Trial of burglaries at quarter sessions.

1.—(1.) A court of quarter sessions shall, notwithstanding anything in the Quarter Sessions Act, 1842, have jurisdiction to try a person charged with burglary.

(2.) A justice of the peace when committing for trial a person charged with burglary shall, nevertheless, commit him for trial before a court of assize unless, owing to the absence of any circumstances which make the case a grave or difficult one, he thinks it expedient, in the interests of justice, to commit him for trial before a court of quarter sessions; and the Assizes Relief Act, 1889, shall apply. 52 & 53 Vict. c. 12.

Short title.

2.—(1.) The Act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter thirty-eight, intituled "An Act to define the jurisdiction of justices in general and quarter sessions of the peace," is in this Act referred to, and may be cited, as the Quarter Sessions Act, 1842. 5 & 6 Vict. c. 38.

(2.) This Act may be cited as the Burglary Act, 1896.

Extent of Act.

3. This Act shall not apply to Scotland or Ireland.

CHAPTER 58.

An Act for authorising the Treasury to guarantee the Interest on certain Capital of the West Highland Railway Company, and pay a Sum of Money to that Company. [14th August 1896.]

WHEREAS by the West Highland Railway Act, 1894, the West Highland Railway Company were authorised to construct an extension of their railway from Banavie to Mallaig (in this Act called the railway), with a pier and other works in connexion therewith, and to raise the necessary capital for that purpose, and by section fifty-two of the Act certain provisions were to take effect in the event of the Treasury being authorised to guarantee and guaranteeing, for a period of thirty years from the date of the opening for passenger traffic of the railway, the payment of interest or dividend at the rate of three pounds per centum per annum on two hundred and sixty thousand pounds of the share and loan capital to be raised under the Act, and granting a sum of thirty thousand pounds towards the cost of constructing the pier, breakwater, and other works by the Act authorised, and it is expedient that the Treasury be authorised to give such guarantee and make such grant: 57 & 58 Vict. c. clvi.

Be it therefore 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:

Power for Treasury to guarantee interest on

1.—(1.) The Treasury may, subject to the terms and conditions contained in the agreement dated the tenth day of March one thousand eight hundred and ninety-six, between William Hayes

certain capital of West Highland Railway Company, &c.

Fisher, Esquire, and Edward George Villiers Stanley (commonly called Lord Stanley), two of the Lords Commissioners of Her Majesty's Treasury, and the West Highland Railway Company (being the agreement in the schedule to this Act), guarantee for a period of thirty years from the date of the opening for passenger traffic of the railway, the payment of interest or dividend at the rate of three pounds per centum per annum on two hundred and sixty thousand pounds of the share capital to be raised under the West Highland Railway Act, 1894, and may on the completion of the said pier, breakwater, and other works, pay to the company the said sum of thirty thousand pounds, and the sums required for the purposes of this section shall be paid out of moneys provided by Parliament, and if those moneys are insufficient shall be charged on and paid out of the Consolidated Fund or the growing produce thereof.

(2.) During the said period of thirty years the Board of Trade shall make an annual report to Parliament as to the condition and working of the railway, the rates and charges for traffic, and the receipts and expenditure of any company in working the railway.

Limit of rates.

2. During the period, not exceeding the said period of thirty years, for which the whole or any part of the interest or dividend guaranteed by this Act shall be payable by the Treasury, the railway shall not be assessed to any local rate at a higher value than that at which the land occupied by the railway would have been assessed if it had remained in the condition in which it was immediately before it was acquired for the purpose of the railway.

Short title.

3. This Act may be cited as the West Highland Railway Guarantee Act, 1896.

SCHEDULE.

AGREEMENT between the Treasury and the West Highland Railway Company.

AN AGREEMENT under Seal made this tenth day of March one thousand eight hundred and ninety-six, between William Hayes Fisher, Esquire, and Edward George Villiers Stanley (commonly called Lord Stanley), two of the Lords Commissioners of Her Majesty's Treasury (herein-after called "the Treasury"), of the first part, and the West Highland Railway Company (herein-after called "the Company") of the second part:

Whereas by the West Highland Railway Act, 1894 (herein-after called "the said Act"), the Company were empowered to construct an extension of their railway from Banavie to Mallaig, with a pier and other works connected therewith, and to raise two hundred and sixty thousand pounds additional share capital and to borrow one hundred and twenty-eight thousand pounds as in the said Act mentioned.

And whereas sections 51 and 52 of the said Act are as follows:—

(51.) "In the event of the Treasury being authorised to guarantee the payment of interest or dividend on the whole or any portion of the share and loan capital to be raised under this Act, and to grant any sum or sums

of money towards the cost of constructing the pier, breakwater, and other works by this Act authorised, the Company may enter into and fulfil agreements with the Treasury with respect to such guarantee and grant, and may accept and comply with such conditions and obligations as the Treasury may attach thereto, provided that such conditions and obligations do not diminish the security of any mortgages or debenture stock granted or issued by the Company before the date of such Agreement."

(52.) "In the event of the Treasury being authorised to guarantee and guaranteeing, for a period of thirty years from the date of the opening for passenger traffic of the railway by this Act authorised, the payment of interest or dividend at the rate of three pounds per centum per annum, on two hundred and sixty thousand pounds of the share and loan capital to be raised under this Act, and granting a sum of thirty thousand pounds towards the cost of constructing the pier, breakwater, and other works by this Act authorised, sections 41 and 43 of the North British Railway Act, 1893, and the Agreement set forth in the Third Schedule to that Act, except Article Seventh thereof, shall be held to extend to and include the railway, pier, breakwater, and works by this Act authorised, and if the net revenue accruing to the Company from the said railway, pier, breakwater, and works after payment of the items included in Article Sixth of the said Agreement is not, along with the interest or dividend to be received by the Company from the Treasury, sufficient in any half-year, to pay interest or dividend for such half-year, at the rate of three pounds per centum per annum on the whole paid-up share and loan capital of the Company to be raised under this Act, the North British Railway Company shall contribute such sum as may be necessary to make up interest or dividend at that rate upon the paid-up share and loan capital of the Company, and may undertake to contribute such additional sum as may be necessary to make up such interest or dividend to the rate of three pounds ten shillings per centum per annum, and the whole surplus if any of the net revenues of the Company, after payment of such interest or dividend at either of the rates aforesaid, shall belong and be paid to the North British Railway Company."

And whereas Her Majesty's Government propose to introduce a Bill into Parliament authorising the Treasury to guarantee on such terms as they think fit for a period of thirty years from the date of the opening for passenger traffic of the railway authorised by the said Act (herein-after referred to as "the railway") the payment of interest or dividend at the rate of three pounds per centum per annum on the two hundred and sixty thousand pounds of share capital to be raised under the said Act and to grant the said sum of thirty thousand pounds:

It is agreed in the event of the said Bill becoming an Act as follows:—

(1.) From the date of the opening for traffic of any portion of the railway, the Company will in the first instance apply fifty per cent. of the gross revenues arising therefrom after payment thereout of (1) Government duty and (2) poor school county and other rates and taxes towards payment of a dividend of three per centum on the above-mentioned capital of two hundred and sixty thousand pounds.

(2.) The Company shall render to the Board of Trade, half-yearly or otherwise as the Treasury may direct, returns of all traffic arising or terminating on or passing over the railway and of the gross revenues arising therefrom.

(3.) The Company will pay the costs incurred by the Board of Trade in checking such returns and seeing that the said traffic and gross revenues are duly accounted for.

(4.) The Company will keep or procure to be kept by the Company working the railway proper and sufficient accounts and vouchers, which

shall be open at all reasonable times to examination and transcription by the Board of Trade.

(5.) On the fulfilment by the Company from time to time and at all times during the continuance of this Agreement of the above conditions, the Treasury will guarantee for a period of thirty years from the date of the opening for passenger traffic of the railway, the payment of interest or dividend at the rate of three pounds per centum per annum on the two hundred and sixty thousand pounds of share capital to be raised under the said Act, and will pay half-yearly to the Company such sum as along with the balance of fifty per centum of the gross revenues of the Company arising from the railway after payment thereout of Government duty and rates and taxes as aforesaid may be necessary to enable the Company to pay a dividend for the half-year immediately preceding the date of payment of three pounds per centum per annum on the said capital of two hundred and sixty thousand pounds.

(6.) Her Majesty's Government will pay to the Company the said sum of thirty thousand pounds towards the cost of the construction of the said pier and breakwater on the completion thereof being certified by the Board of Trade.

(7.) No liability shall attach to the Treasury under this Agreement other than the liability to pay in accordance with clause 6 of this Agreement the said sum of thirty thousand pounds, and from time to time during the continuance of this Agreement such sums as may be required to give effect to clause 5 of this Agreement out of moneys provided by Parliament, or if such moneys are not sufficient, out of moneys charged on and paid out of the Consolidated Fund or the growing produce thereof; provided that such last-mentioned moneys shall not be payable as part of the annual charge for the National Debt.

(8.) If at any time during the continuance of this Agreement the portion of the undertaking of the Company authorised by the said Act is, with the sanction of Parliament, acquired by and transferred to or amalgamated with the undertaking of any other company or companies, then, on the completion of such acquisition, transfer, or amalgamation such other company or companies shall be and be deemed to be substituted for the Company in these presents.

(9.) This Agreement is in substitution of the Agreement between the Company and two of the Lords Commissioners of Her Majesty's Treasury, dated the seventh day of May one thousand eight hundred and nine-five.

In witness whereof the parties hereto of the first part have to one part of these presents set their hands and seals and the Company have to another part of these presents caused their Common Seal to be affixed the day and year first above written.

The Common Seal of the West Highland Railway Company was hereunto affixed in the presence of } L.S.

G. B. STRICKLAND,
Secretary, West Highland Railway Company.