ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. cxlix.

An Act to enable the *Scottish Central* Railway Company to make Branches to *Plean* Mineral Fields; and for other Purposes.

[13th *July* 1863.]

WHEREAS the *Scottish Central* Railway Company (in this Act called "the Company") were incorporated by "The *Scottish Central* Railway Consolidation Act, 1859:" And whereas it would be attended with public Advantage if the Company were authorized to connect their Railway by means of Branches with *Plean* Mineral Fields in the County of *Stirling:* And whereas by the recited Act the Share Capital of the Company was declared to be One million three hundred and eighty-eight thousand four hundred Pounds, and they were authorized to raise on Debenture Stock or on Mortgage or Bond the Sum of Four hundred and sixty thousand Pounds, and the Company have raised and expended the said Sums: And whereas it is expedient that the Company should be empowered to raise additional Capital for the Branches and Works authorized by this Act, and for the general Purposes of their Undertaking; but these Objects 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, 22 & 23 Vict. c. lxxxiii.

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 *Scottish Central* Railway (*Plean* Branches) Act, 1863."

"The Railways."

2. In this Act the Expression "the Railways" shall mean and include the several Branches and Works by this Act authorized to be made.

8 & 9 Vict. cc. 19. & 33. and 23 & 24 Vict. c. 106. incorporated.

3. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation (*Scotland*) Act, 1845," are incorporated with this Act.

Certain Provisions of 8 & 9 Vict. c. 17. incorporated.

4. Subject to the Provisions of this Act, the Clauses and Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Distribution of the Capital of the Company into Shares; with respect to the Transfer or Transmission of Shares; with respect to the Payment of Subscriptions, and the Means of enforcing the Payment of Calls; with respect to the Forfeiture of Shares for Nonpayment of Calls; with respect to the Remedies of Creditors of the Company against the Shareholders; with respect to the borrowing of Money by the Company on Mortgage or Bond; with respect to the Conversion of the borrowed Money into Capital; with respect to the Consolidation of the Shares into Stock; with respect to the General Meetings of the Company, and the Exercise of the Right of voting by the Shareholders; with respect to the Appointment and Rotation of Directors; and with respect to the Provision to be made for affording Access to the Special Act by all Parties interested, shall be incorporated with this Act: Provided that each Holder of new Shares or Stock in the Capital by this Act authorized to be raised shall be entitled to the same Number of Votes, proportionate to the Amount paid up in respect thereof, which he would have been entitled to if such Amount had been paid up in respect of the Capital authorized by the recited Act.

Power to raise additional Capital by new Shares.

5. Whereas the estimated Expense of the Railways is Eighteen thousand Pounds: It shall be lawful for the Company, with the Consent of Three Fifths of the Votes of the Shareholders present, personally or by proxy, at any Extraordinary General Meeting specially convened for the Purpose, to raise from Time to Time, in addition to the Capital authorized by the recited Act, or by any other Act or Acts passed or to be passed during the present Session of Parliament, any Sums of Money not exceeding in the whole Twenty thousand Pounds for the Purposes of the said Railways by the Creation and Issue of new Shares in their Undertaking

6. In

Power to raise additional Capital for general Purposes.

6. In addition to the Capital authorized by the recited Act, or by any other Act or Acts passed or to be passed during the present Session of Parliament, and to the Sum of Twenty thousand Pounds authorized to be raised by this Act as aforesaid, it shall be lawful for the Company, with such Consent as is herein-before mentioned, from Time to Time to raise for the general Purposes of their Undertaking any Sums of Money not exceeding in the whole Thirty thousand Pounds by the Creation and Issue of new Shares in their Undertaking.

Power to confer on new Shares Right to preferential Dividend.

7. The Company may from Time to Time, at any Meeting at which any such new Shares may be created, and with such Consent as is herein-before mentioned, confer on the whole or any Part of the new Shares which shall be created at such Meeting Right to a preferential Dividend out of the Profits of the Company at such fixed or fluctuating Rate, not exceeding Five Pounds *per Centum per Annum*, and payable at such Times as shall be resolved on by such Meeting; but if in any Half Year ending on the Thirty-first Day of *January* or the Thirty-first Day of *July* there shall not be Profits available for the Payment of the full Amount of such preferential Dividend payable in respect of that Half Year, the Deficiency or any Part thereof shall not be made good out of the Profits of any subsequent Half Year, or out of any other Funds of the Company.

Terms, &c. to be stated on Certificates.

8. The Terms and Conditions to which any Preference Shares created under this Act are subjected by the Provisions of this Act shall be clearly stated on the Certificate of every such Preference Share.

Rights of Proprietors of new Shares.

9. The Capital to be raised by such new Shares shall be Part of the general Capital of the Company, and, except as otherwise provided by this Act, or by any Extraordinary General Meeting which shall resolve to create and issue any such new Shares, such Shares shall confer and impose on the Proprietors thereof all the Rights and Privileges, Liabilities and Obligations, which a corresponding Amount of the existing Stock in the Company confers and imposes on the Proprietors thereof.

Disposal of new Shares.

10. Such new Shares may be apportioned and offered to the then Shareholders in the Company, or may be disposed of to such other Persons as may be willing to accept the same, in such Manner and on such Terms and Conditions as shall be determined by the Extraordinary General Meeting which shall resolve to create and issue the same.

Amount and Interval of Calls.

11. The Amount of each Call which the Company may make upon each Shareholder shall not exceed One Tenth Part of the Amount of the new Shares held by him, and successive Calls shall not be made at a less Interval than Two Months, and the aggregate Amount of Calls made in any One Year shall not exceed One Half of the Amount of such new Shares.

12. No

Former Grants of Preference not to be affected.

12. No Preference or Priority to be conferred on any new Shares under the Provisions of this Act shall prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares or Stock which shall have been granted by the Company in pursuance of or which may have been created or confirmed by any previous Act of Parliament, or which may otherwise be lawfully subsisting.

Power to borrow on Mortgage, &c.

13. It shall be lawful for the Company from Time to Time to borrow on Mortgage of their Undertaking or to issue Debenture Stock for any Sums of Money not exceeding in the whole Sixteen thousand six hundred and fifty Pounds, in addition to the Sums which by the recited Act, or by any other Act or Acts passed or to be passed in the present Session of Parliament, the Company are or may be authorized to borrow or raise by the Issue of Debenture Stock; but no Part of the said Sum of Sixteen thousand six hundred and fifty Pounds shall be borrowed or raised by the Issue of Debenture Stock until the whole of the additional Capital of Fifty thousand Pounds by this Act authorized shall have been subscribed for, and One Half thereof shall have been paid up, and the Company shall have proved to the Sheriff who is to certify under the Provisions contained in the Forty-second Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," that, before he so certifies, the whole of such additional Capital has been subscribed for *bonâ fide*, and is held by the Subscribers, or their Executors, Administrators, or Assignees, and for which such Subscribers, or their Executors, Administrators, or Assignees, are legally liable.

Mortgages, Bonds, and Debenture Stock under recited Act not to be affected.

14. The Mortgages, Bonds, and Debenture Stock which have been or may hereafter be granted or issued by the Company, or due or subsisting under the Authority of the recited Act, shall have Priority over any Mortgage to be granted or Debenture Stock to be issued by the Company under the Authority of this Act.

Rights of Mortgagees and Holders of Debenture Stock.

15. Subject to the Provisions of this Act, the Mortgages granted and Debenture Stock issued under the Authority of this Act shall confer on the Holders thereof respectively the same Rights and Privileges, and entitle them to the same Remedies, as are conferred by the recited Act on the respective Holders of Mortgages granted and of Debenture Stock issued under the Authority of that Act.

Application of Money raised.

16. The whole Sums by this Act authorized to be raised by the Creation of new Shares, or by borrowing, or by the Issue of Debenture Stock, shall be applied to the respective Purposes sanctioned by this Act, and to no other Purpose whatsoever.

Power to make Works according to deposited Plans.

17. Whereas Plans and Sections showing the Lines and Levels of the Railways, and describing the Lands, Houses, and other Property intended to be taken for the Purposes thereof, with a Book of Reference to the said

said Plans, have been deposited with the Principal Sheriff Clerk of the County of *Stirling:* It shall be lawful for the Company, subject to the Provisions, and with the Powers of Deviation and other Powers, contained in this Act and the Acts incorporated herewith, to make and maintain the Railways in the Lines and on the Levels described on the said Plans and Sections, and all proper Works and Conveniences in connexion therewith, and for the Purposes thereof to enter upon, take, and use the Lands, Houses, and other Property delineated on the said Plans and described in the said Book of Reference, or such of them, or such Portions thereof, as they may deem necessary.

Description of Works.

18. The Railways shall consist of—

First, a Railway diverging out of the *Scottish Central* Railway near the Post indicating a Distance of Thirty-six and Three Quarters Miles from *Perth*, and terminating near the Farm-steading of *Muirmailing* on the Estate of *East Plean:*

Second, a Railway diverging out of the Railway first above described near the Junction of the Road from *Cadgers Loan* to *Gartwhinnie* Farm-steading, and terminating on the Estate of *West Plean* between *Gartwhinnie* Farm-steading and the *Old Roman Road:*

Which Railways and Works will be situated exclusively in the Parish of *St. Ninian's* in the County of *Stirling.*

Power to alter Engineering Works.

19. Notwithstanding anything in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," contained, the Company in the Construction of the Railways may deviate from the Line and Levels of any Arch or Arches, Tunnels or Viaducts, described in the deposited Plans or Sections, so as the Deviations be made within the Limits of Deviation shown on those Plans, and subject to the Limitations contained in the Eleventh, Twelfth, and Fifteenth Sections of that Act, and so as the Nature of the Work as described be not altered, and they may also substitute any other Engineering Work not shown on those Plans or Sections, instead of a Tunnel, Viaduct, Arch or Arches, as shown thereon, provided that every such Substitution be authorized by a Certificate of the Board of Trade; and the said Board is hereby empowered to grant such Certificates, provided it shall appear to the Board upon due Inquiry that the Company has acted in the Matter with good Faith, and that the Owners, Lessees, and Occupiers of the Land in which the Substitution is intended to be made consent thereto, and also that the Safety and Convenience of the Public will not be diminished thereby: Provided that nothing herein contained shall take away or affect any of the Powers given to the Company or to the Board of Trade by the Eleventh, Twelfth, Fourteenth, or Fifteenth Sections of "The Railways Clauses Consolidation (*Scotland*) Act, 1845."

Lands for extraordinary Purposes.

20. In addition to the Lands herein-before authorized to be taken by the Company, it shall be lawful for the Company to purchase by Agreement,

Agreement, in connexion with the Railways, any Quantity of Land near or adjoining thereto, not exceeding Two Acres, for the extraordinary Purposes specified in "The Railways Clauses Consolidation (*Scotland*) Act, 1845."

Powers for compulsory Purchases limited.

21. The compulsory Powers of taking Land conferred by this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for completing Railways.

22. The Railways shall be completed and opened for public Traffic within Four Years from the passing of this Act, and if not then completed and opened for public Traffic the Company shall be liable to a Penalty of Fifty Pounds *per* Day, to be recoverable as a Debt due to the Crown, for every Day after the said Period until such Railways shall be completed and opened for public Traffic; but no Penalty shall accrue in respect of any Time during which it shall appear, by a Certificate to be obtained from the Board of Trade, that the Company was prevented from completing or opening such Railways by unforeseen Accident or Circumstances beyond their Control, but the Want of sufficient Funds shall not be held to be a Circumstance beyond their Control.

New Works to form Part of Undertaking.

23. The Railways shall form Part of the Undertaking of the Company for all Purposes whatsoever.

Tolls on Railways.

24. The Company may demand and recover for the Use of the Railways, and for the Conveyance of Traffic thereon, any Tolls and Charges not exceeding the Tolls and Charges authorized by the recited Act, as if such Railways had been original Parts of the *Scottish Central* Railway, and had been constructed under the Powers of that Act.

Interest not to be paid on Calls paid up.

25. It shall not be lawful for the Company, out of any Money by this Act or the recited Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Powers of borrowing, or by the Issue of Debenture Stock, to pay to any Shareholder any Interest or Dividend on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided that nothing herein contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation (*Scotland*) Act, 1845," in that Behalf contained.

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

26. It shall not be lawful for the Company, out of any Money by this Act or the recited Act authorized to be raised for the Purposes thereof, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament in force for the Time being, may be required to be deposited

deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway, or execute any other Work or Undertaking.

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

27. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act or the recited Act authorized to be made from the Provisions of any General Act relating to Railways, or to 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges and of the Rates for small Parcels authorized by the recited Act.

Expenses of Act.

28. The Costs and Charges of applying for and obtaining this Act, and preparatory and incidental thereto, shall be paid by the Company.

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