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An Act to authorise the North British Railway Company to make certain Deviations in the Railways and Works comprised in their Stobcross Undertaking, and to execute other Works; and to make provision with respect to the Sale of superfluous Lands; and for the consolidation of certain Ordinary and Debenture Stocks of the North British Railway Company; and for the Amalgamation with that Company of the Esk Valley Railway Company; and to authorise the raising of Money for the purposes of the Devon Valley Railway; and for other purposes. A.D. 1871.

[13th July 1871.]

Recital of Acts as to North British Railway.

WHEREAS by "The North British Railway (Carlisle Citadel Station Branches) Act, 1865," (in this Act called "The Carlisle Branches Act, 1865,") the North British Railway Company (in this Act called the Company) were authorised to make the railways therein described from the Port Carlisle Railway, leased to the Company, to near the Nelson Bridge over the river Caldew, and to connect the said intended railway with the relief or goods lines in Carlisle Citadel station:

And whereas by "The North British Railway Financial Arrangements Act, 1867," (in this Act called "The Financial Arrangements Act, 1867,") and "The North British Railway (General Powers) Act, 1868," (in this Act called "The General Powers Act, 1868,") certain alterations in the said railways and certain new railways in connexion therewith have been authorised, and the undertaking as at present authorised consists of—

1. A railway from near the Nelson Bridge over the river Caldew, and thence to certain lines of railway in the Carlisle Citadel station (being the railways No. 2 and No. 3 authorised by "The Carlisle Branches Act, 1865"):

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2. A railway from the first-mentioned railway near the Nelson Bridge to near the Caldew Bridge over the river Caldew (being railway No. 1 and part of railway No. 2 authorised by "The Financial Arrangements Act, 1867"):

3. A railway from the last-mentioned railway near the Caldew Bridge to the Port Carlisle Branch of the Caledonian Railway Company (being railway C. authorised by "The General Powers Act, 1868"):

And whereas the time limited for the compulsory purchase of lands for the purposes of the said authorised railway C. will shortly expire, and it is expedient that the same should be extended:

And whereas by or under the provisions of "The Edinburgh and Glasgow Railway (Extensions) Act, 1864," "The North British Railway (Glasgow Branches) Act, 1866," "The North British Railway (General Powers) Act, 1867," (in this Act called "The General Powers Act, 1867,") "The North British Railway (General Powers) Act, 1868," (in this Act called "The General Powers Act), 1868,") and "The North British Railway (General Powers) Act, 1870," (in this Act called "The General Powers Act, 1870,") the Company were authorised to make certain railways and works which by "The North British Railway Act, 1869," and "The General Powers Act, 1870," have been formed into a separate undertaking called the Stobcross undertaking:

And whereas a railway from the Glasgow, Dumbarton, and Helensburgh Branch of the North British Railway to one of the railways authorised by the last-mentioned Acts, and comprised in the Stobcross undertaking, in the burgh of Partick and parish of Govan in the county of Lanark, and a railway therefrom to near the Greenlee Pit, in the parish of Renfrew in the county of Renfrew, and a deviation in the Forth and Clyde canal in the parishes of New or East Kilpatrick in the county of Dumbarton, and Govan in the county of Lanark, would be of public advantage, and it is expedient that the Company should be authorised to make the said railways and deviation, and that certain of the railways or parts of railways comprised in the Stobcross undertaking, and parts of the Forth and Clyde canal, and an authorised deviation of the said canal, should be abandoned, and that the deviation by this Act authorised should be vested in the Caledonian Railway Company, the proprietors of the said canal, as part of that undertaking, and be subject to the powers and provisions of the Acts relating to the same:

And whereas the Caledonian Railway Company and the trustees of the Clyde Navigation respectively have certain powers and rights in reference to certain of the railways or parts of railways and

works comprised in the Stobcross undertaking which are to be abandoned under the powers of this Act, and it is expedient that they should have similar powers and rights in reference to the railways by this Act authorised in connexion with or in lieu of the railways or parts of railways to be so abandoned:

And whereas a new road or street at Coatbridge, from Buchanan Street to the road leading from Gas Lane, Coatbridge, to Langloan Ironworks, and a bridge for foot passengers over the Company's railway or station at Bo'ness in lieu of the existing level crossings, would be of public advantage, and it is expedient that the Company should be authorised to construct the said road and bridge:

And whereas it is expedient that the Company should be authorised to purchase certain lands in the parish of Dalkeith in the county of Edinburgh for station and siding accommodation:

And whereas plans, sections, and books of reference relating to the said several intended railways and works have been deposited as follows; (that is to say,) in the case of the railways in lieu of the railways or parts of railways comprised in the Stobcross undertaking, and in the case of the canal deviation, with the principal sheriff clerks of the counties of Dumbarton, Renfrew, and Lanark respectively; in the case of the bridge for foot passengers over the Bo'ness station, with the principal sheriff clerk of the county of Linlithgow; in the case of the new street or road at Coatbridge, with the principal sheriff clerk of the county of Lanark, and in the case of the lands at Dalkeith, with the principal sheriff clerk of the county of Edinburgh, which said documents are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas it is expedient that the provisions contained in the forty-ninth section of "The General Powers Act, 1870," with respect to the sale of superfluous lands in the parishes therein mentioned, should be extended to other parts of the Company's undertakings:

And whereas the ordinary capital of the Company amounts to the sum of four million two hundred and twenty thousand two hundred and thirty pounds eight shillings and fourpence, and is divided into three classes as follows:

Name of Stock.	Amount created.		
North British ordinary stock - -	£2,761,780	8	4
Border Union ordinary stock - -	100,760	0	0
Edinburgh, Perth, and Dundee ordinary stock - - - -	1,357,690	0	0
	£4,220,230	8	4

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And whereas the proprietors of the Border Union ordinary stock are entitled to larger dividends than the proprieters of North British ordinary stock in the proportion of one pound ten shillings per centum per annum upon Border Union ordinary stock to one pound per centum per annum upon North British ordinary stock, except when the profits for the year are more than sufficient to pay dividends at the rate of six pounds per centum per annum on the Border Union ordinary stock, and four pounds per centum per annum on North British ordinary stock, in which case the surplus is applicable in increasing the dividends upon North British ordinary stock until they amount to six pounds per centum per annum; and when the profits for the year are more than sufficient to pay dividends upon both stocks at the rate of six pounds per centum per annum, the proprietors of both stocks are entitled to dividends at an equal rate per centum per annum on the stock held by them respectively:

And whereas the dividends payable upon the Edinburgh, Perth, and Dundee ordinary stock are at a rate per centum equal to one third of the rate per centum payable upon the North British ordinary stock, but when in any half year the profits are more than sufficient to yield a dividend upon the North British ordinary stock at the rate of three pounds per centum per annum, and a dividend upon the Edinburgh, Perth, and Dundee ordinary stock at the rate of one pound per centum per annum, the surplus is divisible at an equal rate per centum amongst the proprietors of both the said stocks:

And whereas it is expedient that provision should be made for consolidating all the said stocks into one class of stock:

And whereas it is expedient that the Company should be authorised to purchase or redeem any of their debenture stock for the time being, and to create and issue other debenture stock in lieu thereof:

And whereas by "The Esk Valley Railway Act, 1863," the Esk Valley Railway Company were incorporated, with a capital of twenty-seven thousand pounds, and power to raise nine thousand pounds by mortgage, and to make the Esk Valley Railway from the Hawick line of the Company to the river Esk in the parish of Lasswade in the county of Edinburgh:

And whereas by or under the provisions of "The North British Railway (Esk Valley) Lease Act, 1866," the undertaking of the Esk Valley Railway Company is leased to the Company for nine hundred and ninty-nine years, at a rent of one thousand three hundred and fifty pounds, and the Company are under obligation to pay the interest upon the mortgages for the time being of the Esk

Valley Railway Company, but have the option of raising the money themselves:

And whereas the Esk Valley Railway Company have completed their undertaking, and have raised and expended thereon twenty-two thousand pounds of their share capital, and nine thousand pounds money borrowed upon mortgage, and have in addition incurred liabilities to the amount of thirteen thousand pounds:

And whereas it has been agreed between the Company and the Esk Valley Railway Company that the undertaking of the Esk Valley Railway Company should be amalgamated as from the thirty-first day of July one thousand eight hundred and seventy-one with the undertaking of the Company, and that the said sum of thirteen thousand pounds should be raised by increasing the capital of the Esk Valley Railway Company from twenty-two thousand pounds to thirty-three thousand pounds, and by borrowing two thousand pounds upon mortgage, and that all the shares representing the said capital of thirty-three thousand pounds should be preference shares of the Company entitled to a lien upon the Esk Valley Railway, whereof eleven thousand pounds should be entitled to dividends at the rate of five pounds per centum per annum from the thirty-first day of July one thousand eight hundred and seventy-one, and the remaining twenty-two thousand pounds to dividends at the rate of three pounds ten shillings per centum per annum from the thirty-first day of July one thousand eight hundred and seventy-two:

And whereas it is expedient that provision should be made for carrying the said agreement into effect:

And whereas by "The Devon Valley Railway Act, 1858," the Devon Valley Railway Company were incorporated and authorised to construct certain railways in connexion with the railways of the Company, and by or under the provisions of that Act, and of "The Devon Valley Railway Act, 1861," "The Devon Valley Railway Act, 1863," "The Devon Valley and North British Railway Companies (Arrangements) Act, 1866," and "The Devon Valley Railway (Amendment) Act, 1868," or some of them, the share capital of the Devon Valley Railway Company is now limited to one hundred thousand pounds (whereof sixty thousand pounds has been contributed by the Company), and their borrowing power is limited to twenty-six thousand six hundred pounds, and they have raised the whole of the said capital (with the exception of one hundred and sixty-two pounds, arrears of calls) and twenty-five thousand and sixty-three pounds of the said sum of twenty-six thousand six hundred pounds, the balance of the said sum amounting to one thousand five hundred and thirty-seven pounds, being the capitalised value of feu duties, and have expended the several amounts so

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raised upon their undertaking, and have incurred for the purposes of such undertaking further sums amounting to more than six thousand seven hundred pounds, and it is expedient that they should be authorised to raise the said sum of six thousand seven hundred pounds by mortgage, and that the Company should be authorised to guarantee interest upon that sum or any part thereof:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

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

Short title.

1. This Act may be cited for all purposes as "The North British Railway Act, 1871."

Provisions of general Acts herein named incorporated.

2. The provisions of "The Companies Clauses Consolidation (Scotland) Act, 1845," with respect to the distribution of the capital of the Company into shares, and with respect to the transfer or transmission of shares, and with respect to the payment of subscriptions and the means of enforcing the payment of calls, and with respect to the forfeiture of shares for nonpayment of calls, and with respect to the remedies of creditors of the Company against the shareholders, and with respect to the borrowing of money by the Company on mortgage or bond, and with respect to the conversion of the borrowed money into capital, and with respect to the consolidation of the shares into stock, 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, "The Lands Clauses Consolidation (Scotland) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Lands Clauses Consolidation Act, 1869," "The Railways Clauses Consolidation (Scotland) Act, 1845," Parts I., II., and V. of "The Railways Clauses Act, 1863," relating respectively to construction of a railway, to extension of time, and to amalgamation, are (except where expressly varied by this Act) incorporated with and form part of this Act, and such Acts and parts of Acts are in this Act referred to as "the incorporated Acts."

Power to make railways, &c.

3. Subject to the provisions of this Act and of the incorporated Acts, the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railways, canal, and works herein-after described, with all proper stations, approaches, works, and conveniences connected therewith respectively, and may enter upon, take, and use such of the lands

delineated on the said plans and described in the deposited books of reference as may be required for the purposes of this Act, including the station and siding accommodation in the parish of Dalkeith. The railways, canal, and works herein-before referred to and authorised by this Act are,—

1. A railway (in this Act called railway No. 4) two miles five furlongs and nine and a quarter chains in length, commencing by a junction with the Glasgow, Dumbarton, and Helensburgh Branch of the North British Railway, in the parish of New or East Kilpatrick in the county of Dumbarton, and terminating by a junction with the railway authorised by "The General Powers Act, 1870," and therein called railway No. 1, in the burgh of Partick in the parish of Govan in the county of Lanark:
2. A railway (in this Act called railway No. 5) five furlongs in length, commencing by a junction with railway No. 4, in the said parish of New or East Kilpatrick, and terminating near Greenlee Pit in the parish of Renfrew in the county of Renfrew:
3. A canal or cut, being a deviation of the Forth and Clyde canal, and in this Act called the canal deviation, commencing in the said parish of New or East Kilpatrick, and terminating in the said parish of Govan:
4. A new street or road at Coatbridge in the parish of Old Monkland in the county of Lanark, from Buchanan Street into the road leading from Gas Lane to Langloan Ironworks:
5. A bridge for foot passengers over the Company's railway or station at Bo'ness in the parish of Borrowstoneness in the county of Linlithgow.

Railways and works to form part of the Company's undertaking.

4. Except as otherwise provided by this Act with reference to the canal deviation, the railways and works by this Act authorised shall, for the purpose of tolls and charges, and for all other purposes, form part of the undertaking of the Company.

Power to apply existing funds.

5. The Company may contribute and apply for the purposes of this Act any moneys which they may have in their hands, or which they may have authority to raise, and which are not required for the purposes to which the same are by any Act declared to be specially applicable.

Lands for extraordinary purposes.

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

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Powers for compulsory purchases limited.

7. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of two years from the passing of this Act.

Period for completion of works.

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

Tolls.

9. The Company may demand and take in respect of the railways by this Act authorised such tolls and charges as they think fit, not exceeding the rates of tolls and charges authorised to be taken on the Border Union line of the North British Railway, under "The Border Union (North British) Railways Act, 1859," as modified by the second and third sections of the Schedule (B.) to "The North British and Edinburgh and Glasgow Railway Companies Amalgamation Act, 1865;" and in estimating the amount of toll or charge in respect of any traffic conveyed partly on any railway by this Act authorised and partly on any other railway of the Company, the railway by this Act authorised and such other railway shall be deemed one railway.

Abandonment of certain railways and works.

10. The Company shall abandon the construction of the following railways and works; (that is to say,)

The railway authorised by "The Edinburgh and Glasgow Railway (Extensions) Act, 1864," and therein thirdly described, so far as the same is not already abandoned under the authority of Parliament:

The railways authorised by "The General Powers Act, 1867," and therein called railway No. 1 and railway No. 3:

The canal or cut authorised by "The General Powers Act, 1867."

Compensation for damage to land by entry, &c. for purposes of railways and works abandoned.

11. The abandonment by the Company under the authority of this Act of any portion of any railway or work shall not prejudice or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of "The Lands Clauses Consolidation (Scotland) Act, 1845," 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 of the line of railway or work, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation in accordance with the

provisions in that behalf of "The Railways Clauses Consolidation (Scotland) Act, 1845," for such temporary occupation, or for any loss, damage, or injury which may have 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 last-mentioned Acts or "The Edinburgh and Glasgow Railway Extensions Act, 1864," and "The General Powers Act, 1867," or any of them.

Compensation to be made in respect of portions of railways and works abandoned.

12. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portions of the railways or works authorised to be abandoned by this Act, and which shall not be required for the purposes of any of the works by this Act authorised, full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by "The Lands Clauses Consolidation (Scotland) Act, 1845," for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Repealing parts of General Powers Act, 1867.

13. Sections 10, 11, 12, 16, and 17 of "The General Powers Act, 1867," are hereby repealed.

Certain lands of James Gordon Oswald, Esq., not to be taken.

14. Nothing contained in this Act or in "The Edinburgh and Glasgow Railway Extensions Act, 1864," "The General Powers Act, 1867," "The General Powers Act, 1868," "The North British Railway Act, 1869," or "The General Powers Act, 1870," shall authorise the Company, without the consent in writing of James Gordon Oswald, Esquire, of Scotstown, or of the proprietor of that estate for the time being, to enter upon, take, or use any land in the fields or enclosures numbers 39 and 40, in the parish of Govan, on the deposited plans of railway No. 4, which is situated to the south of a line three hundred and sixty feet north from and parallel to the south boundary of the said enclosure No. 40, and to the west of the land already acquired, or which may be acquired, by the Company under and in virtue of a minute of agreement entered into and executed by and between the Company and the said James Gordon Oswald, dated the sixth and nineteenth January eighteen hundred and seventy-one, nor without such consent as aforesaid to enter upon, take, or use any lands in the fields or enclosures marked numbers 32, 33, 34, and 35, in the parish of Govan, on the deposited plans of railway No. 4, and in the portion of the said enclosure No. 39 north of the said line, which is situate to the southward and

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westward of a line distant at all points thirty feet southward and westward from the southern and western boundary of the land already acquired, or which may be acquired, by the Company from the said James Gordon Oswald under and in virtue of the aforesaid minute of agreement of the sixth and nineteenth January one thousand eight hundred and seventy-one.

As to alterations in Great Westber Road.

15. In altering the turnpike road called the Great Western Road, numbered 25, in the parish of Govan, on the deposited plans of railway No. 4, for the purpose of carrying that railway over the same, the Company shall not alter the line or diminish the width of the said road, nor shall they lower the level thereof to a greater extent at any point than four feet, nor make the inclinations thereof steeper than one in fifty on the western side and one in forty on the eastern side of the lowest point at the crossing, and the bridge by which the railway shall be carried over the said road shall be not less than sixty feet in clear width and sixteen feet in clear height throughout.

Bridges are to be provided for James Gordon Oswald.

16. In constructing railway No. 4 the Company shall, for the purpose of preserving communications between the lands of James Gordon Oswald, Esquire, of Scotstown, on the western side of the said railway, and the lands of Partickhill and Hyndland on the eastern side thereof, construct at their own expense in the field marked No. 35, of the parish of Govan, on the deposited plans of railway No. 4, two bridges under the said railway, each of not less than thirty feet in span and sixteen feet in height throughout, one of which bridges shall be constructed at or about a point one mile seven furlongs eight and a half chains from the commencement of the said railway, and the other of which bridges shall be constructed at or about a point two miles and six and a quarter chains from the commencement of said railway; and the Company shall further allow and provide to the said James Gordon Oswald and his successors in the estate of Scotstown, without charge, a right of way through the land acquired from him under the powers of "The Edinburgh and Glasgow Railway (Extension) Act, 1864," and through any other land which may be acquired by the Company under the power of that Act or of "The General Powers Act, 1867," "The General Powers Act, 1868," "The North British Railway Act, 1869," "The General Powers Act, 1870," or of this Act, for the purpose of enabling the said James Gordon Oswald, or the proprietor of the said estate of Scotstown for the time being, to form at his own expense two roads of communication in the line of the said bridges respectively, of such width, not exceeding fifty feet, as he shall think fit, between his remaining lands on the western side of the said railway and the said lands of Partickhill and Hyndland

on the eastern side thereof, as soon as roads or accesses are opened up in the said lands of Partickhill and Hyndland respectively in continuation of the lines of the roads of communication herein-before provided for.

As to Crow Road.

17. In altering the turnpike road called the Crow Road, numbered 100, in the parish of Govan, on the deposited plans of railway number 5, for the purpose of carrying that railway under the same, the Company shall not alter the line nor diminish the width of the said road, nor raise the level thereof to a greater extent at any point than three feet, nor make the inclinations thereof steeper than one in forty-five: Provided always, that such altered road may be made with an uniform gradient from the point where the said railway is carried under the same to the northern corner of the road metal depôt, situated at the junction of the said road with the Great Western Road.

Provision for the protection of mains and pipes of Glasgow Corporation Waterworks Commissioners.

18. Whereas the mains and pipes of the Commissioners acting under "The Glasgow Corporation Waterworks Act, 1855," (hereinafter called "the Water Commissioners,") are laid along the Great Western Road, and other roads and streets within the limits of the said Act, which will be crossed or interfered with by railway No. 4, and it may be necessary for the purposes of this Act to interfere with the said mains and pipes, and it is expedient that provision be made for preventing injury or damage to the works of the Water Commissioners, or any interruption of the supply of water to the inhabitants: The Company, in addition to and notwithstanding anything in "The Railways Clauses Consolidation (Scotland) Act, 1845," contained, before proceeding to break up the soil or the surface of the roads or streets for the purpose of constructing the said railway within ten yards on either side of the mains or pipes of the Water Commissioners at the points of crossing, or to construct any works which will interfere with or affect the said mains or pipes, shall submit to the Water Commissioners plans and sections, working drawings and specifications, showing the manner in which the said railway and works are to be executed at the said points of crossing respectively, which plans and works shall include all beams, girders, troughs, culverts, and masonry necessary for conveying, supporting, and protecting the existing mains or pipes of the Water Commissioners, and any additional pipes which may be laid by the Water Commissioners under the powers of their existing Acts, together with all scour pipes and air valves rendered necessary by the operations of the Company, and also the means, where any are required, of supporting, diverting, or protecting the pipes during the operations of the Company, which plans and sections the engineer for the time being of the Water Commissioners

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shall have fourteen days to consider and approve of previous to the works of the Company being commenced within the said limit of ten yards; and in the event of difference of opinion between the said engineer and the engineer of the Company, such difference shall be settled by an engineer to be appointed by the sheriff of the county of Lanark on the application of either of the said parties, and to be paid by the Company, and the operations of the Company shall be executed by or at the expense of the Company to the satisfaction of the engineer of the Water Commissioners, or, in case of difference, to the satisfaction of the engineer appointed by the said sheriff.

Commissioners may repair accidents to pipes.

19. If at any time any accident shall occur to the mains and pipes belonging to the Water Commissioners at or near any of the said points of crossing, it shall be lawful for the Water Commissioners immediately to repair the said mains or pipes: Provided always, that the Water Commissioners shall, either before or as soon as practicable after the commencement of such repair, give notice thereof to the Company: Provided also, that it shall be lawful for the Company, on the occurrence of any such accident, to repair any damage that may be thereby caused to the said railway, so far as the same can be repaired without interrupting the repair of the said mains or pipes.

Commissioners not to be liable for damage arising from accidents.

20. The Water Commissioners shall not be liable for any loss or damage which may happen to the said railway or works connected therewith, or to the rolling stock used, or to the passengers or goods conveyed upon the said railway, by reason of any accident which may at any time happen to the said mains or pipes at or near the said points of crossing, nor for any loss or damage to the Company arising from the stoppage or loss of traffic on the said railway during the repair of the said mains or pipes which may be necessary in consequence of such accident.

Company liable for damage to pipes.

21. The Company shall be liable to the Water Commissioners for any damage, direct or consequential, which may arise from injury to the said mains or pipes laid or which may be laid in virtue of authority to do so in the construction of the said railway and works connected therewith, or by reason of the traffic conveyed thereon, and the working of the same after the said railway and works shall have been completed, except in so far as such damage shall arise from some unavoidable cause and could not have been prevented by the Company.

Commissioners may lay additional pipes.

22. Nothing in this Act contained shall prevent the Water Commissioners from laying from time to time, as they think proper, additional pipes in the roads and streets crossed by the said railway

so far as they authorised so to do, but the Water Commissioners shall give to the Company twenty-one days notice in writing before interfering with any of the works of the Company, and the Water Commissioners shall lay such additional pipes with all reasonable despatch, and so as to prevent as far as possible interruption to the traffic on the said railway during the laying of such additional pipes: Provided that the works necessary for laying such additional pipes by the Water Commissioners at the said points of crossing respectively, and the works necessary to secure the said railway and the traffic thereon from damage or interruption as aforesaid, shall be made and completed according to a plan to be approved of previously to the commencement of any such works by the engineers for the time being of the Water Commissioners and of the Company respectively, or, in case of difference between them, according to a plan to be approved of previously to the commencement of any such works by an engineer to be appointed by the sheriff of the county of Lanark on the application of either of the said parties.

As to the covering of mains and pipes.

23. In the event of the Company altering or interfering with the surface of any road or street not herein specially mentioned, in which any mains or pipes of the Water Commissioners are or may be laid, the Company shall be bound to leave not less than three feet of covering from the surface of the road or street over every main or pipe so altered or interfered with, or to make such other provision for the protection of such mains or pipes from heavy traffic, and from the effects of frost, as may be agreed on by the engineers of the Water Commissioners and of the Company, or, in case of difference between them, as shall be directed by an engineer to be appointed by the sheriff of the county of Lanark on the application of either of the said parties.

Caledonian Railway Company to have running powers over substituted railways upon the same terms and conditions as over railways abandoned.

24. Whereas by an agreement between the Caledonian Railway Company and the Edinburgh and Glasgow Railway Company, dated the sixteenth day of June one thousand eight hundred and sixty-four, and set forth in Schedule B. to "The Edinburgh and Glasgow Railway (Extensions) Act, 1864," and confirmed by that Act, the Caledonian Railway Company are entitled, for the purpose of conveying traffic to and from the harbour branch railways referred to in that Act, and stations thereon, and to and from the tramways to be constructed by the Clyde trustees, and for those purposes only, to absolute running powers with their engines, trains, carriages, waggons, and trucks over the portions of railways therein mentioned: And whereas by subsequent Acts and this Act certain other railways and portions of railway have been substituted for certain of the lines of railway to which the said agreement relates, and it is just that the Caledonian Railway Company should have the same rights over the

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said substituted railways and portions of railway and works connected therewith as they had under the said agreement over the lines of railway and works referred to therein for which the same have been so substituted: Be it therefore enacted, that for all or any purposes of the said agreement the Caledonian Railway Company shall have the same powers, rights, and privileges in all respects over and upon such of the railways and portions of railway and works as have been substituted as aforesaid (including any portion of the Glasgow, Dumbarton, and Helensburgh Railway which may intervene between the portion of that railway over which the Caledonian Railway Company have running powers under "The General Powers Act, 1867," and the commencement of railway No. 4 by this Act authorised,) in like manner and upon the same terms and conditions in all respects as under the said agreement they would have had over the lines of railway and works referred to in the said agreement for which the same have been so substituted; and, save only so far as regards such substitution, nothing in this Act contained shall be held or construed to prejudice or affect the said agreement, or to repeal, alter, diminish, or prejudice any of the rights, powers, and privileges of the Caledonian Railway Company, under or by virtue of the said agreement, or the Act confirming the same, or any of the recited Acts.

Compensation to Caledonian Railway Company for extra cost in working over substituted route.

25. If the Caledonian Railway Company shall incur any extra cost in working their traffic under the running powers herein-before contained in consequence of the increased length or less favourable character of the gradients of the lines over which such powers may be exercised, as compared with the lines for which the same have been substituted as aforesaid, and over which they were authorised to exercise running powers by "The Edinburgh and Glasgow Railway (Extensions) Act, 1864," and the agreement confirmed by that Act, and by "The Caledonian Railway (Glasgow Harbour) Act, 1864," the Company shall make a reduction in the tolls payable by the Caledonian Railway Company, as provided by the said agreement, corresponding to such extra cost of working; and the amount of such reduction shall, in case of difference, be settled by arbitration under the provisions of "The Railway Companies Arbitration Act, 1859;" and for the purposes of such arbitration the Company and the Caledonian Railway Company shall be deemed to have agreed to refer the difference to arbitration under the provisions of that Act.

If substituted lines not duly completed Company to pay interest

26. If the lines of railway over which running powers are herein-before conferred on the Caledonian Railway Company as aforesaid are not completed and opened for the traffic of that Company on or before the first day of August one thousand eight hundred and

seventy-three, then, and without prejudice to other claims, if any, of the Caledonian Railway Company on account of such non-completion, or of the non-completion of the railways for which those hereby authorised are substituted as aforesaid, or to any existing obligations of the Company for payment of interest to the Caledonian Railway Company, the Company shall pay to the Caledonian Railway Company interest at the rate of five per centum per annum on all sums paid by that Company or for which they may have become liable on account of station ground acquired, or which may be acquired, in connexion with the said lines, from the said first day of August one thousand eight hundred and seventy-three, until the said lines are so completed and opened, and shall also pay and relieve the Caledonian Railway Company from the payment of all feu duties paid by that Company, or for which they may have become liable, on account of station ground feued or which may be feued in connexion with the said lines, and of interest on the said feu duties at the aforesaid rate, from the said first day of August one thousand eight hundred and seventy-three until the said lines are so completed and opened; and in fixing the proportion of cost of the land acquired and feued for the joint or separate stations contemplated in the aforesaid agreement, confirmed by "The Edinburgh and Glasgow Railway (Extensions) Act, 1864," and by "The Caledonian Railway (Glasgow Harbour) Act, 1864," and in the agreement between the trustees of the Clyde Navigation, the Company, and the Caledonian Railway Company, confirmed by "The General Powers Act, 1870," which is to be paid by the Caledonian Railway Company in pursuance of the said agreements, the arbitrator, arbitrators, or umpire, as the case may be, shall exclude from his or their consideration the interest and feu duties payable by the Company under this provision.

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to Caledonian Railway Company on their share of price of station ground till line completed.

27. The Company shall not enter upon or interfere with any of the locks, bridges, or buildings on or connected with the Forth and Clyde canal, and they shall at their own expense execute the canal deviation, including the towing-path and other works connected therewith, according to plans and sections to be approved of previously to the commencement of the works by the engineer for the time being of the Caledonian Railway Company, and the same shall be formed at the sight and to the satisfaction of the said engineer, subject to these conditions, that it shall not be lawful for the Company to make any lateral deviation southward of the southmost portion of the deviated line of canal shown on the deposited plans, nor to leave a less clear width of waterway, towing-path, and banks respectively in the canal deviation than in the existing canal at the points of diversion, nor to leave therein less than a clear depth of ten feet

Regulating construction of canal deviation.

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below the water level of the same; and the aqueduct and other works shall be so constructed as to admit of the water in the canal being raised one foot six inches, and if on being filled with water the canal deviation shall remain free from any leakage for two months, or such other shorter period as the said engineer shall think sufficient to test the sufficiency thereof, the same shall, under an order in writing from the said engineer, be then opened for traffic, and vest in the Caledonian Railway Company, and become an integral portion of the undertaking of the Forth and Clyde Navigation now vested in them, and be subject as such to the provisions of the Acts relating to that navigation with respect to tolls and otherwise; and upon the canal deviation being so finished and opened, the Company may remove so much of that portion of the said existing canal which will be superseded thereby as may be necessary to enable them to construct railway No. 4 and relative works, and may thereafter construct the same accordingly: Provided always, that the Company may, if they think proper, support the aqueduct for carrying the canal deviation over railway No. 4 with cast-iron girders of such dimensions as may be fixed by the said engineer over two openings or spans of fifteen feet each, and the Company shall pay the whole fees and expenses of and incurred by the said engineer in relation to the works.

Canal deviation to be completed within prescribed period, and Caledonian Railway Company to be indemnified by Company.

28. The aforesaid operations shall be carried on and completed within the period by this Act provided for the completion of the canal deviation at the sole risk of the Company, who shall be liable for all damage occasioned to the canal and works connected therewith, or to the traders on the canal, or to the adjoining country, by or in consequence of the operations of the Company, whensoever such damage may occur; and after the canal deviation is opened for traffic as aforesaid, the said aqueduct and the embankments for a distance of twenty yards on each side of the masonry shall be maintained by the Company in all time coming; and the Company shall maintain in a state of perfect repair and free from leakage the remaining portions of the embankment and other works formed by them in connexion therewith for two years after the opening of the canal deviation for traffic.

Penalty in case of impediments to canal.

29. If the canal deviation, aqueduct, and other works connected therewith, or any of them, shall be so constructed or maintained by the Company as to impede boats, barges, or other vessels or traffic from navigating or using the same, or the canal adjoining thereto, at all times as freely and uninterruptedly as at present, then the Company shall pay to the Caledonian Railway Company the actual damage thereby occasioned, or in lieu thereof, and in the option of the Caledonian Railway Company, as and by way of liquidated and

ascertained damages, the sum of ten pounds for every hour during which such impediment shall be allowed to continue, not exceeding forty-eight consecutive hours, but if it continues beyond forty-eight consecutive hours, then the sum of ten pounds for each of such forty-eight hours, and the sum of twenty pounds for every subsequent hour; and in default of payment of any such actual or ascertained damages, on demand being made on the secretary or any other officer of the Company, the Caledonian Railway Company may sue for and recover the same, together with full expenses against the Company, by action in the Court of Session in Scotland, or before the sheriff of the county of Lanark, or the same may be recovered in like manner as any other penalties under this Act or the incorporated Acts.

As to repairs of canal.

30. If there shall be any leakage in the canal deviation, embankments, or other works to be maintained by the Company, or if the same shall not be kept in a state of complete repair, and if the Company shall not, within twenty-four hours after written notice of such leakage or disrepair to the secretary or any other officer of the Company, forthwith execute the works necessary for the removal of such leakage, or for completely repairing the canal deviation, embankments, or other works connected therewith within the said space, then the Caledonian Railway Company are hereby empowered to perform all such operations as may be necessary for any of the above purposes at the risk of the Company, without prejudice to the right of the Caledonian Railway Company to recover the amount of all actual damage which may be done by such leakage or disrepair, or, in their option, liquidated damages at the rates herein-before provided in the case of impediments to the navigation, so long as such leakage or disrepair shall continue, both before and after the giving of such notice as aforesaid, and during the currency thereof; and the Caledonian Railway Company shall be entitled to recover from the Company the expense of all operations which may be performed by them in removing such leakage or in making such repairs; and in default of payment of such expenses, and of such actual or liquidated damages, the same may be recovered as herein-before provided with reference to damages for impediments to the navigation.

Company not to purchase Caledonian Railway Company's land, but to have a right of servitude, and to convey canal deviation to

31. The Company shall not be entitled absolutely to purchase or acquire any land belonging to the Caledonian Railway Company on which any part of the works connected with the canal shall remain, but all such land shall remain the property of the Caledonian Railway Company; and as the canal deviation and works connected therewith will be constructed upon and occupy ground not now belonging to that company, the Company shall, before the removal of any portion of the present works of the canal, duly convey to and

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that company.

vest in the Caledonian Railway Company the ground so to be occupied free of all incumbrances, and subject only to a right of servitude in favour of the Company to carry railway No. 4 through the same under the canal deviation, and to use the ground occupied by that railway for all purposes connected with their undertaking; and the Caledonian Railway Company shall convey to the Company the ground now occupied by that portion of the canal which will be superseded by the canal deviation, so far as the same may not be required for the canal deviation, or for the works and sidings of the Caledonian Railway Company in connexion with the canal.

Saving rights of the Caledonian Railway Company.

32. Nothing in this Act contained shall alter, prejudice, affect, or take away any of the rights, powers, privileges, or authorities vested in the Caledonian Railway Company as proprietors of the Forth and Clyde canal, or shall authorise or empower the Company to enter upon or interfere with any part of that canal or of the lands or works connected therewith, or to alter the line of the said canal or of the towing-paths thereof, except in manner herein-before expressly provided, without the previous consent in writing of the Caledonian Railway Company, or to alter the level or reduce the breadth of any portion of the said canal and towing-paths, or the depth of the said canal, or in any manner to obstruct or impede the use of the said canal or towing-paths, or any part thereof, or to divert, intercept, cut off, take, use, or diminish any of the water in the said canal or of any stream or other supply of water which is now used or which may be taken for the use thereof: Provided nevertheless, that nothing herein contained shall prevent the Company from carrying into execution the powers of this Act for constructing, and from time to time repairing and maintaining, railway No. 4 where it will pass under the canal deviation and through the property of the Caledonian Railway Company as aforesaid.

Company to compensate Caledonian Railway Company.

33. The Company shall pay and compensate the Caledonian Railway Company for all loss or inconvenience sustained by them by reason of the detour of their canal, and all other interference with their canal and works, or by reason of any obstruction or interruption to their traffic occasioned by the Company in the exercise of the powers of this Act not otherwise herein-before specially provided for.

Running powers for mineral traffic to Forth and Clyde canal.

34. Without prejudice to the running powers herein-before conferred on the Caledonian Railway Company, that Company may, but only for the purpose of conveying ironstone, limestone, and other minerals to the Forth and Clyde canal for shipment thereon, and subject to the byelaws, rules, and regulations of the Company

in force for the time being, run over and use with their engines, waggons, and trucks railway No. 5, and so much of railway No. 4 as lies between its commencement and the junction therewith of railway No. 5, and that portion of the Glasgow, Dumbarton, and Helensburgh Branch of the Company's railway which lies between the commencement of railway No. 4 and the point where the railway authorised by "The North British Railway (Glasgow Branches) Act, 1866," and therein called railway No. 1, which was abandoned under "The General Powers Act, 1867," would have joined the said Glasgow, Dumbarton, and Helensburgh Branch (including the use of the whole sidings, watering-places, and other conveniences connected with the said railway and portions of railways), all on payment of a toll of threepence per ton.

Company to make openings in flanges of rails, and allow of junctions for that traffic.

35. If and when required by the Caledonian Railway Company, the Company shall, at the expense of the Caledonian Railway Company, make and maintain openings in the ledges or flanges of the rails of railway No. 4, and allow of the junction therewith of side lines leading into any wharf which may be formed by the Caledonian Railway Company, at a point or points convenient for the shipment of the said minerals on the Forth and Clyde canal at or near the crossing thereof by railway No. 4, and that at such suitable point on the said railway as will not interfere with or endanger the passage of the traffic thereon.

Canal deviation when completed to vest in proprietors of canal.

36. The canal deviation when completed shall vest in the proprietors of the Forth and Clyde canal as part of that undertaking, in lieu of the parts of the canal and authorised deviation thereof to be abandoned under the powers of this Act, and shall be subject as such to the provisions of the Acts relating to the Forth and Clyde Navigation with respect to tolls and otherwise.

Parts of Forth and Clyde Navigation rendered unnecessary by the deviation may be disused.

37. When the canal deviation is completed and opened for public traffic, the proprietors of the Forth and Clyde Navigation may cease to use or maintain as part of the said navigation the portion of their canal which lies between the respective points of junction therewith of the canal deviation, and which will by the canal deviation be rendered unnecessary.

Level crossings over railway at Bo'ness to cease when footbridge completed.

38. When the bridge for foot passengers over the railway or station at Bo'ness is completed and opened for use, all level crossings and rights of way over the said railway or station at Bo'ness shall, except as herein mentioned, be discontinued: Provided that the Company shall, in addition to the said bridge, if and when required by the Board of Trade, maintain and keep open on Sundays such one of the three level crossings and rights of way over the said railway and station as the Board of Trade may direct.

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Extending time for compulsory purchase of lands.

39. The time limited by "The General Powers Act, 1868," for the compulsory purchase and taking of lands shall, so far as relates to the railway authorised by that Act, and therein called railway C., be prolonged and extended to the period of two years from the passing of this Act, but so that such powers shall not be exercised after the expiration of two years from the passing of this Act.

Extending time for sale of certain superfluous lands, &c.

40. The Company may, notwithstanding anything to the contrary in "The Lands Clauses Consolidation Act, 1845," or (as the case may be) "The Lands Clauses Consolidation (Scotland) Act, 1845," or in any Act relating to the Company with which these Acts or either of them are or is incorporated, retain and hold any lands belonging to them in the parishes of Monifieth in the county of Forfar; Leuchars, Dairsie, Cults, Kettle, Falkland, Wemyss, Abdie, Kinglassie, Auchterderran, Auchtertool, Aberdour, Inverkeithing, Carnock, and Saline, Collessie, Auchtermuchty, Strathmiglo, Beath, and Ballingry, in the county of Fife; Orwell, Kinross, and Cleish, in the county of Kinross; Forteviot and Tulliallan in the county of Perth; Clackmannan and Tillicoultry in the county of Clackmannan; Cardross, Row, and New Kilpatrick, in the county of Dumbarton; Old Monkland, New Monkland, and Cambusnethan, in the county of Lanark; Muiravonside in the county of Stirling; Torphichen, Whitburn, and Bathgate, in the county of Linlithgow; Duddingstone, Liberton, Inveresk, Newton, Herriot, and Stow, in the county of Edinburgh; Galashiels in the county of Selkirk; Melrose, Ancrum, Jedburgh, Maxton, Roxburgh, Sprouston, and Wilton, in the county of Roxburgh; Gladsmuir in the county of Haddington; Churnside and Edrom in the county of Berwick; St. Mary Carlisle, Bowness, Kirkbride, and Holm Cultram, in the county of Cumberland; and Bellingham and Chollerton in the county of Northumberland, which have not yet been applied or are not required for the purposes of the Company, but are situate near to or adjoin any railway or station of the Company, or may in the opinion of the Company be required by them for the purposes of stations, sidings, or other conveniences, for the period of ten years from the passing of this Act; but at any time during such period of ten years the Company may, and at the expiration of such period the Company shall sell and dispose of all such parts of those lands as shall not then have been applied to or are not then required for the purposes of their undertaking.

Power to consolidate the three ordinary stocks of the Company.

41. The Company, with the consent of the proprietors of the North British ordinary stock, the Border Union ordinary stock, and the Edinburgh, Perth, and Dundee ordinary stock respectively, may consolidate the said three stocks into one stock in the manner provided by this Act.

For ascertaining and fixing the value of the stocks to be consolidated.

42. The directors, whenever required by writing under the hands of proprietors of North British ordinary stock entitled amongst them to not less than ten thousand pounds of that stock, and of Border Union ordinary stock entitled amongst them to not less than two thousand pounds of that stock, and of Edinburgh, Perth, and Dundee ordinary stock entitled amongst them to not less than five thousand pounds of that stock, shall appoint three competent persons to ascertain and fix the proportionate value of North British ordinary stock, Border Union ordinary stock, and Edinburgh, Perth, and Dundee ordinary stock, with a view to the consolidation of those stocks, and shall give all requisite facilities to the persons appointed for enabling them to make a fair and just estimate of such value, and the value of the said stocks as fixed by those persons shall, if the proprietors of the said three ordinary stocks agree to the consolidation thereof on the basis of such valuation, be the value thereof for the purposes of this Act.

If consolidation agreed to, North British ordinary stock to be allotted to the proprietors of the other stocks.

43. If the proprietors of the said three ordinary stocks consent to the consolidation thereof on the basis of such valuation, the Company shall increase the North British ordinary stock by the creation of such an additional amount of that stock as shall be equal in value to the value of all the two other ordinary stocks, and shall allot and issue to every proprietor of Border Union ordinary stock, or Edinburgh, Perth, and Dundee ordinary stock, an amount of North British ordinary stock equal in value to the Border Union ordinary stock, or Edinburgh, Perth, and Dundee ordinary stock held by such proprietor, and after such allotment the Border Union ordinary stock, or Edinburgh, Perth, and Dundee ordinary stock belonging to such proprietor shall be extinguished, and the North British ordinary stock shall vest in him upon and subject to the same trusts, agreements, powers, charges, and liabilities as those upon and subject to which the Border Union ordinary stock, or Edinburgh, Perth, and Dundee ordinary stock vested in him at the time of the allotment, and so as to give effect to and not revoke any will or testamentary disposition disposing of or affecting such Border Union ordinary stock, or Edinburgh, Perth, and Dundee ordinary stock.

What constitutes consent of proprietors of stock.

44. The consent of the proprietors of the North British ordinary stock, or (as the case may be) of the Border Union ordinary stock, or of the Edinburgh, Perth, and Dundee ordinary stock, shall be deemed to have been given to such consolidation within the meaning and subject to the provisions of this Act, if not less than three fourths of such proprietors present in person or by proxy at a meeting of such proprietors specially convened for the purpose in the manner required by this Act shall consent thereto.

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How meeting to be convened.

45. Every such meeting of proprietors of North British ordinary stock shall be convened by the secretary of the Company at the instance of the directors, or on a requisition in writing signed by proprietors of North British ordinary stock holding amongst them not less than ten thousand pounds of such stock; and every such meeting of proprietors of Border Union ordinary stock shall be convened by the secretary of the Company at the instance of the directors, or on a requisition in writing signed by proprietors of Border Union ordinary stock holding amongst them not less than two thousand pounds of such stock; and every such meeting of proprietors of Edinburgh, Perth, and Dundee ordinary stock shall be convened by the secretary of the Company at the instance of the directors, or on a requisition in writing signed by proprietors of Edinburgh, Perth, and Dundee ordinary stock holding amongst them not less than five thousand pounds of such stock; and every such meeting shall be called by advertisement inserted in the Edinburgh Gazette, and once in two consecutive weeks in a newspaper published in Edinburgh at least three days in the week, and also by circular addressed and sent by post to or delivered at the house of each proprietor of the stock in respect of which the meeting is to be held.

Chairman and secretary at the meeting.

46. At the meeting every director shall be entitled to be present, whether he is or is not a proprietor of the stock in respect of which the meeting is held, but no person who is not a proprietor of such stock shall be entitled to vote; and the chairman of the Company shall, if present, preside at the meeting, and if he be not present, one of the directors, or if there be no directors, one of the proprietors, to be in either case chosen by the proprietors present, shall act as chairman; and the secretary of the Company shall, if present, act as secretary, and if absent a secretary for the occasion shall be appointed at the meeting by the proprietors present.

Voting.

47. Every proprietor of the stock in respect of which the meeting is held shall be entitled to vote in person or by proxy, and shall have one vote for every ten pounds of such stock held by him.

Consent, if given, to be recorded, and record to be primâ facie evidence.

48. If the consent of not less than three fourths of the votes of the proprietors of the stock in respect of which the meeting is held, present in person or by proxy, is given to the consolidation, a minute recording that fact, and stating whether the resolution of consent to the consolidation was passed unanimously, and if not unanimously setting forth the number of votes given in favour of the resolution, and the number of votes given against it, shall be made and signed by the chairman at the meeting and by the secretary at the meeting, and shall be entered in the minute

book of the proceedings of the directors at their next meeting; and the minute so signed as aforesaid, or the copy thereof in the said minute book, shall be primâ facie evidence that such consent was given.

Power to buy up, re-issue, &c. debenture stock.

49. Except as herein-after mentioned, the Company may from time to time, with the consent of the proprietors of any debenture stock of the Company, buy up or redeem any such debenture stock belonging to such proprietors, and may re-issue any debenture stock so bought up or redeemed, or may cancel the same and create and issue other debenture stock in lieu thereof, but so, nevertheless, that the Company shall not by such operations have outstanding at any one time a larger amount of debenture stock than they are for the time being authorised by Parliament to create and issue; and no proprietor of debenture stock bought up or redeemed shall receive from the Company in lieu of or in exchange for such debenture stock an amount of debenture stock the interest upon which shall be larger in amount than the interest upon the debenture stock so bought up or redeemed; but the provisions contained in this section shall not apply to the Company's debenture stock A. or debenture stock B.

Esk Valley Railway Company to be amalgamated with the Company.

50. The undertaking of the Esk Valley Railway Company shall be amalgamated with and form part of the undertaking of the Company as from the thirty-first day of July one thousand eight hundred and seventy-one, subject, nevertheless, to the provisions of this Act.

Esk Valley Railway Act to apply to Company.

51. "The North British Railway (Esk Valley) Lease Act, 1866," shall be repealed as from the thirty-first day of July one thousand eight hundred and seventy-one, and from and after that day all the provisions of "The Esk Valley Railway Act, 1863," relating to the undertaking of the Esk Valley Railway Company, except such as relate to the incorporation and constitution of that Company, and to the share capital, meetings, shareholders, directors, and powers of borrowing money on mortgage, and advertisements relating to the affairs of that Company, shall apply to the Company in like manner and in all respects as, but for such amalgamation, the same would have applied to the Esk Valley Railway Company, and the said Act shall be read and construed accordingly.

Company to create class A. shares and class B. shares.

52. The Company shall create three thousand three hundred shares of ten pounds each, whereof one thousand one hundred shall be called Esk Valley class A. shares (in this Act referred to as class A. shares), and two thousand two hundred shall be called Esk Valley class B. shares (in this Act referred to as class B. shares), and all the said shares shall be deemed fully paid up and shall be

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preference shares of the Company, and shall rank equally one with another with reference to the payment of dividends, but shall, except as regards the Esk Valley Railway and works constructed under "The Esk Valley Railway Act, 1863," and the revenues thereof, rank after all guaranteed and preference stocks of the Company created before the passing of this Act.

Rates of preferential dividend on the two classes of shares.

53. The class A. shares shall be entitled to preferential dividends at the rate of five pounds per centum per annum, as from the thirty-first day of July one thousand eight hundred and seventy-one, and the class B. shares shall be entitled to preferential dividends at the rate of three pounds ten shillings per centum per annum, as from the thirty-first day of July one thousand eight hundred and seventy-two.

Vesting shares.

54. The class A. shares shall belong to and be retained by the Company, and the class B. shares shall be divided rateably amongst the shareholders of the Esk Valley Railway Company, in proportion to the amount of capital of that Company held by them respectively immediately before the amalgamation, and shall belong to and vest in them upon and subject to the same trusts, powers, rights, charges, and liabilities as the capital in the Esk Valley Railway Company in respect of which they are entitled to such shares, and so as to give effect to and not revoke any will or testamentary instrument disposing of or affecting such capital.

Preference shareholders to have lien on Esk Valley Railway.

55. The proprietors of the class A. shares and class B. shares shall, over and in the Esk Valley Railway and works constructed under "The Esk Valley Railway Act, 1863," have a real lien or real security for the payment of the preferential dividends due to them on those shares; declaring always that the said lien or right in security shall be rendered available in the manner herein-after mentioned.

How lien to be made effectual.

56. It shall be lawful for any of the said proprietors to render effectual their said lien or security in the event of any half-year's dividend, or any part thereof, not having been paid within four weeks after the day on which the same shall have become due, and that by the appointment, in manner herein-after mentioned, of a judicial factor upon the Esk Valley Railway and works connected therewith, including the revenues thereof.

Mode of appointment of judicial factor.

57. The application for the appointment of a judicial factor shall be made by summary petition to the Court of Session, or in time of vacation to the Lord Ordinary on the Bills, in name of the proprietor or proprietors to whom the said preferential dividend ought to have been paid, and the Court of Session or the Lord Ordinary on the Bills, as the case may be, is hereby authorised and

required, on such application being made, to appoint some person as judicial factor to the effect and with the powers herein-after mentioned, and a certified copy of the interlocutor making such appointment shall be a sufficient warrant for the judicial factor thereby appointed entering upon his office.

Powers of judicial factor.

58. The person appointed judicial factor under this Act shall be entitled to receive the whole or a competent part of the tolls or sums liable to the payment of the preferential dividends in arrear until such preferential dividends, and any preferential dividends which may subsequently become due during the continuance of the judicial factory, together with all costs, including the charges for receiving the tolls or sums aforesaid, be fully paid; and all such tolls and sums of money as aforesaid shall be paid to and received by or to the use of the parties to whom any interest upon mortgages upon the railway and works comprised in the undertaking of the Esk Valley Railway Company, or to whom any preferential dividend on class A. shares or class B. shares shall be then due, and shall not be liable in the hands of the judicial factor to any other debts or obligations of the Company; and after such interest and preferential dividends and costs as aforesaid have been so received the power of such judicial factor shall cease, and he shall be bound to account to the Company for his intromissions on the sums received by him, and to pay over to their treasurer any balance that may be in his hands.

Provision against prejudicing lien.

59. It shall not be lawful for the Company to prejudice the lien or security hereby created by the exaction of a lower rate of tolls on the Esk Valley Railway than may be charged for the time on the North British Railway, or by removing or withdrawing without reasonable cause the locomotive engines, carriages, waggons, or other plant usually employed upon the Esk Valley Railway, and it shall be competent for the Court of Session and Lord Ordinary on the Bills respectively and they are hereby required from time to time to confer such special powers on the judicial factor as may be necessary to render this provision effectual.

Judicial factor may require separate accounts of revenue to be kept.

60. In the event of a judicial factor being appointed as aforesaid it shall be lawful for him to require the directors of the Company to keep, and upon the said requisition being made the directors of the Company shall keep, during the continuance of the judicial factory, at the expense and in the books of the Company, separate detailed accounts of the gross revenues drawn from week to week from the Esk Valley Railway and works connected therewith; and the judicial factor shall have right of access to the said books, and to all states, invoices, and accounts of traffic, for the purpose of

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checking the accuracy of the said detailed accounts of gross revenue.

Judicial factor may require separate accounts of working expenses to be kept.

61. The directors of the Company shall also, in the event and during the period aforesaid, and upon being required as aforesaid, keep in the books of the Company, and at their expense, separate detailed accounts of the working expenses incurred during each half-year upon the Esk Valley Railway, and the judicial factor shall be entitled at all times to examine and check as aforesaid the accounts of gross revenue, as also the accounts of working expenses, and all vouchers and entries connected therewith, and to enforce in the most summary way compliance with the aforesaid provisions for keeping accounts of revenue and working expenses as aforesaid.

Certain provisions of General Powers Act, 1870, extended to A. and B. shares.

62. And whereas by "The General Powers Act, 1870," provisions are enacted for facilitating the consolidation of the several classes of lien stock therein named: Be it enacted, that such provisions shall extend and be applicable to the class A. shares and class B. shares in like manner in all respects as if those provisions had specifically referred and applied to the class A. shares and class B. shares as well as to the said several lien stocks.

Company to pay debts and obligations of Esk Valley Railway Company, &c.

63. The Company shall liquidate and pay off all the debts and obligations of the Esk Valley Railway Company, or of the directors thereof, incurred as aforesaid, and from time to time, as opportunity occurs, shall sell all or any class A. shares belonging to them, and shall apply the proceeds in discharging such debts and obligations, or in replacing the moneys taken from the other funds of the Company and applied in the discharge of any such debts and obligations; and if such debts and obligations shall exceed the sum of thirteen thousand pounds, the Company may reimburse themselves for the amount paid by them beyond the said sum of thirteen thousand pounds out of the dividends from time to time payable upon the class B. shares, but feu duties and other annual payments affecting the undertaking of the Esk Valley Railway Company shall not form part of the said sum of thirteen thousand pounds.

Power to borrow.

64. The Company, in addition to any sums which they are authorised to borrow under other Acts of Parliament, may from time to time borrow on mortgage any sums not exceeding in the whole eleven thousand pounds, including the nine thousand pounds borrowed on mortgage by the Esk Valley Railway Company under the powers of "The Esk Valley Railway Act, 1863."

Provisions of existing Acts as to appoint-

65. The provisions of all Acts relating to the Company passed before the present session of Parliament authorising the appointment

of a receiver or judicial factor for principal or interest moneys due upon any mortgages or bonds of the Company are hereby repealed, but subject and without prejudice to any appointment of a receiver or judicial factor or proceedings taken under or by virtue of any such provisions, and in force or pending at the time of the passing of this Act.

ment of a receiver or judicial factor repealed.

66. 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 receiver or judicial factor, and in order to authorise the appointment of a receiver or judicial factor in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver or judicial factor is made shall not be less than ten thousand pounds in the whole.

For appointment of a receiver or judicial factor.

67. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the time of the passing of this Act, shall during the continuance of such mortgages, and as regards the undertaking comprised in and assigned by such mortgages, have priority over all mortgages to be granted by virtue of this Act.

Saving priority of existing mortgages.

68. The Company may create and issue debenture stock.

Debenture stock.

69. All moneys raised by the Company under this Act, whether by sale of class A. shares or debenture stock, or borrowing, shall be applied only in paying off debts and obligations of the Esk Valley Railway Company or their directors, incurred as aforesaid, or in replacing money taken from other funds of the Company and applied for those purposes.

Application of moneys.

70. The Esk Valley Railway and the railways of the Company shall, for the purposes of tolls and charges, be considered as one railway, and in lieu of the tolls and charges authorised to be taken by "The Esk Valley Railway Act, 1863," the Company may demand and take in respect of the said railway such tolls and charges as they think fit, not exceeding the rates of tolls and charges authorised to be taken on the Border Union line of the North British Railway under "The Border Union (North British) Railway Act, 1859," as modified by the second and third sections of the Schedule (B.) to "The North British and Edinburgh and Glasgow Railway Companies Amalgamation Act, 1865."

Tolls on traffic conveyed partly on the Esk Valley Railway and partly on the railways of the Company.

71. The Devon Valley Railway Company may from time to time borrow on mortgage of their undertaking any further sums not exceeding in the whole six thousand seven hundred pounds.

Power for Devon Valley Railway Company to borrow on mortgage.

A.D. 1871.

Certain provisions of 8 & 9 Vict. c. 17. to apply to Devon Valley Railway Company.

72. The provisions of "The Companies Clauses Consolidation (Scotland) Act, 1845," with respect to the borrowing of money by the Company on mortgage or bond, and with respect to the conversion of the borrowed money into capital, shall be applicable with respect to all mortgages which may be granted by the Devon Valley Railway Company under the provisions of this Act, and in construing such provisions in relation to any such mortgages the expression the company shall mean the Devon Valley Railway Company.

Company may guarantee interest on Devon Valley mortgages.

73. The Company may guarantee interest at such rate as they think fit, not exceeding four pounds ten shillings per centum per annum, on all or any mortgages which may be granted by the Devon Valley Railway Company under the provisions of this Act.

Repealing existing power to appoint judicial factor.

74. The provisions of all Acts relating to the Devon Valley Railway Company passed before the present session of Parliament authorising the appointment of a judicial factor for principal or interest moneys due upon any mortgages or bonds of that Company are hereby repealed, but subject and without prejudice to any appointment of a judicial factor or proceedings taken under or by virtue of any such provisions, and in force or pending at the time of the passing of this Act.

Arrears may be enforced by appointment of a judicial factor.

75. The mortgagees of the Devon Valley Railway 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, and in order to authorise the appointment of a judicial factor in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than three thousand three hundred and thirty pounds in the whole.

Former mortgages to have priority.

76. All mortgages granted by the Devon Valley Railway Company which shall be in force at the time of the passing of this Act shall during the continuance thereof have priority over all mortgages to be granted under the provisions of this Act.

Debenture stock.

77. The Devon Valley Railway Company may create and issue debenture stock.

Application of money borrowed on mortgage by Devon Valley Railway Company.

78. All moneys raised by the Devon Valley Railway Company by exercise of the power of borrowing conferred by this Act shall be applied only in paying off debts and liabilities incurred for the purposes of their undertaking.

Saving rights of Clyde trustees.

79. Nothing in this Act contained shall alter, prejudice, or affect the powers, rights, or privileges of the trustees of the Clyde

Navigation under "The General Powers Act, 1870," or the agreements set forth in the schedules annexed to that Act and thereby confirmed, or any of them.

Interest not to be paid on calls paid up.

80. The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him.

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

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

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

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

Expenses of Act.

83. 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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