CHAPTER clxix.

An Act to confer further powers on the Perth General Station Committee; and for other purposes. A.D. 1884.

[28th July 1884.]

WHEREAS by the Perth General Station Act, 1865 (herein-after called "the Act of 1865"), the Perth General Station Committee (herein-after called "the Committee") were incorporated, with power to hold, maintain and manage the undertaking of the Perth General Station (herein-after called "the existing station"), and to recover and apply moneys for that purpose:

And whereas, by the Perth Station Hotel Act, 1865, further powers were conferred on the Committee with reference to the erection of an hotel, but those powers have not hitherto been exercised:

And whereas, subject to the vesting of the existing station in the Committee, and to the powers, authorities and control by the Act of 1865 conferred upon the Committee for the management, appropriation and improvement thereof, and subject also to the right of user thereof, and other rights vested in the Inverness and Perth Junction Railway Company by the Act of 1865, and also to the stipulations and conditions contained in the agreements confirmed by the Inverness and Perth Junction Railway Act, 1861, and in the agreements confirmed by the Scottish North-eastern Railway Amendment Act, 1862, and to the terms of arrangement set out in the Schedule A to the Act of 1865, and subject to the other conditions and provisions of that Act, the existing station is declared to be the property of the Scottish Central Railway Company (herein-after called "the Scottish Central Company"), the Scottish North-eastern Railway Company (herein-after called "the Scottish North-eastern Company"), and the North British Railway Company (herein-after called "the North British Company"), in the proportions of two-fifths to the Scottish Central Company, two-fifths to the Scottish North-eastern Company and one-fifth to the North British Company:

And whereas by the Caledonian and Scottish Central Railways (Amalgamation) Act, 1865, the Scottish Central Company was

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amalgamated with the Caledonian Railway Company (herein-after called "the Caledonian Company"), and from and after the commencement of that Act the share and interest of the Scottish Central Company in the existing station, and all the powers, rights, interests, obligations and liabilities of that company in or in respect of the existing station were transferred to and vested in the Caledonian Company, subject to the powers, provisions and conditions contained in the Act under recital:

And whereas by the Highland Railway Act, 1865, and by the unrepealed sections 58 and 59 of the Inverness and Perth Junction Railway Act, 1861, contained in the Third Schedule to that Act, the Highland Railway Company (herein-after called "the Highland Company") is entitled to the user of, and is jointly interested as owners in a portion of the existing station, subject to the conditions prescribed in the Act under recital:

And whereas by the Caledonian and Scottish North-eastern Railways (Amalgamation) Act, 1866, the Scottish North-eastern Company was amalgamated with the Caledonian Company, who thereupon became entitled to the share and interest of the Scottish North-eastern Company in the existing station, subject to their obligations and liabilities in respect thereof, and provisions were made by section 42 of the Act under recital for the appointment of members of the Committee by the amalgamated company:

And whereas the Dundee and Perth and Aberdeen Junction Railway Company (now amalgamated with and represented by the Caledonian Company) was authorised by the Scottish Central Railway Act, 1859, at its own expense to form on land within the boundaries of the existing station certain sidings or lines of rails and a covered platform in connexion therewith, and they have formed and use those sidings and lines of rails, and covered platform, and have occupied and occupy so much of the land included within the boundaries of the existing station required for those purposes, subject to payment of certain moneys to the Committee, and it is expedient that the provisions in this Act contained shall be made with respect to any alteration or extension of those works:

And whereas it will be for public and local advantage that the existing station should be enlarged, and that the Committee should be empowered to make and maintain the new works and the short railways and to exercise the powers in this Act mentioned:

And whereas it is expedient that the Caledonian Company should be enabled to raise additional capital for the purposes of this Act:

And whereas plans and sections, showing the lines and levels of the short railways and sidings authorised by this Act, and also books of reference, containing the names of the owners and lessees,

or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the principal sheriff clerk for the county of Perth, and are herein-after respectively referred to as the deposited plans, sections and books of reference:

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

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

Short title.

1. This Act may be cited as the Perth General Station Act, 1884.

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, and Part. I. (relating to construction of a railway) of the Railways Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith, have the same respective meanings, unless there be something in the subject or context repugnant to such construction:—

The expression "the Committee" means the joint committee for the management of the Perth General Station, incorporated by the Act of 1865;

The expression "the undertaking" means the undertaking of the Perth General Station;

The expression "the existing station" means the Perth General Station, as it existed immediately before the passing of this Act;

The expression "the station" means the Perth General Station as enlarged and improved by virtue of the powers of this Act;

The expressions "the railway" or "the railways" mean the railways by this Act authorised;

The expression "the three companies" means the Caledonian Railway Company (as coming in place of the dissolved Scottish Central and Scottish North-eastern Railway Companies), the

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North British Railway Company and the Highland Railway Company;

The expression "person" includes corporation.

Power to take lands for enlargement of station.

4. Subject to the provisions of this Act the Committee may enter upon, take, hold and use for the purpose of enlarging and improving the existing station, the lands, houses, streets and other property herein-after described, delineated on the deposited plans and described in the deposited books of reference, or such parts thereof as may be required for those purposes (that is to say):

Certain lands, houses, streets and other property in the parish of Tibbermore or Tibbermuir, and in the parish of Perth, or in the parishes of East Church of Perth, Middle Church of Perth, West Church of Perth, and Saint Paul's and the royal burgh of Perth, or some or one of those places, in the county of Perth, within the following limits, viz., within an imaginary line, commencing on the Dovecotland Road about one hundred feet eastwards from the point where that road crosses the main line of the Scottish North-eastern Section of the Caledonian Railway, and proceeding in a southerly direction to a point about eighty feet from the south end of the street called Earls Dykes, thence eastward parallel to Kinnoull Causeway for about three hundred and eighty feet to a point in the road leading from the Kinnoull Causeway to the Perth General Station, and thence southward along that road for a distance of about five hundred and thirty feet, thence eastward to Leonard Street, thence southward along Leonard Street to a point about one hundred and fifty feet south of the junction of Leonard Street with Cross Street, thence eastward to a point on the street called Pomarium, on the north side of the Dundee and Perth and Aberdeen Junction Section of the Caledonian Railway, thence across that railway to King's Place in the line of the street called Pomarium, thence westward along King's Place to its junction with the road in front of St. Leonard's Bank, thence southward along the last-mentioned road to the Caledonian Railway goods depôt, thence to a point on Craigie Burn Bridge, about ninety feet eastward of the main line of the Scottish Central Section of the Caledonian Railway, and thence along the east side of that railway to the Edinburgh and Perth Road, thence along that road in a south-westerly direction for a distance of about three hundred and thirty feet, thence in a northerly direction along the west side of the said Scottish Central Section of the Caledonian Railway, and along the west side of the Scottish North-eastern Section of the Caledonian Railway to a point on the before-mentioned Dove-

cotland road, about one hundred and twenty feet west of the point where that road crosses the Scottish North-eastern Railway, and thence along the said road to the point herein-before firstly described.

Any agreements made by the Committee before the passing of this Act for the purchase of any portion of the lands, houses and other property before described are hereby confirmed and made binding to the same extent as they would have been binding if made after the passing of this Act.

Power to improve and enlarge station.

5. The Committee may, upon the lands acquired by them for that purpose under the powers of this Act, execute all needful works for enlarging and improving the existing station, and they may maintain the station as so improved and enlarged, and construct, provide and maintain all needful station accommodation, sidings, sheds and other works.

Power to make railways.

6. Subject to the provisions of this Act the Committee may make and maintain in the line, and according to the levels shown on the deposited plans and sections, the railways and works hereinafter described, with all proper stations, sidings, approaches, works and conveniences connected therewith, 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 that purpose. The railways and works herein-before referred to and authorised by this Act are :—

(1.) A Railway (No. 1), one mile and one hundred and sixty-one yards in length, commencing by a junction with the Scottish Central Section of the Caledonian Railway, at or near the north side of the bridge which carries the Edinburgh and Perth Road over the said Scottish Central Section of railway near the Perth General Prison, and terminating by a junction with the Scottish North-eastern Section of the Caledonian Railway, at or near the south side of the bridge which carries the Dovecotland Road over the said Scottish North-eastern Section of railway ;

(2.) A Railway (No. 2), four furlongs and two hundred yards in length, commencing by a junction with the said Scottish Central Section of the Caledonian Railway, at a point one hundred yards or thereabouts, measuring in a southerly direction from the south side of the bridge known as St. Leonard's Bridge, near the south end of the Perth passenger station, and terminating by a junction with the Scottish North-eastern Section of the Caledonian Railway, at a point ninety yards or thereabouts, measuring in a southerly direction from the south side of the bridge which carries the Dovecotland Road over the said Scottish North-eastern Section of railway ;

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(3.) A Railway (No. 3), two furlongs and forty-one yards in length, commencing by a junction with the said Scottish Central Section of the Caledonian Railway, at or near a point one hundred and fifty yards or thereabouts, measuring in a southerly direction from the south side of the before-mentioned St. Leonard's Bridge, and terminating by a junction with the Dundee and Perth and Aberdeen Junction Section of the Caledonian Railway, at or near a point one hundred and thirty-five yards or thereabouts, measuring in a westerly direction from the west side of the bridge which carries the said Dundee and Perth and Aberdeen Junction Railway over King Street, Perth;

(4.) A Railway (No. 4), two furlongs and thirty-five yards in length commencing by a junction with Railway (No. 1), at a point sixty yards or thereabouts, measuring in a northerly direction from the north side of the bridge which carries the Edinburgh and Perth Road over the said Scottish Central Section of railway, and terminating by a junction with Railway (No. 1), at a point three hundred and twenty yards or thereabouts, measuring in a southerly direction from the south side of the before-mentioned St. Leonard's Bridge;

(5.) A Railway (No. 5), one furlong and twenty-seven yards in length, commencing by a junction with Railway (No. 1), at the point herein-before described as the termination of Railway (No. 4), and terminating by a junction with Railway (No. 3), at a point seventy yards or thereabouts, measuring in a southerly direction from the south side of the before-mentioned St. Leonard's Bridge;

The railways and works herein-before described will be situate in the parish of Tibbermore or Tibbermuir, Perth, East Church of Perth, Middle Church of Perth, West Church of Perth, and St. Paul's and the royal burgh of Perth, or some or one of them, all in the county of Perth.

Power to take easements, &c. by agreement.

7. Persons empowered by the Lands Clauses Consolidation (Scotland) Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act, and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Committee 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 feu duties and ground annuals, 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.

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Owners may be required to sell to Committee parts only of certain buildings.

8. And whereas in the construction of the railways and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of lands, buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same, and that such portions may be severed from the remainder of the said properties without material detriment thereto: Therefore, notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act, 1845, the owners of and other persons interested in the lands, buildings or manufactories described in the schedule to this Act, and whereof parts only are required for the purposes of this Act, may (if such portions can, in the opinion of the jury, arbiters, or other authority to whom the question of disputed compensation shall be submitted, be severed from the remainder of such properties without material detriment thereto) be required to sell and convey to the Committee the portions only of the premises so required without the Committee being obliged or compellable to purchase the whole or any greater portion thereof, the Committee paying for the portions required by them, and making compensation for any damage sustained by the owners thereof, or other parties interested therein by severance or otherwise.

For protection of police, water and gas commissioners of Perth.

9. For the protection of the Lord Provost, magistrates and council of the city and royal burgh of Perth, as commissioners of police of that burgh, under the General Police and Improvement (Scotland) Act, 1862 (herein-after called "the police commissioners,") and also as such commissioners, the commissioners acting under the Perth Water Act, 1877 (herein-after called "the waterworks commissioners"), and of the Perth Gas Commissioners, acting under the Perth Gas Act, 1871 (herein-after called "the gas commissioners,") the following provisions shall have effect and be binding on the Committee (that is to say):—

(1.) The words "street" or "streets," when used in this section, shall, unless otherwise herein provided, include any street, road, bridge, lane, court, close, wynd, vennel, or other public thoroughfare or public place under the jurisdiction of the police commissioners;

(2.) The Committee shall not, without the previous consent in writing of the police commissioners, take or divert any street or part of any street excepting that portion of the street known as Earlsdykes, numbered 26 on the deposited plans, in the parish of Perth;

(3.) If the police commissioners shall, within three months after the passing of this Act, resolve to widen the bridge numbered 111 on the deposited plans, in the parish of Perth, known as

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Saint Leonard's Bridge, and the approaches thereto, to any extent not exceeding fifteen feet, and give intimation thereof to the Committee, the police commissioners may execute such widening, and the Committee shall, on completion thereof, pay to the police commissioners one half of the whole cost thereof, such one half not to exceed the sum of five hundred pounds: Provided that the said widening shall be executed simultaneously with the execution by the Committee of the works by this Act authorised, and be completed within twelve months from the commencement thereof, all in accordance with working drawings and specifications to be approved by George Miller Cunningham, civil engineer, Edinburgh, and shall be so executed as not to interfere with the making of or endanger the traffic on the railways, or interfere with the use of the station;

(4.) The Committee shall widen the road known as the Glasgow Road on the south side thereof, so that the line of the said road shall extend in a straight line in continuation of the south side of York Place to the access to be formed by the Committee, from the Glasgow Road to the station, being a distance of 25 yards measuring from the west side of Earlsdykes;

(5.) The bridge for carrying Railway No. 3 over King's Place shall be constructed and maintained by the Committee so as to be as far as practicable watertight;

(6.) The Committee in executing the works by this Act authorised, shall form and maintain an access for foot passengers from the bridge known as Saint Leonard's Bridge to the station: Provided that, if at any time in the opinion of the Committee an improper use of such access is made by the public, the Committee may shut up or discontinue such access;

(7.) The Committee shall not commence any works under or by virtue of this Act the execution of which will in any way interfere with or affect any street or which will or may pass over or under or by the side of so as to interfere with any sewer or drain belonging to the police commissioners, or any water or gas main, pipe, valve or apparatus belonging to the water-works commissioners and the gas commissioners respectively (all and each of which bodies of commissioners are hereinafter in this section called "the commissioners"), until the Committee shall have given to the commissioners ten days previous notice in writing of their intention to commence the same, accompanied by plans and sections showing the manner in which the proposed works are to be executed, and the means

to be employed for protecting, during the operations of the Committee, such streets, sewers, drains and water and gas mains, pipes, valves and apparatus, and until the same shall have been approved by the commissioners, or in the event of difference by an engineer to be appointed by the sheriff of Perthshire, on the application of the Committee or of the commissioners in that behalf, and all such works shall be done at the cost, charges and expenses of the Committee, and to the reasonable satisfaction of the engineer for the time being of the commissioners, or in case of difference, of an engineer to be appointed by the sheriff of Perthshire, on the application of the Committee or of the commissioners in manner hereinbefore provided;

(8.) The Committee shall reinstate and replace the sewers, drains, mains and pipes so interfered with, and make good the roadways over the same, and any street that may be interfered with under the provisions of this Act, and they shall disconnect from the then existing sewers, drains, mains and pipes any temporary sewers, drains, mains, and pipes which may have been constructed and laid, and when the full and free flow of sewage, or of water or gas, for all purposes, through the sewers, drains, mains or pipes so reinstated and replaced respectively shall be restored, the Committee shall remove such temporary sewers, drains, mains and pipes;

(9.) The Committee shall pay to the commissioners the amount of all reasonable costs, charges and expenses incurred by them in or about or in any way relating to the works referred to in subsections 5, 7 and 8 of this section, including a reasonable sum for the costs of an engineer to superintend the execution of the said works on behalf of the commissioners;

(10.) The special provisions herein contained for the protection of the commissioners shall not be deemed to supersede or dispense with any of the provisions of the Lands Clauses Consolidation (Scotland) Act, 1845, or the Railways Clauses Consolidation (Scotland) Act, 1845, or of any Acts amending those Acts, but those provisions respectively, except in so far as they may be inconsistent with any of the special provisions herein contained, shall be and remain in full force and effect, and shall apply to the enlargement and improvement of the existing station as well as to the railways by this Act authorised, and whenever in those provisions the word "company" or "society" is used, the same shall for all the purposes of this Act be held to extend to and include the commissioners.

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For the protection of the Glover Incorporation of Perth.

10. The Committee shall not take any portion of the road numbered 52 on the deposited plans in the parish of Perth without the previous consent in writing of the Glover Incorporation of Perth.

Period for compulsory purchase of lands.

11. The powers of the Committee 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.

Period for completion of works.

12. If the enlarged station and the railways by this Act authorised are 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 Committee for making and completing the same, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as is then completed.

Lands and new lines of railway to form part of undertaking of the Committee.

13. Subject to the provisions herein contained, the lands and property from time to time acquired by the Committee by virtue of this Act or otherwise, and the railways and works by this Act authorised shall be and be deemed to be part of the undertaking, railway, works, and property of the Committee.

Station to be subject to previous Acts and agreements.

14 The station as from time to time improved, enlarged and extended under the powers of this Act, and the railways, works and conveniences situated therein, shall, as respects the Committee and the three companies, and for all the purposes of the Committee and the three companies be and be deemed to be subject to the like powers, rights, privileges, liabilities and obligations to which the existing station, and the Committee, and the three companies respectively are in any manner of way entitled, or are now liable under the provisions of the Acts of Parliament relating to the existing station, and any agreements between the three companies now in force with respect to the existing station.

East Coast Companies to be entitled to use of enlarged station.

15. Notwithstanding any of the provisions of this Act, the North-eastern Railway Company and the Great Northern Railway Company (in the Act of 1865 called the two English East Coast Companies) shall have and may exercise the same rights, powers and privileges in and be subject to the like obligations in respect of the station as improved, enlarged and extended under the provisions of this Act as they were entitled and subject to immediately before the passing of this Act in or in relation to the existing station.

Companies may agree as to future alteration of station.

16. Subject to the provisions of this Act the Committee and the three companies may from time to time make and carry into effect agreements for the alteration or extension of the boundaries of the station, and the control and working of lines of railway

beyond the limits of the station, so far as may be necessary for the convenient management of the station and the traffic to be accommodated therein.

Alterations of railways to be vested in Company to whom such railways belong.

17. All alterations by this Act authorised, of any railways stations and works, belonging separately to the three companies respectively, shall be vested in and belong to the respective company to whom the railways and works belong, for which such alterations are substituted.

Apportionment of expenses of alteration of Dundee and Perth and Aberdeen Junction Railway Station.

18. The cost of the alteration and extension of the Dundee and Perth and Aberdeen Junction Railway Station, the goods station and the lines of railway connected therewith (comprised in the works authorised by this Act), shall be paid to such extent and in such proportions as may be agreed upon between the Committee and the Caledonian Company, and failing agreement as may be determined by arbitration in manner provided by the Railway Companies Arbitration Act, 1859.

Power to three companies to apply existing capital.

19. The three companies respectively may apply, for the purposes of this Act or any of them, being in each case purposes to which capital is properly applicable, any sums of money which may be necessary or expedient, and they shall pay the same out of any existing or authorised capital, or borrowed money, and the three companies or any one or more of them shall, if required by the Committee so to do, make to the Committee any payment in advance of the sum or sums which may thereafter become payable by any such company to the Committee, for any of the purposes of this Act.

Power to Caledonian Company to raise additional capital.

20. The Caledonian Company may, for the purposes of this Act, subject to the provisions of Part II. of the Companies Clauses Act, 1863, raise any additional capital not exceeding in nominal amount seventy thousand pounds, by the issue at their option of new ordinary shares or stock, or new preference shares or stock, or wholly or partially by any one or more of those modes respectively; but the Caledonian Company shall not issue any share of less nominal value than ten pounds, nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof: Provided that if, in any year ending on the thirty-first day of January, there are not profits available for the payment of the full amount of preferential dividend or interest for that year on any such new preference shares or stock, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Caledonian Company.

Except as otherwise provided,

21. For the purposes of the Caledonian Company with reference to the additional capital authorised to be raised by that company

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new shares or stock to be subject to the same incidents as other shares or stock;

under this Act, the clauses and provisions of the Companies Clauses Consolidation (Scotland) Act, 1845, with respect to the following matters (that is to say):

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869, are (in so far as applicable, and except where expressly varied by this Act) incorporated with this Act. Except as by this Act otherwise provided, the capital in new shares or stock created by the Caledonian 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 Caledonian Company of the same class or description, and the new shares or stock were shares or stock in that capital.

And to form part of capital of Caledonian Company.

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

Dividends on new shares or stock.

23. 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 Caledonian 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.

Votes in respect of new shares or stock.

24. Each holder of new shares or stock in the capital by this Act authorised to be raised by the Caledonian Company shall be entitled to the same number of votes in respect thereof which the possession of an equal nominal amount of the existing capital stock of the Caledonian Company would have conferred upon him: Pro-

vided always, that except as otherwise expressly provided by the resolution creating the same, no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

New shares or stock raised by Caledonian Company, under this Act and any other Act of past or present sessions may be of same class.

25. Subject to the provisions of any Act already passed, by which the Caledonian Company are authorised to raise capital by new shares or stock, and to the provisions of this Act, and of any other Act passed in the present session of Parliament, whether before or after the passing of this Act, by which the Caledonian Company may be authorised to raise capital by new shares or stock, the Caledonian 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 Acts and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Application of moneys.

26. All moneys raised under this Act by the Caledonian Company shall be applied only to the purposes of this Act to which capital is properly applicable.

Deposit money not to be repaid except so far as railway is opened.

27. Whereas pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of four thousand seven hundred and eighty-two pounds, being equal to five per centum upon the amount of the estimate in respect of the railway, has been deposited with the Court of Exchequer in Scotland in respect of the application to Parliament for this Act, which sum is referred to in this Act as "the deposit fund:" Be it enacted that notwithstanding anything contained in the said Act, the said deposit fund shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them (which persons, survivors or survivor are, or is in this Act referred to as "the depositors"), unless the Committee shall previously to the expiration of the period limited by this Act for completion of the railway, open the same for public traffic: Provided that if within such period as aforesaid the Committee open any portion of the railway for public traffic then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion that the length of the railway so opened bears to the entire length of the railway, the Court shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred

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to them, or as they shall direct; and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

28. If the Committee do not previously to the expiration of the period limited for the completion of the railways complete the same and open them for public traffic then and in every such case the deposit fund, or so much thereof as shall not have been paid to the depositors, 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 railways or any portion thereof, or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Committee by this Act, and for which injury or loss no compensation or inadequate compensation has been paid, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit; and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, 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 of 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 Committee 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 Committee, or be otherwise applied as part of the assets of the Committee for the benefit of the creditors thereof. Provided that until the deposit fund has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors.

Interest not to be paid on calls paid up.

29. No interest or dividend shall be paid out of any share capital which the Caledonian Company are by this 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 Caledonian Company from paying to any shareholder such interest on

money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation (Scotland) Act, 1845.

Deposits for future Bills not to be paid out of Caledonian Company's capital.

30. The Caledonian Company shall not, out of any money which they are by this Act authorised to raise, 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 Caledonian Company or the Committee to construct any other railway, or to execute any other work or undertaking.

Provisions as to general Railway Acts.

31. Nothing in this Act contained shall exempt the Committee or the three companies, or the railway 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 the rates for small parcels authorised to be taken by the Committee or the three companies.

Expenses of Act.

32. 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 Committee.

A.D. 1884.

SCHEDULE referred to in the foregoing Act.

Describing Lands, Buildings, and Manufactories of which portions only are required to be taken.

Railway.	Parish.	Number on deposited Plans.
No. 1	Tibbermore or Tibbermuir	6, 7
No. 1	Perth - - - -	86 to 90, 94 to 105, 120 to 126, 129 to 135, 137
No. 2	Tibbermore or Tibbermuir	6, 7
No. 2	Perth - - - -	86 to 90, 94 to 105, 120 to 126, 129 to 135, 137
No. 3	Perth - - - -	88 to 90, 94 to 105, 120 to 126, 129 to 135, 137
No. 4	Perth - - - -	137
No. 5	Perth - - - -	120 to 126, 129 to 135, 137

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