that is to say,)

First, a Railway (in this Act called Railway No. 1.) from the *Edinburgh and Glasgow* Railway in the Parish and County of *Linlithgow* to the *North British* (late *Charleston* or *West of Fife*) Railway in the Parish of *Dunfermline* in the County of *Fife:*

Secondly, a Railway (in this Act called Railway No. 2.) from Railway No. 1. in the Parish of *Carriden* in the County of *Linlithgow* to the *Edinburgh and Glasgow* Railway in the said Parish of *Linlithgow:*

Thirdly, a Railway (in this Act called Railway No. 3.) in the said Parish of *Dunfermline*, from the *North British* (late *Charleston* or *West of Fife*) Railway to the Railway referred to as Railway No. 9. in "The *North British* (*Edinburgh, Dunfermline, and Perth*) Railway Act, 1863:"

Fourthly, a Widening and Enlargement of the *North British* (late *Charleston* or *West of Fife*) Railway between the respective Points of Junction therewith of Railway No. 1. and Railway No. 3.

Railways to be made according to deposited Plans, &c.

47. And whereas Plans and Sections of the proposed Railways and Enlargement, showing the Line and Levels thereof respectively, and the Lands required for the Purposes of the Undertaking, and also Books of Reference to such Plans, have been deposited with the Principal Sheriff Clerks of the Counties of *Linlithgow* and *Fife* respectively: Therefore, subject to the Provisions and Powers of Deviation in this Act and the Acts and Parts of Acts incorporated herewith contained, the Railways and Enlargement shall be made in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels

defined

defined on the said Sections; and it shall be lawful for the Two Companies to enter upon, take, and use all or any of the said Lands necessary for the said Purposes.

Powers for compulsory Purchases limited.

48. The Powers of the Two Companies for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Lands for extraordinary Purposes.

49. The Two Companies may from Time to Time purchase by Agreement such Lands as they may require for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," in connexion with the Railways and Works by this Act authorized, not exceeding in the whole Twenty Acres.

Period for Completion of Works.

50. The Railways and Enlargement hereby authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Two Companies for making the Railways or Enlargement, or otherwise in relation thereto, shall cease to be exercised, except as to such of them or such Parts thereof respectively as shall then be completed.

Penalty if Railway not completed, &c. within a limited Period.

51. If the Railways by this Act authorized to be constructed shall not be completed and opened for public Traffic within the Period of Five Years from the passing of this Act, then and from thenceforth the Two Companies shall be liable to a Penalty of Fifty Pounds *per* Day, to be recoverable as a Debt due to the Crown, for every Day thereafter until the Railways shall be completed and opened for public Traffic; but no Penalty shall accrue in respect of any Time during which it shall appear by a Certificate to be obtained from the Board of Trade, that the Two Companies were prevented from completing or opening the Railways by unforeseen Accident or Circumstances beyond their Control, but the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Two Companies.

Railway Tolls.

52. The Two Companies may demand and take, in respect of the Railways by this Act authorized, such Tolls and Charges as they think fit, not exceeding the Rates of Tolls and Charges authorized to be taken on the *North British* (*Edinburgh, Dunfermline, and Perth*) Railway; and in estimating the Amount of Toll or Charge in respect of any Traffic conveyed partly on a Railway by this Act authorized, and partly on any Railway of the *North British* Railway Company, the Railways on which such Traffic shall be so conveyed shall be deemed One Railway, as if authorized by "The *North British* (*Edinburgh, Dunfermline, and Perth*) Railway Act, 1863;" and in estimating the Amount of Toll or Charge in respect of any Traffic conveyed partly on a Railway by this Act authorized, and partly on any Rail-

way of the *Edinburgh and Glasgow* Railway Company, the Railways on which such last-mentioned Traffic shall be so conveyed shall be deemed One Railway as if authorized by "The *Edinburgh and Glasgow* Railway (*Queensferry*) Act, 1863."

Tolls in respect of the Bridge.

53. Inasmuch as the Length of the intended Bridge crossing the *Firth of Forth* will exceed Two Miles, and the whole Railways will not exceed Eight Miles, and the estimated Expense of the Undertaking is Six hundred and fifty thousand Pounds: Therefore, in addition to the Tolls which the Two Companies may demand and take in respect of the Railways by this Act authorized for Traffic passing over the Railways, the Two Companies may demand and take for the Conveyance of Passengers, Animals, and Things passing over the Bridge, or any Part thereof, including the Tolls for the User thereof, and for Carriages and locomotive Power, and every other Expense incidental to the Conveyance, Tolls and Charges for Six Miles, in addition to the Tolls they may demand and take in respect of the Railways by this Act authorized.

Part of Railway No. 8. in the North British (Edinburgh, Dunfermline and Perth) Railway Act, 1863, and the North Pier, to be abandoned, &c.

54. The Railway authorized by "The *North British* (*Edinburgh, Dunfermline, and Perth*) Railway Act, 1863," from the Commencement thereof in the Bed and Soil of the *Frith of Forth* to the Point where it is crossed by a Road or Street called *Shore Wynd* or *Port Street*, numbered 101 in the Parish of *Inverkeithing* on the Plans referred to in the last-mentioned Act, and also the Pier in connexion therewith, called in the said Act the *North Pier*, shall be abandoned; and the said Act, so far as it relates to that Part of the said Railway and to the *North Pier*, and so far as it confers Running Powers to the *North British* Railway Company over the *Edinburgh and Glasgow* Railway to *Ratho* and *Queensferry*, and also Sections Twenty-five and Twenty-six thereof relating to Piers and Ferry Works, and also Sections Thirty-six and Thirty-seven thereof relating to the *Queensferry* Passage, are hereby repealed.

Compensation to be made where Contracts have been entered into and Notices given.

55. If in any Case before the passing of this Act any Contract had been entered into or Notice given by the *North British* Railway Company for purchasing any Lands which that Company were empowered to purchase for the Purpose of constructing the Part of the Branch Railway and Pier by this Act authorized to be abandoned, the said Company shall make to the Owners or Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or pursuant to such Notice; and the Amount and Application of such Compensation shall be settled in the Manner provided by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," for determining the Amount and Application of the

the Compensation to be paid for Lands taken under the Provisions thereof: Provided always, that nothing herein contained shall prejudice or affect the Right of the Owner or Occupier of any Lands which the said Company were so empowered to purchase as aforesaid to receive from the said Company Compensation for any Damage that may have been occasioned by the Entry of the said Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in "The Lands Clauses Consolidation (*Scotland*) Act, 1845," contained.

Arbitration.

56. All Questions and Differences which may arise between the Companies upon or in respect of this Act, or the Construction thereof, or the carying the same into effect, or upon any Matter arising out of the same (except such as have been herein-before specially referred to the Umpire to be appointed by the Joint Committee), shall be and are hereby agreed to stand referred to, and be settled and determined by Arbitration in the Manner (so far as applicable) provided by "The Railway Companies Arbitration Act, 1859."

If either Company refuses to join in the Construction of the new Works, or if both Companies are amalgamated, the One Company to exercise the Powers of this Act.

57. If either of the Two Companies shall refuse to join in the Construction of the Railways and Works by this Act authorized, or if the Two Companies shall be amalgamated by any Act to be passed in the present Session of Parliament, all the Provisions of this Act with reference to a Joint Committee or Umpire shall have no Operation, and the other Company or the amalgamated Company shall have all the Powers of this Act for making the said Railways and Works, and the Amount of Capital which the One Company or the amalgamated Company may raise for the Purposes of this Act, shall be the aggregate of the Amounts of Capital authorized to be raised by the Two Companies, and the Amount which the One Company or the amalgamated Company may borrow on Mortgage under this Act shall be the aggregate of the Amounts authorized to be borrowed on Mortgage by the Two Companies, and in all other respects the Provisions of this Act shall apply to the One Company, or to the amalgamated Company only, instead of to the Two Companies.

Interest not to be paid on paid up Calls.

58. It shall not be lawful for either of the Two Companies, out of any Money by this Act or any other Acts relating to the said Companies, or either of them, authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay to any Shareholder any Interest or Dividend on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided, that nothing herein contained shall be deemed to prevent either of the Two Companies from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made, as shall be

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in conformity with the Provisions in "The Companies Clauses Consolidation (*Scotland*) Act, 1845," in that Behalf contained.

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

59. It shall not be lawful for either of the Two Companies, out of any Money by this Act or any other Acts relating to the said Companies, or either of them, authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament in force for the Time being, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Companies, or either of them, to construct any Railway or execute any other Work or Undertaking.

Saving Rights of the Crown.

60. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorize the Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights, of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give); and nothing in the said Act or Acts contained shall divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority now or from Time to Time vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

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

61. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made from the Provisions of any General Act relating to Railways, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, and of the Rates for small Parcels, authorized by this Act.

Expenses of Act.

62. The Costs and Charges of applying for and obtaining this Act, and incidental thereto, shall be paid by the Two Companies in the same Proportions as are provided for the Capital Expenditure.

Short Title.

63. This Act may be cited for any Purpose as "The *North British and Edinburgh and Glasgow* (*Bridge of Forth*) Railways Act, 1865."

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