CHAPTER lxxxi.

An Act to authorise the North British Railway Company to make a Railway in the county of Linlithgow; to amalgamate with the Company the undertaking of the Glasgow City and District Railway Company; to subscribe to the undertaking of the Anstruther and St. Andrews Railway Company; to amend various Acts; and for other purposes. [5th July 1887.]

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WHEREAS a branch railway for the conveyance of goods and minerals from the Edinburgh and Bathgate Railway near the Drumshoreland Station to the railway of the Broxburn Oil Company (Limited) all in the parish of Uphall in the county of Linlithgow would be of local and public advantage and the North British Railway Company (in this Act called "the Company") are willing to make such railway if authorised by Parliament to do so:

And whereas it is expedient that the Company should be authorised to purchase and acquire additional lands for the purposes of their undertaking and that the time limited for the sale of certain superfluous lands should be extended:

And whereas by the Glasgow City and District Railway Act 1882 the Glasgow City and District Railway Company (in this Act called "the city and district company") were incorporated and authorised to make the railways therein described and to raise a share capital of five hundred and fifty thousand pounds and to borrow one hundred and eighty-three thousand three hundred pounds on mortgage of their undertaking and an agreement between the promoters of the undertaking and the Company by which the Company agreed to work the said railways in perpetuity was confirmed:

And whereas it is expedient that the city and district company should be amalgamated with the Company upon the terms in this Act mentioned:

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And whereas it is expedient that the Company should be authorised to subscribe a further sum to the undertaking of the Anstruther and Saint Andrews Railway Company and to hold shares in the capital of that company:

And whereas by the North British Railway (Financial Arrangements) Act 1867 the Company were (section thirty-two) required for a period of seven years from the passing of that Act to provide a weekly fund for the payment of the interest upon all the mortgages debentures and debenture stock of the Company and by the North British Railway Act 1869 section thirty-two such obligation was rendered perpetual:

And whereas since the passing of the last-named Act the financial position and condition of the Company has improved to such an extent as to allow of a dividend being paid on its ordinary stock and no longer to require for securing the due payment of interest to the holders of mortgages debentures or debenture stock that such obligation should be continued and it is expedient that such obligation be suspended during such time as they continue to pay such dividend:

And whereas it is expedient that the Company should be authorised to extend the provisions relating to the North British Railway Superannuation Fund Association established in accordance with the powers authorised by the North British Railway Act 1875 (in this Act called the Act of 1875) so that the officers and servants of the joint line committee appointed under the Dundee and Arbroath Joint Line Act 1879 may become members of and subscribe and contribute to the said North British Railway Superannuation Fund Association:

And whereas it is expedient that the objects and purposes of the said North British Railway Superannuation Fund Association should be otherwise defined altered varied or extended and that the committee appointed in terms of the Act of 1875 (in this Act called the superannuation fund committee) should be authorised to apply and pay to the legal representative or representatives of persons interested in the said fund who die in the service of the Company a proportionate share of the moneys of the fund subscribed by the Company in addition to the sums which may have been paid by such contributors to such fund:

And whereas it is expedient that further provision as in this Act provided should be made with reference to loans authorised to be made by the Company to the Borrowstounness Harbour Commissioners:

And whereas plans and sections showing the lines and levels of the railway authorised by this Act and the lands which may be

taken but only by agreement for the purposes thereof and plans showing the additional lands authorised to be acquired under the powers of this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of all such lands were duly deposited as follows (that is to say) so far as relates to the intended railway works and lands in the county of Linlithgow with the principal sheriff clerk for that county at his office in Linlithgow so far as relates to lands in the county of Fife with the principal sheriff clerk of that county at his offices in Cupar Dunfermline and Kirkcaldy respectively and so far as relates to the county of Edinburgh with the principal sheriff clerk for that county at his office in Edinburgh:

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 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 1887.

Incorporation of general Acts.

2. The Lands Clauses Consolidation (Scotland) Act 1845 the Lands Clauses Consolidation Acts Amendment Act 1860 the Railways Clauses Consolidation (Scotland) Act 1845 the Railways Clauses Consolidation Act 1845 Parts I and V of the Railways Clauses Act 1863 relating respectively to construction of a railway and to amalgamation and the provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the several matters following (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 the non-payment of calls, the remedies of creditors of the Company against the shareholders the borrowing of money by the Company on mortgage or bond the conversion of the borrowed money into capital the consolidation of the shares into stock the giving of notices 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 (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act—

The expression "the incorporated Acts" shall mean the Acts and parts of Acts incorporated with this Act:

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The expression "the Act of 1870" shall mean the North British Railway (General Powers) Act 1870:

The expression "the Act of 1880" shall mean the North British Railway (Amalgamations &c.) Act 1880:

The expression "the Act of 1885" shall mean the North British Railway Act 1885:

The expression "city and district undertaking" shall mean the undertaking of the Glasgow City and District Railway Company:

The expression "City and District Act" shall mean the Glasgow City and District Railway Act 1882:

The expression "scheduled agreement" shall mean the agreement scheduled to and referred to in and confirmed by the Glasgow City and District Railway Act 1882:

The expression "the Borrowstounness Acts of 1875 and 1878" shall mean respectively the Borrowstounness Town and Harbour Act 1875 and the Borrowstounness Town and Harbour Act 1878:

The several words and expressions to which meanings are assigned by the incorporated Acts shall have the same respective meanings:

In the incorporated Acts for the purposes of this Act—

The expression "the special Act" shall mean this Act:

The expression "the Company" or "the promoters of the undertaking" or other like expression shall mean the North British Railway Company:

In this Act and the incorporated Acts—

The expression "the dissolved company" shall mean the Glasgow City and District Railway Company:

unless in any of the cases aforesaid there be something in the subject or context repugnant to such construction.

Power to make railway &c.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railway herein-after described with all proper stations sidings approaches works and conveniences connected therewith respectively and may purchase but only by agreement the lands delineated on the said plans and described in the deposited books of reference as may be required for those purposes:

The railway herein-before referred to and authorised by this Act is—

A railway one mile four furlongs and nine chains or thereabouts in length to be wholly situate in the parish of Uphall in the county of Linlithgow commencing by a junction with the

Edinburgh and Bathgate Railway at a point thereon seventy yards or thereabouts measured westwards along the said railway from the booking office at Drumshoreland Station and terminating by a junction with the branch railway of the Broxburn Oil Company near Pyothall Pit No. 5:

The Company may carry the railway over the public road numbered 37 on the said plans in the parish of Uphall in the county of Linlithgow by means of a bridge of not less than sixteen feet in height and with a span of not less than thirty-five feet.

Owners may be required to sell to Company part only of certain property.

5. And whereas in the exercise by the Company of the powers of this Act a portion only of the property numbered 18 on the deposited plans in the parish of Burntisland will be sufficient for the purposes of the Company and such portion may be severed from the remainder of such property without material detriment thereto Be it enacted that notwithstanding section ninety of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the said property may (if such portion can in the judgment of the sheriff or the jury arbiters oversman or other authority assessing or determining the compensation under that Act be severed from the remainder of the said property without material detriment thereto) be required to sell and convey to the Company a portion only of the property so required without the Company being obliged or compelled to purchase the whole or any greater portion of the said property the Company paying for the portion required by them and making compensation for any damage sustained by the owner thereof and other persons interested therein by the taking of such portion.

Railway to form part of Company's undertaking.

6. The railway by this Act authorised to be made and maintained by the Company shall be used for the conveyance of goods and minerals only and shall for the purposes of tolls and charges levied and made in respect of the conveyance of such goods and minerals form part of the railway of the Company.

Period for completion of works.

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

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

8. If the Company fail within the period limited by this Act to complete the railway which they are by this Act authorised to make the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said railway is completed and opened for the public conveyance of goods and minerals or until the sum received in respect of such penalty

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shall amount to five per centum on the estimated cost of the railway not completed and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the Solicitor to Her Majesty's Treasury and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of the Queen's Remembrancer of the Court of Exchequer in Scotland in the bank specified in such warrant or order and shall not be paid thereout except as herein-after provided But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening the railway for the purposes of such traffic as aforesaid by unforeseen accident or circumstances beyond their control or that the Company was prevented by the want of compulsory powers from making such railway without incurring unreasonable delay inconvenience or expense Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

9. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the "Edinburgh Gazette" shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway not completed or of any portion thereof and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland or the High Court of Justice in England may seem fit and if no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court thinks fit to order on the application of the Solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Court if the Company is insolvent and has been ordered to be wound up or a

receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Additional lands.

10. Subject to the provisions of this Act the Company may enter upon take and use the lands in the parishes of Aberdour Burntisland and Dalgety in the county of Fife in the parish of Kirkliston in the county of Linlithgow and in the parish of Lasswade in the county of Edinburgh delineated on the deposited plans and described in the deposited books of reference.

Limiting time for compulsory purchase.

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

Restriction on taking houses occupied by labouring class.

12. The Company shall not under the powers of this Act without the consent of the Secretary for Scotland purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers:

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

Power to take easements &c. by agreement.

13. Persons empowered by the Lands Clauses Consolidation (Scotland) Act 1845 or the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of such Acts and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Extending time for sale of superfluous lands.

14. The Company may notwithstanding anything to the contrary contained in the Lands Clauses Consolidation Act 1845 or in the Lands Clauses Consolidation (Scotland) Act 1845 or in any Act relating to the Company with which those Acts or either of them are

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or is incorporated retain and hold any lands belonging to them in the parishes mentioned in the schedule to this Act which have not yet been applied or are not required for the purposes of the Company but are situate near or adjoining 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 five years from the passing of this Act but at any time during such period of five years the Company may and at the expiration of such period the Company shall sell and dispose of as superfluous lands 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.

City and district company amalgamated.

15. The undertaking of the city and district company shall subject to the contracts obligations debts liabilities and incumbrances of that company be amalgamated with and form part of the undertaking of the Company subject nevertheless to the provisions of this Act and such amalgamation shall take effect on and from the first day of August one thousand eight hundred and eighty-seven which date is herein-after referred to as the date of the amalgamation.

Company to maintain and work railways of dissolved company.

16. After obtaining possession of the railways of the dissolved company the Company shall in perpetuity efficiently maintain and work the same respectively and shall pay all charges of every kind thereon including all rates taxes and charges imperial and local and government duty.

Company to maintain efficient service of passenger trains on circular route and not to use Railway No. 1 for goods traffic.

17. The provisions and obligations contained in article nine of the scheduled agreement shall continue binding on the Company but notwithstanding anything in the said agreement or in the City and District Act contained the Company shall not be entitled to convey goods and mineral traffic over Railway No. 1 by that Act authorised nor shall the said railway be available for goods and mineral traffic unless the consent of the Board of Trade in that behalf be first had and obtained on the application of the Company.

Company to receive revenue &c.

18. The Company shall be entitled to the revenues of the city and district company subsequent to the thirty-first day of July one thousand eight hundred and eighty-six up to and inclusive of the date of amalgamation Provided that the Company shall during such period provide all such funds as may be necessary for payment of the interest on the mortgage debt and temporary loans and other charges against revenue of the city and district company (except dividends on share capital which shall not be declared or paid) and the Company shall at the date of amalgamation be entitled to the balance of the said revenue which shall for the purposes of this Act be deemed to be an asset of the city and district company.

Company to be entitled to assets and liable for debts at the time of amalgamation.

19. The Company shall be entitled to and shall receive all the assets lands property and claims of the dissolved company howsoever vested on capital or revenue account including unpaid dividends books of accounts and minutes papers plans and all other documents relating to the dissolved company at the time of the amalgamation and shall in exoneration of the dissolved company become liable for and shall pay and discharge all their debts liabilities and incumbrances of every description including temporary loans and shall relieve and keep indemnified the city and district company with respect thereto.

As to mortgages of the dissolved company.

20. The mortgages of the city and district company existing at the time of the amalgamation amounting to the sum of one hundred and eighty-three thousand three hundred pounds shall become mortgages of the Company and shall be paid off or may be renewed or converted into debenture stock by the Company and all such renewed mortgages or debenture stock shall be charges upon the undertaking of the Company.

Stocks and shares of the dissolved company to become North British Lien Stock.

21. The shares of the city and district company amounting to the sum of five hundred and fifty thousand pounds shall on and from the date of the amalgamation and subject to the provision of Part II of the Companies Clauses Act 1863 become lien stock of the Company of the same amount and entitled to a fixed preferential dividend at the rate of five pounds per centum per annum after the date of the amalgamation in perpetuity payable half yearly in equal portions in February and August in each year or at such other periods at which the dividends on the consolidated lien stock of the Company shall be payable for the time being and such lien stock is in this Act called "North British City and District Lien Stock."

Stocks to vest in persons entitled to stocks in dissolved company subject to trusts &c.

22. All North British City and District Lien Stock shall continue and be vested in the persons entitled to the shares or stock in the dissolved company which it represents at the date of amalgamation or in respect of which it is issued upon and subject to the same trusts powers rights charges and liabilities as such shares or stock in the dissolved company were subject to immediately before the amalgamation or would have been subject to if this Act had not been passed and so as to give effect to and not revoke any deed agreement will or other instrument disposing of or affecting such shares or stocks.

Holders of mortgages &c. to have lien on undertaking.

23. The holders of the city and district company's mortgages or debenture stock (as the case may be) and (subject to the lien of such holders) the proprietors of North British City and District Lien Stock shall over and in the revenues of the railways and works comprised in the city and district undertaking and also over and

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in the revenues and sums which if the amalgamation had not taken place would have been payable to the city and district company under articles two five and six respectively of the scheduled agreement and of the revenue from traffic passing over Railway No. 2 by the City and District Act authorised to the extent of the interest which if the amalgamation had not taken place would have been payable to the city and district company under article three of the said agreement have a statutory lien or security preferable to all other mortgages debenture stocks interest or other debts or obligations of the Company for the payment of the interest and dividends due to them on the said mortgages debenture stock and lien stock respectively and all arrears of the same and every such lien or right in security may be rendered available in the manner herein-after mentioned.

How liens to be made effectual.

24. It shall be lawful for one or more of the proprietors of the said mortgages debenture stock or lien stock respectively under this Act to render effectual their lien in the event of any interest or dividend or any part thereof respectively not having been paid within four weeks after the day on which the same shall have become due by the appointment in manner herein-after mentioned of a judicial factor upon the undertaking or revenues by this Act made subject to the lien.

Mode of appointment of judicial factor.

25. For the purposes of this Act 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 of mortgages debenture stock or lien stock to whom the said interest or fixed 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.

Power of judicial factor.

26. The person appointed judicial factor with respect to arrears of interest or dividends upon any of the said mortgages debenture stock or lien stock created 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 interest or dividends on the mortgages debenture stock or lien stock in arrear until such interest or dividends and any interest or 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 already granted or created on or in respect of the same undertaking or to whom any such interest or dividend as aforesaid on the same undertaking shall be then due according to their priorities 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 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 all sums received by him and to pay over to their treasurer any balance that may be in his hands.

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

27. In the event of a judicial factor being appointed as aforesaid with respect to arrears of interest or dividends upon the said mortgages debenture stock or the said lien stock 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 city and district undertaking 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 checking the accuracy of the said detailed accounts of gross revenue.

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

28. 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 undertaking subject to such judicial factory and any judicial factor upon that undertaking 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.

Statutory lien not to be a charge upon land.

29. No statutory lien under this Act shall be a charge upon land.

Extending to unconsolidated lien stocks provisions of Act of 1870.

30. The provisions contained in the Act of 1870 for facilitating the consolidation of the several classes of lien stock therein named shall extend and be applicable to the North British City and District Lien Stock in like manner in all respects as if those provisions had specifically referred and applied to such lien stocks as well as to the several classes of lien stock named in that Act Provided always that before any consolidation of the said lien stocks under the said

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provisions shall take effect the Company shall give special notice to every proprietor of consolidated lien stock that all lien on land will be discharged and every such special notice shall be served not later than the notice to the proprietor convening the meeting to consider of the consolidation and shall be served in the same way as such last-mentioned notice and may form part thereof and all lien on land shall be ipso facto discharged by the taking effect of any consolidation agreed upon in manner provided by this Act.

Tolls on traffic conveyed partly on amalgamated railway and partly on the railways of the Company.

31. Subject to the provisions of section eighteen of this Act the tolls and charges which the Company may demand and take for traffic conveyed upon any railway or railways of the dissolved company shall not exceed the tolls and charges authorised to be taken upon the same railway or railways under the Act or Acts relating thereto but for the purpose of short distance charges in respect of traffic passing partly over any railway of the dissolved company and partly over any railway of the Company the railways of the Company and of the dissolved company over which such traffic shall pass shall be considered as one railway.

Saving rights of the Postmaster General as to telegraph lines.

32. Nothing in this Act shall affect the rights of the Postmaster General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the city and district company and from time to time to alter such telegraphic lines and to enter upon the lands and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster General shall after the passing of this Act be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the city and district company is amalgamated with the undertaking of the Company and as freely and fully in all respects as he was entitled to before the passing of this Act.

Power to subscribe to Anstruther and St. Andrews Company.

33. The Company may contribute to the undertaking of the Anstruther and Saint Andrews Railway Company such further sums of money as they think fit not exceeding in the whole ten thousand pounds and may take and hold shares in the capital of that company for any amount not exceeding the amount of their contribution but shall not have power to sell transfer or dispose of any shares so taken or held by them.

Power to apply existing authorised capital.

34. The Company may raise and apply to the purposes of this Act to which capital is properly applicable any money which they are authorised to raise by any other Act and which may not be required for purposes to which by that Act it is authorised to be applied.

Power for Company to raise capital by shares or stock.

35. The Company may subject to the provisions of Part II of the Companies Clauses Act 1863 raise by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively any additional capital not exceeding in the whole twenty-five thousand pounds but the Company shall not issue any share of less nominal value than ten pounds nor shall any share 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 shall have been paid up in respect thereof.

Except as otherwise provided new shares or stock to be subject to same incidents as present shares or stock.

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

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

Dividends on new shares or stock.

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

New shares or stock raised under this Act and any other Act of past sessions may be of same class.

38. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Calls.

39. Twenty per centum on the amount of any share shall be the largest amount of any call which may be made thereon and there shall be an interval of not less than three months between any two successive calls and the Company shall not call up more than three fourths of a share in any year.

Power to borrow.

40. The Company may in respect of the additional capital of twenty-five thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking

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any sum not exceeding in the whole eight thousand three hundred and thirty-three pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one half of such capital has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such sheriff as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such sheriff of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Provisions of Act of 1885 as to appointment of a receiver or judicial factor repealed.

41. The provisions of the North British Railway Act 1885 authorising the appointment of a receiver or judicial factor for principal or interest moneys due upon any mortgages 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 such provisions and in force or pending at the time of the passing of this Act.

For appointment of a receiver or judicial factor.

42. 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 In order to authorise the appointment of a receiver or judicial factor in respect of arrears of principal 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.

Saving priority of existing mortgages.

43. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and as regards the undertaking comprised in and

assigned by such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over all mortgages to be granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Debenture stock.

44. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages and debenture stock at any time after the passing of this Act granted or created and issued by the Company and shall have priority over all principal moneys secured by such mortgages.

Application of money raised under Act.

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

Suspending operation of section thirty-two of North British Railway (Financial Arrangements) Act 1867 and section thirty-two of North British Railway Act 1869 in certain event.

46. So long as the Company continue to pay a dividend on North British Ordinary Stock the Company shall not be bound to comply with or to observe the obligations and duties imposed by the thirty-second section of the North British Railway (Financial Arrangements) Act 1867 and the thirty-second section of the North British Railway Act 1869 Provided always that if at any time hereafter the Company fail to pay such dividend in any year ending the thirty-first day of January the said obligations and duties shall again become binding upon the Company without any action taken in that behalf by any mortgage or debenture or debenture stock holder.

Officers &c. of Dundee and Arbroath Joint Line Committee may become members of North British Railway Superannuation Fund Association.

47. The officers and servants of the Dundee and Arbroath Joint Line Committee appointed under the North British Railway (Dundee and Arbroath) Joint Line Act 1879 may become members of and may subscribe to the superannuation fund established under the North British Railway Act 1875 and such joint line committee may contribute to such fund and the provisions of the last-named Act and of this Act with reference to such superannuation fund shall apply and extend to the officers and servants of such joint line committee subscribing to such fund and to any contributions to such fund which may be made by such joint line committee under this Act Provided always that the joint line committee shall not permit any officers or servants employed by them to participate in the benefits of the said fund and shall not make any contributions thereto without the consent of the Company and of the Caledonian Railway Company under their respective common seals.

A.D. 1887.

Superannuation fund committee to distribute sums subscribed by Company to fund to representatives of officers &c. dying in service.

48. The superannuation fund committee may apply and pay to the legal representative or representatives of any contributor to such superannuation fund who may die in the service of the Company his proportionate share of the moneys of the fund subscribed by the Company in addition to the sums which may have been paid by any such contributor to such fund.

Extending guarantee of interest to guarantee of principal of moneys borrowed by the Borrowstounness Harbour Commissioners.

49. The power conferred upon the Company by section thirty-six of the Act of 1880 and by section thirty-nine of the Act of 1885 to guarantee interest on any mortgages which the commissioners or the Company under the Borrowstounness Harbour Acts may grant shall be and is hereby extended so as to include repayment of the principal moneys of such mortgages.

Removing restrictions from using locomotives over Clydebank level crossing.

50. Whereas by the Glasgow Yoker and Clydebank Railway Act 1878 the company by that Act incorporated were authorised to construct amongst others the Railways Nos. 4 and 5 in that Act described and by the same Act such company were authorised to construct the said Railways Nos. 4 and 5 respectively across and on the level of the turnpike road numbered 15 in the parish of Kilpatrick on the plans deposited with reference to that Act And whereas by that Act it was provided that neither the Company or any other company or person working or using the said railways should work the traffic thereon where the same respectively cross on the level the said turnpike road otherwise than by animal power And whereas under the provisions of that Act the Company work and use the undertaking of the company so incorporated as aforesaid And whereas it is expedient that the restrictions as to working such traffic be removed and that the Company should be authorised and enabled to work the traffic across the said road by means of locomotives Be it therefore enacted that notwithstanding anything in the said Act contained the Company may subject to such reasonable rules and regulations enforceable in such manner and by such penalties as the trustees having the management of the said road may from time to time prescribe work the traffic across the said road by means of locomotives or other steam or mechanical power Provided always that in the event of any difference between such trustees and the Company as to the manner in which such traffic should be worked or as to the reasonableness of any such rules regulations or penalties the matter in difference when and so often as any difference shall arise shall be determined by the Board of Trade on the application of either party whose determination on each such difference shall be final and conclusive and the Company shall pay the costs of any such application unless in the case of such application being made by the trustees the Board of Trade shall decide the same was unreasonable.

A.D. 18—87.

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

Interest not to be paid on calls paid up.

52. 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.

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

53. Nothing contained in this Act shall authorise the Company to take use or in manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving rights of the Crown in the foreshore.

54. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Saving rights of Crown under Crown Lands Act 1866.

55. It shall not be lawful for the Company to construct any work on any land over which a right of salmon fishing belongs to Her Majesty without the previous consent in writing of the Commissioners of Woods and such consent may be given on payment of such compensation as may be agreed upon for any injury which the works by this Act authorised may be reasonably expected to occasion to any such right of salmon fishing as in this section mentioned And in case the amount of such compensation as aforesaid shall not be agreed upon the same shall be settled by two referees one being appointed by the Commissioners of Woods and one being appointed

For protection of salmon fishings.

A.D. 1887.

by the Company or by an umpire to be appointed by the said referees and the charges and expenses of such referees or their umpire shall be paid by the Company.

Saving rights of Edinburgh and Bathgate Railway Company.

56. Nothing herein contained shall prejudice or affect the rights of the Edinburgh and Bathgate Railway Company under the Edinburgh and Bathgate Railway Act 1846 and the North British and Edinburgh and Bathgate Railways Act 1870.

Provisions as to general Railway Acts.

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

Costs of Act.

58. 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.

The SCHEDULE referred to in the foregoing Act.

LIST OF PARISHES IN WHICH LANDS BELONGING TO BUT NOT YET APPLIED TO THE PURPOSES OF THE COMPANY ARE SITUATED.

County.	Parish.
Edinburgh - - - -	Borthwick Cramond Collinton Currie Cranston Crichton Kirkliston Kirknewton Midcalder Newbattle
Haddington - - -	Innerwick North Berwick Pencaitland Prestonpans Whitekirk
Berwick - - -	Buncle Mordington
Peebles - - -	Innerleithen Traquair
Selkirk - - -	Innerleithen Stow Yarrow
Roxburgh - - -	Crailing Eckford Galashiels Kelso Lilliesleaf Minto St. Boswells
Northumberland - -	Plashetts Thornyburn Tarsett Wellhaugh Wark
Cumberland - - -	Aitkton Beaumont Burgh-by-Sands Caldewgate Grinsdale Kingmoor Kirkandrews-upon-Eden
Lanark - - -	Bothwell Blantyre Carnwath Hamilton Shotts Maryhill Cadder
Dumbarton - - -	Dumbarton
Stirling - - -	Alva Balfron Slamannan Kilsyth Campsie New Kilpatrick Baldernock
Linlithgow - - -	Abercorn Carriden Livingstone South Queensferry
Kinross - - -	Portmoak
Perth - -	Perth
Forfar - -	Craig Dun Inverkeillor Lunan Maryton Montrose St. Vigeans.

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