



CHAPTER ccxxviii.

An Act to confer further powers upon the North British Railway Company in connexion with their undertaking to authorise the Burntisland Harbour Commissioners to lease certain of their lands and for other purposes. A.D. 1898.

[12th August 1898.]

WHEREAS it is expedient that the North British Railway Company (in this Act called "the Company") should be authorised as in this Act provided—

- (1) To make a railway from their Charleston Branch Railway at Dunfermline to join their Alloa and Kincardine Branch Railway at Kincardine;
- (2) To make a branch railway to Corstorphine;
- (3) To make deviations in their Knightswood Branch Railway;
- (4) To make railways at Cowdenbeath to form junctions between their Inverkeithing and Perth Railway their Dunfermline and Thornton Railway and their Lumphinnans and Kelty Branch Railway;
- (5) To acquire additional lands for the general purposes of their undertaking;
- (6) To stop up and discontinue as a public street North Queen Street in the city of Glasgow and to erect an hotel on a portion of the site of the street so stopped up:

And whereas it is expedient—

- (1) To further extend the powers granted to the Company by the North British Railway (Waverley Station &c.) Act 1891 for the compulsory purchase of lands as extended by the North British Railway Act 1894 and the North British Railway Act 1896;
- (2) To further extend the time limited by the Aberlady Gullane and North Berwick Railway Act 1893 and the North British

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Railway Act 1896 for the compulsory purchase of lands and for the completion of works authorised by those Acts ;

(3) To further extend the time limited by the East Fife Central Railway Act 1893 and the North British Railway Act 1895 for the compulsory purchase of lands and for the completion of works authorised by those Acts ;

(4) To further extend the powers granted to the Company by the North British Railway Act 1893 for the compulsory purchase of lands in the parish of Calton in the city and the county of the city of Glasgow adjoining the Company's Bridgeton Cross terminus as extended by the North British Railway Act 1896 :

And whereas it is expedient to cancel or provide for the cancellation of the sum of thirty thousand pounds North British four and a half per cent. Preference Stock 1891 held by the Company under the provisions of section 30 of the North British Railway (General Powers) Act 1891 in lieu of the same amount of stock of the Blane Valley Railway Company by that Act amalgamated with the Company :

And whereas it is expedient to empower the Court of Exchequer in Scotland to order the payment to the depositors or the survivors or survivor of them or to the Company of the sum of seven hundred and eighteen pounds fourteen shillings and twopence being part remaining unpaid of the sum of four thousand four hundred and sixty-four pounds deposited in the Union Bank of Scotland Limited in the name of the Queen's Remembrancer in Scotland to the credit of the Glasgow Yoker and Clydebank Railway Company :

And whereas the harbour of Burntisland in the county of Fife is worked and used in connexion with the railways of the Company and the Company have for the purposes of the said harbour and under the powers of various Acts advanced to the Burntisland Harbour Commissioners (in this Act called "the harbour commissioners") sums amounting in the aggregate to the sum of one hundred and forty thousand pounds and are under the Burntisland Harbour Act 1896 bound to lend to the harbour commissioners a further sum of money not exceeding three hundred thousand pounds for the execution of the wet dock and other works thereby authorised and for other harbour purposes :

And whereas the Company are greatly interested in the development of the harbour and the construction of such further works and conveniences as may be necessary for the purpose of affording increased accommodation thereat :

And whereas the shipping at the said harbour is large and the accommodation and facilities at the said harbour are being much

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increased but there is no graving dock thereat or near thereto where vessels using the said harbour may be repaired: A.D. 1898.

And whereas in order to afford such increased accommodation it is expedient to authorise the harbour commissioners to lease to any company or person for the purpose of making maintaining and working thereon a graving dock gridiron and other works and conveniences certain lands held by them at the harbour and to authorise the harbour commissioners to enter into any agreements as to the leasing of the said lands and the making maintaining and working of the said works and conveniences:

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of this Act and for the general purposes of their undertaking and to apply their funds to such purposes:

And whereas plans and sections showing the proposed railways and other works by this Act authorised to be constructed and plans of the lands by this Act authorised to be acquired and appropriated 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 clerks of the several counties within which those works will be constructed and those lands are situate which plans sections and books of reference are in this Act respectively referred to as the deposited plans sections and books of reference:

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 (that is to say):—

1. This Act may for all purposes be cited as the North British Railway (General Powers) Act 1898. Short title.

2. The Lands Clauses Acts the Railways Clauses Consolidation (Scotland) Act 1845 Part I. (relating to construction of a railway) Part II. (relating to extension of time) of the Railways Clauses Act 1863 and the provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the several matters following (that is to say):— Incorporation of general Acts.

The distribution of the capital of the Company into shares;
The transfer or transmission of shares;

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A.D. 1898. — 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) as amended by subsequent Acts 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 several words and expressions to which meanings are assigned by the incorporated Acts shall have the same respective meanings and in the said Acts incorporated in this Act the word "schoolmasters" means clerks of parish councils or persons acting as such clerks.

Power to make railways.

4. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections relating thereto the railways hereinafter described with all proper stations sidings approaches works and conveniences connected therewith respectively and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference relating thereto as may be required for those purposes :

The railways herein-before referred to and authorised by this Act are—

A Railway (No. 1) 10 miles 2 furlongs 3·60 chains in length commencing in the parish of Dunfermline in the county of Fife by a junction with the Charleston Branch of the North British Railway at a point four hundred and sixty yards or thereabouts measured in an easterly direction from Coal Bridge on the road leading from Crossford to Limekilns and terminating in the parish of Tulliallan in the county of Fife by a junction with the Alloa and Kincardine Branch of the North British Railway at a point twenty yards or thereabouts south of the booking office of Kincardine Station :

A Railway (No. 2) 1 mile 3 furlongs 5·57 chains in length commencing in the royal burgh and city parish of Edinburgh

in the county of the city of Edinburgh by a junction with the North British Railway at a point twenty-five yards or thereabouts westward from the bridge carrying the said railway over the water of Leith near Damhead and terminating in the parish of Corstorphine in the county of Edinburgh at a point one hundred and fifty yards or thereabouts eastward from the parish church of Corstorphine which said intended railway will be situate in the county of the city of Edinburgh and county of Edinburgh :

A Railway (No. 3) 2 furlongs 0·23 chains in length commencing in the parish of New Kilpatrick in the county of Dumbarton at a point one hundred and seventy yards or thereabouts westward from the west end of the kiln of the Jordanhill brick works and terminating in the same county and parish by a junction with the Knightswood Branch of the North British Railway at a point two hundred and thirty yards or thereabouts north-eastward from the east end of the before-mentioned kiln :

A Railway (No. 4) 1 furlong 3·18 chains in length commencing in the parish of New Kilpatrick in the county of Dumbarton by a junction with the last-mentioned railway at a point fifty yards or thereabouts north of the centre of the before-mentioned kiln and terminating in the same county and parish by a junction with the Cowdenhill Branch Railway at a point two hundred and eighty yards or thereabouts northward from the east end of the before-mentioned kiln :

A Railway (No. 5) 7 furlongs 0·30 chains in length wholly situate in the county of Fife commencing in the parish of Beath by a junction with the Inverkeithing and Perth Railway of the Company at a point sixty-five yards or thereabouts north of the bridge by which the road leading from Cowdenbeath to Lochgelly viâ Lumphinnans is carried over the said railway and terminating in the parish of Ballingry by a junction with the Dunfermline and Thornton Railway of the Company at or near the signal cabin at the junction of the Lumphinnans and Kelty Branch Railway of the Company with the last-mentioned railway :

A Railway (No. 6) 1 furlong 4·83 chains in length wholly situate in the county of Fife and parish of Ballingry commencing by a junction with the before-mentioned Dunfermline and Thornton Railway at or near the before-mentioned signal cabin and terminating by a junction with the before-mentioned

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A.D. 1898. — Lumphinnans and Kelty Branch at a point three hundred yards or thereabouts northwards from the before-mentioned signal cabin.

Period for completion of new railways. 5. If the railways 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 Company for making and completing such railways or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Penalty imposed unless railways opened within time limited 6. If the Company fail within the period limited by this Act to complete the railways the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period limited until the uncompleted railway or railways is or are completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of such railway or railways and the said penalty may be applied for by any landowner or other person claiming to be compensated in reference to the railway or railways in respect of which the penalty has been incurred in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854:

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 of the Queen's and Lord Treasurer's Remembrancer on behalf of the Court of Exchequer in Scotland in the bank and to the credit named 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 was prevented from completing or opening the uncompleted railway or railways by unforeseen accident or circumstances beyond their control Provided that want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty for non-completion of railways. 7. 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 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 Company 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 sum or sums of money so recovered by way of penalty as aforesaid has 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 if a receiver has been appointed or the Company is insolvent or the railway in respect of which the penalty has been incurred or any part thereof has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company.

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8. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

Works below high-water mark not to be commenced without consent of Board of Trade.

9. Nothing contained in this Act shall authorise the Company to take use or in any 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

Saving rights of Crown in foreshore.

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A.D. 1898. 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.

Accesses to
and from
shore &c.

10. During the construction of the Railway No. 1 by this Act authorised on or near the foreshore of the Firth of Forth and also at all times after completion thereof the Company shall make and permanently maintain at their own expense and to the satisfaction of the Board of Trade for the free use of the public such footways and carriageways over under or across the railway as the Board of Trade may from time to time direct or approve and shall also make and permanently maintain at the like expense and to the like satisfaction on the seaward side of the embankments of the railway such boat slips or other facilities for boats and for passengers landing therefrom or embarking thereon as the Board of Trade may from time to time direct or approve.

For pro-
tection of
Marquess of
Lansdowne
K.G.

11. For the protection of the most Honourable Henry Charles Keith Fitzmaurice Marquess of Lansdowne K.G. or other the proprietor or proprietors of the estate of Tulliallan including the lands of Kincardine Burnbrae and others in the counties of Fife and Stirling and who and whose successors in the said estate are in this section referred to as and are included in the expression "the owners" the following provisions shall unless otherwise agreed between the owners and the Company apply and have effect (that is to say):—

(1) The Company shall from and after the passing of this Act and in all time thereafter maintain in a proper state of repair and sufficient for the purposes for which the same was constructed the existing embankment belonging to the owners and which was constructed by their predecessors for protecting their said estate from the sea along the foreshore ex adverso thereof including the tunnels through the said embankment and valves sluices and ditches connected therewith and by means of which a complete system of drainage for the lands adjoining the said embankment has hitherto been maintained and shall also maintain in like manner and in all time the additional embankment by this Act authorised to be constructed by the Company parallel to or alongside the said existing embankment and intended to form part of Railway (No. 1) by this Act authorised:

(2) The Company shall from and after the passing of this Act and in all time thereafter maintain in good and efficient repair and working order for the purposes thereof the whole

of the said system of tunnels valves sluices and ditches for the drainage of the adjoining lands and shall substitute for any such tunnels valves sluices and ditches as may be destroyed obstructed injured or interfered with by the construction of the Railway (No. 1) or may otherwise become insufficient other tunnels valves sluices and ditches fully effectual for the purposes of such drainage :

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- (3) The Company shall without prejudice to the foregoing provisions as to maintenance pay to the owners all damage which they or their tenants or others may suffer in consequence of the Company's failure at any time to maintain the said embankments and tunnels valves sluices and ditches or any of them in good and efficient working order as aforesaid and shall relieve the owners of and from all claims for any such damage which may be made by or on behalf of the said tenants or others :
- (4) In the event of the owners at any time hereafter resolving themselves to construct or arranging with any other person or company for the construction of a dock or basin on the said estate to the north of the said Railway (No. 1) the Company shall at their own expense and to the satisfaction of the owners make an entrance to such dock or basin from the sea through or across the said embankments and railway at any point to be indicated by the owners of sixty feet in width and of ample depth to admit of the full and most effective use of such dock or basin by all vessels passing into or out of the same and to erect sufficient bollards properly connected together along the line of such entrance to admit of vessels lying alongside and being fastened together by ropes while being trained into the entrance and the Company shall further provide at their own expense and to the satisfaction of the owners a swing bridge to carry the railway over the said entrance with the necessary abutments which swing bridge shall be worked so as not to impede the traffic of the dock in any way and in case the entrance to such dock or basin shall be made through the said embankments and railway at or near any foreshore or river bed or other land belonging to the Company the Company (without prejudice to their right to construct and use the pier or jetty and other works connected therewith described in the fourth section of the North British Railway Act 1889) shall not do or permit any act on or in relation to such foreshore river bed or other land whereby the exercise of the owners right of full and free access from the sea to the said dock or basin

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may be prevented or interfered with and the owners shall be entitled to dredge deepen and otherwise use such foreshore river bed or other land if they shall consider it necessary to do so for the purpose of keeping a clear fairway and full and free access from the sea to such dock or basin :

(5) The owners their tenants and feuars may at all times for the purpose of access from the said estate to the sea construct and use railways crossing the said Railway (No. 1) at any point or points they may consider necessary and for that purpose may join use and leave the rails of the said Railway (No. 1) at any point or points to be determined upon by them subject to this proviso that the points for joining and the points for leaving the said Railway (No. 1) shall be placed at the minimum distance from each other which the Board of Trade may allow and further that the right of crossing the said Railway (No. 1) as above provided and reserved to the owners shall be exercised free from any payment to the Company in respect of tolls or any other payments whatsoever :

(6) Without prejudice to the obligations imposed on the Company under the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 and Acts amending and extending the same to execute all necessary accommodation works in connexion with the land to be taken and acquired by them from the owners the Company shall make execute and maintain to the satisfaction of the owners or their factor for the time being the following accommodation works (namely) :—

(A) The drain pipe conveying sewage from the town of Kincardine into the ditch along the landward side of the said existing embankment shall be carried through the said embankment towards the sea at a point to be fixed by the Company and so as not to discharge into the said ditch ;

(B) The drain pipe conveying sewage from the town of Kincardine and at present discharging into an open ditch on Inch Farm at a point to the east of the said drain pipe last above-mentioned shall be continued alongside such ditch to the said existing embankment and carried through the same or in the option of the Company be continued to the said last above-mentioned drain pipe along a line to be approved of by the owners or their factor and so as to join the said drain pipe and convey the sewage through the embankment to the sea ;

(c) An access for cattle and carts underneath the railway between the intersected portions of the lands numbered

- 37 and 40 in the parish of Tulliallan on the deposited plans ;
- (D) A level crossing with wicket gates at the point where the railway is intended to cross a cart track near the lands numbered 36 in the said parish on the deposited plans ;
 - (E) A level crossing at the point where the railway is intended to cross a cart track situate to the east of the lands numbered 28 in the said parish on the deposited plans ;
 - (F) Two cattle creeps under the said Railway (No. 1) at such points east of Longannet Quarry as may be fixed by the owners or their factor ;
 - (G) If and when required by the owners the Company shall construct for the use of the owners and their tenants on the said estate a branch railway with all proper junctions rails sleepers chairs bolts and other things necessary extending from the Company's railway to the Longannet Quarry which branch railway shall on completion be the property of the owners and shall be maintained in good order and repair in all time thereafter by the Company the owners and their tenants being entitled to use the said branch railway in any way they may think most advantageous and the Company being bound in the ordinary working of the railway to put into and lift from the said branch railway any waggons with goods or material coming to or sent by the owners or their tenants when called upon by them to do so and that free from any charge whatsoever beyond the usual railway rates for like traffic carried on the railway ;
 - (H) All drainage and water supplies interrupted or interfered with in the construction of the said Railway (No. 1) shall be restored and made good by and at the expense of the Company and to the satisfaction of the owners :
- (7) Any difference which may at any time arise between the owners and the Company with respect to the meaning of this section or to any matters under this section shall be settled by an arbiter to be appointed (unless otherwise agreed upon) by the Board of Trade upon the application of either of the parties and the costs of the reference shall be borne as such arbiter shall decide.

12. Whereas Railway No. 2 is intended to cross or pass over the stream known as Corstorphine Stank and a sewer or conduit lying adjacent thereto all vested in or belonging to the Water of Leith

For protection of Water of Leith Purification

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A.D. 1898. Purification and Sewerage Commissioners (referred to in this section as "the commissioners") the following provisions for the protection of the commissioners shall have effect and be binding on the Company (that is to say):—

and Sewerage Commissioners.

- (1) Notwithstanding anything contained in this Act the Company shall not acquire by compulsion any portion of said stream or sewer or conduit or other property or works of the commissioners :
- (2) The said Railway No. 2 shall be carried over the said stream and sewer or conduit by means of a sufficient culvert or sufficient culverts and before commencing the construction of Railway No. 2 or works connected therewith in so far as the same will cross or pass over or affect the said stream or sewer or conduit the Company shall at least twenty-one days before such commencement give to the commissioners notice in writing accompanied by a plan and section and specification of the said bridge or culvert which plan section and specification shall be subject to the reasonable approval of the commissioners previous to the commencement of the work Provided that if the commissioners do not within twenty-one days after the service of such notice on them intimate to the Company their approval or disapproval of the said plan section and specification the Company may thereupon proceed to execute the work Further in the event of any works in the opinion of the commissioners or of their engineer being required for the temporary protection of the said stream or sewer or conduit the same as the commissioners may so require shall be executed and constructed by the Company under the superintendence and to the reasonable satisfaction of the engineer of the commissioners and that at the expense of the Company :
- (3) The Company shall make good any damage and relieve the commissioners from all claims for damage which may be caused by the operations of the Company at or near the said stream or sewer or conduit and the Company shall clean out the said sewer or conduit should it get silted up in consequence of any of the operations of the Company during and for twelve months after the construction of the Company's works :
- (4) The Company shall pay to the commissioners the expenses which they may reasonably incur or be put to in superintending the said Railway No. 2 and works authorised by this Act so far as the same affect the said stream sewer or conduit :

- (5) Nothing in this Act shall prejudice or affect any of the powers rights or authorities of the commissioners for preserving and protecting the said stream sewer or conduit : A.D. 1898.
- (6) The special provisions herein contained for the protection of the commissioners shall not be deemed to supersede or dispense with the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 but these 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 :
- (7) If any difference shall arise between the commissioners and the Company as to the meaning construction or effect of any of the provisions of this section or as to the said plan section or specification or as to the said culvert and works of the Company or otherwise in connection with the matters referred to in this section such difference shall on the application of the commissioners or of the Company be referred to the determination of an arbiter to be mutually agreed upon by the commissioners and the Company and failing such agreement as may be appointed by the sheriff of the Lothians and Peebles on the requisition of either of them and such arbiter shall have power to determine the matter in difference and the costs of and incidental to the reference shall be in the discretion of the arbiter.

13. For the protection of the lord provost magistrates and council of the city and royal burgh of Edinburgh (herein-after referred to as "the corporation") the following provisions shall have effect (that is to say) The bridge works connected with the construction of Railway No. 2 by this Act authorised over the Road No. 5 on the deposited plans in the royal burgh and city parish of Edinburgh shall be carried out so as not to injure or interfere with the said road or the traffic thereon and shall be carried out to the reasonable satisfaction of the corporation and according to plans sections and specifications to be submitted to and approved by them previous to the commencement of the work but the Company may proceed with the said works unless within fourteen days after the plans are so submitted the corporation shall disapprove of such plans and any difference between the Company and the corporation as to such plans shall failing agreement be settled by an arbiter to be agreed on or failing agreement to be appointed by the Board of Trade on the application of either party and the costs of such arbitration shall be in the discretion of such arbiter.

For protection of corporation of Edinburgh.

14. If in carrying Railway (No. 2) or other works by this Act authorised over any mains or pipes belonging to the Edinburgh and Leith Corporations Gas Commissioners (who are in this section

For protection of Edinburgh and Leith

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A.D. 1898. referred to as "the gas commissioners") it shall be found necessary
Corporations to alter the lines or levels of any such mains or pipes or otherwise
Gas Com- interfere with the same it shall be done so far as possible so as not
missioners. to injuriously affect or interrupt the supply of gas and any such
alteration of gas mains and pipes shall be done by the commissioners
at the cost of the Company and the Company shall give at least
fourteen days' previous notice to the clerk to the gas commissioners
before commencing any works affecting the gas mains and pipes of
the gas commissioners and the same shall be carried out at the sight
and to the reasonable satisfaction of the engineer of the gas
commissioners and according to plans to be submitted and approved
by him before such work shall be begun Provided that if within
fourteen days after the submission of such plans the said engineer
shall not have intimated his approval or disapproval thereof the
Company may thereupon proceed to execute the work and any
necessary expense which the gas commissioners may incur in
connexion with the removal or alteration or substitution of any new
mains or pipes in lieu of those interfered with by the Company in
the execution of their works the Company shall repay to the gas
commissioners and the gas commissioners shall notwithstanding any
of the said works of the Company have at all times the right of
reasonable access to such gas mains and pipes for the repair
enlargement alteration and maintenance of the same and nothing in
this Act contained shall prejudice or affect the right of the gas
commissioners to lay additional pipes Provided that the gas
commissioners shall as far as possible avoid the causing of any
interruption or obstruction to the traffic on the said railway If any
difference shall arise between the gas commissioners and the Company
or their respective engineers as to any matter arising out of this
section such difference shall be referred to the determination of an
arbiter to be mutually agreed upon by the gas commissioners and the
Company and failing such agreement as may be appointed by the
sheriff of the Lothians and Peebles on the application of either party
and such arbiter shall have power to determine the matter in
difference.

For pro-
tection of
estate of
Sands.

15. For the protection of Charles James Lacy George John Braikenridge and Andrew Thomas Steele Scott trustees acting under the antenuptial contract of marriage between Laurence Johnston of Sands in the county of Fife and Mary Lydia Johnston his wife dated the eighteenth and twenty-seventh days of April one thousand eight hundred and ninety-six proprietors in trust of the said estate of Sands and the said Laurence Johnston life-tenant thereof (all of whom and their successors proprietors of the said estate are hereinafter referred to as and are included in the expression "the owners")

the following provisions shall unless otherwise agreed between the owners and the Company apply and have effect (that is to say):— A.D. 1898.

- (1) The Company shall from and after the passing of this Act and in all time thereafter maintain in a proper state of repair the existing embankment belonging to the owners along the foreshore ex adverso of parts of the said estate of Sands and also the existing drains ditches sluices and valves so far as extending through the said embankment and between said embankment and the sea and through the additional embankment by this Act authorised to be constructed by the Company alongside or parallel to the said existing embankment and intended to form part of Railway No. 1 by this Act authorised and so as to prevent the tide water flowing through the embankments on to the lands of Sands :
- (2) The owners may at all times for the purpose of access from and to the said estate and the quarries thereon to and from the sea construct and use railways crossing the said Railway No. 1 at any point or points they may consider necessary and for that purpose may join use and leave the rails of the said Railway No. 1 at any point or points to be determined upon by them subject to this proviso that the points for joining and the points for leaving the said railway shall be placed at the minimum distance from each other which the Board of Trade may allow and further that the right of crossing the said railway as above provided and reserved to the owners shall be exercised free from any payment to the Company in respect of tolls or any other payments whatsoever :
- (3) The Company shall if required by the owners make and construct a convenient siding and loading bank suitable for quarry and general traffic upon the said railway within or adjacent to the said estate of Sands and so that the owners may have access to the said siding and loading bank without having to pass from the said estate of Sands and the owners shall be entitled to connect branches or private sidings with the said siding and the Company shall work the traffic to and from the quarries and estate over such branches or private sidings on such terms as shall be agreed on or failing agreement be determined by an arbiter to be appointed by the Board of Trade :
- (4) Any difference which may at any time arise between the owners and the Company with respect to the meaning of this section or to any matters under this section shall be settled by an arbiter to be appointed (unless otherwise agreed upon) by

[Ch. ccxxviii.] *North British Railway (General Powers) Act, 1898.* [61 & 62 Vict.]

A.D. 1898. — the Board of Trade upon the application of either of the parties and the cost of the reference shall be borne as such arbiter shall decide.

Caledonian Railway Company to have running powers over Railways Nos. 3 and 4. **16.** The Caledonian Railway Company shall have and may exercise over upon and in respect of Railway (No. 3) and Railway (No. 4) and over upon and in respect of the sidings watering places and other conveniences connected with the said railways respectively the like powers rights and privileges in like manner and upon the same terms and conditions in all respects as if Railway (No. 3) and Railway (No. 4) had been portions of the harbour branch railways authorised by the Edinburgh and Glasgow Railway (Extensions) Act 1864 over which the Caledonian Railway Company obtained running powers by virtue of the agreement confirmed by and annexed to that Act and also as if Railway (No. 3) and Railway (No. 4) had been portions of those railways over which the Company of Proprietors of the Forth and Clyde Navigation (now represented by the Caledonian Railway Company) and the Caledonian Railway Company obtained running powers by section 34 of the North British Railway (General Powers) Act 1867 and by section 34 of the North British Railway Act 1871.

For protection of Postmaster-General. **17.** The powers conferred upon the Caledonian Railway Company by this Act shall not be deemed to impose upon the Postmaster-General the obligation of transmitting under the provisions of the Telegraph Act 1868 or any agreement between the Postmaster-General and the Caledonian Railway Company made in pursuance thereof any larger number of telegraphic messages of that company free of charge than he would have been bound to transmit had this Act not become law.

Extending powers of North Eastern and Great Northern Railway Companies. **18.** All rights powers and privileges which the North Eastern Railway Company and the Great Northern Railway Company possess or are entitled to or may exercise over upon or with reference to the Dunfermline and Thornton Branch Railway of the Company east of Cowdenbeath Junction shall extend and apply to Railways Nos. 5 and 6 by this Act authorised.

Extending facilities in favour of Caledonian Railway Company. **19.** The several rights powers facilities and provisions by sections 55 and 57 of the North British Edinburgh Perth and Dundee and West of Fife Railways Amalgamation Act 1862 granted secured and provided in favour of the Caledonian Railway Company and other companies shall extend and apply in all respects to Railways Nos. 1 5 and 6 authorised by this Act as if such railways formed parts of the railways of the Company north of the Forth at the date of the passing of the said North British Edinburgh Perth and Dundee and West of Fife Railways Amalgamation Act 1862.

A.D. 1898.

20. With respect to tolls rates and charges and for all other purposes whatever the said railways shall form part of the Company's undertaking.

Railways to form part of Company's undertaking.

21. Subject to the provisions of this Act the Company may stop up and cause to be discontinued as a public street North Queen Street in the city or royal burgh of Glasgow the site of which street is shown upon the deposited plans as intended to be acquired and taken by the Company and the Company may appropriate take and use the site of the said street so stopped up.

Power to stop up discontinued and appropriate site of North Queen Street Glasgow.

The building line of any new buildings to be erected between North Hanover Street and North Queen Street shall be the same as the building line of the existing buildings there and the Company shall be entitled to maintain the existing open area in front of said new buildings. The building line of any new buildings to be erected between North Queen Street and Dundas Street shall (except as after mentioned) be in the same line as that of the buildings between North Hanover Street and North Queen Street but the Company shall in connexion with their Queen Street Station provide along the south front of and partly underneath their intended buildings a covered carriageway between Dundas Street and North Queen Street of a clear width of not less than fifteen feet and shall be entitled to erect the piers and pillars forming the south frontage of said covered way in a line with the south face of the parapet wall which encloses the area in front of the existing buildings between North Hanover Street and North Queen Street.

22. The Company may on the site or on a portion of the site of North Queen Street to be stopped up discontinued appropriated and taken by the Company under the provisions of the last preceding section and on other adjoining lands belonging to them erect establish and manage or let for any term not exceeding twenty-one years a hotel in connexion with their Queen Street Station and may apply for that purpose any of their existing funds and any capital which they are by this Act authorised to raise and such purpose shall be deemed to be a purpose to which capital is properly applicable.

Company may erect and maintain hotel on site of North Queen Street.

23. Subject to the provisions of this Act the Company may from time to time enter upon take use and appropriate for the purposes of their undertaking the lands herein-after described and delineated on the deposited plans and described in the deposited books of reference thereto (that is to say) :—

Power to take additional lands.

- (1) Certain lands situate partly in the royal burgh and city parish of Edinburgh in the county of the city of Edinburgh and partly in the parish of Corstorphine in the county of Edinburgh

[Ch. ccxxviii.] *North British Railway (General [61 & 62 Vict.] Powers) Act, 1898.*

A.D. 1898.

on the north side of the railway of the Company adjoining Corstorphine Station :

- (2) Certain lands in the city parish of Glasgow in the royal burgh of Glasgow and county of the city of Glasgow adjoining the south end of Queen Street Station :
- (3) Certain lands in the parish of Peebles in the county of Peebles lying along and on the east side of the railway of the Company from Edinburgh to Peebles and one thousand yards or thereabouts north of the junction of the Eddleston Water with the River Tweed :
- (4) Certain lands in the county of Dumbarton and parish of Cardross and on the foreshore of the Firth of Clyde in or ex adverso of the said parish situate on the south side of the railway of the Company adjoining Craigendoran Station and Piers :
- (5) Certain lands in the county of Stirling and parish of Falkirk on the north side of the Edinburgh and Glasgow Railway of the Company adjoining Bonnybridge Station :
- (6) Certain lands in the county of Stirling and parish of Falkirk on the east side of and adjoining the Dalderse Railway Depot at Grahamston :
- (7) Certain lands in the county of Lanark and parish of Carluke extending along both sides of the Castlehill Branch Railway for a distance of one thousand two hundred and fifty yards or thereabouts south and fifty yards north of the point where the Garrion Burn passes underneath the said branch.

Company
may hold
certain lands
already
acquired.

24. The Company may hold and may use and appropriate for the purposes of their undertaking the following lands which have already been acquired by them (that is to say):—

- (1) Certain lands at Methil in the burgh of Buckhaven Methil and Innerleven in the parish of Wemyss and county of Fife situate on the west side of and adjoining the Company's railway from Thornton Junction to Methil and Leven and on the south of the level crossing over that railway to Methil Dock :
- (2) Certain lands in the parish of Wemyss in the county of Fife situate on the south side of and adjoining the Company's railway between Thornton Junction and Methil at West Wemyss station and on the west side of the access road to the said station :
- (3) Certain lands in North Berwick in the parish of North Berwick in the county of Haddington on the east side of and adjoining High Station Road and on the west and north sides of and adjoining Low Station Road near the North Berwick Station of the Company :

[61 & 62 VICT.] *North British Railway (General [Ch. ccxxviii.] Powers) Act, 1898.*

And the expenditure of money by the Company in or about the purchase of the said lands is hereby sanctioned and confirmed A.D. 1898.
 But nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance having been or being caused or permitted by them upon any lands acquired by them as aforesaid and to which this section relates.

25. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation (Scotland) Act 1845 shall not exceed ten acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken. Lands for extraordinary purposes.

26. The powers of the Company for the compulsory purchase of lands under the powers of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

27. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any servitude right or privilege (not being a servitude right or privilege of water in which other than the grantors have an interest) 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 or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively. Owners may grant servitudes &c.

28. The Company may make the roadway over the bridge by which the following road will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the width herein-after mentioned (that is to say) :— Width of certain roadway.

| No. of Railway. | No. on deposited Plans. | Parish. | Description of Road. | Width of Roadway. |
|-----------------|-------------------------|-----------|----------------------|-------------------|
| 1 | 20 | Torryburn | Public | 30 feet |

29. The Company may make the arch of the bridge for carrying the railway over the road next herein-after mentioned of any height Height of bridge over roadway.

[Ch. ccxxviii.] North British Railway (General [61 & 62 VICT.] Powers) Act, 1898.

A.D. 1898. and span not less than the height and span herein-after mentioned in connexion therewith (that is to say) :—

| No. of Railway. | No. on deposited Plans. | Parish. | Description of Road. | Height. | Span. |
|-----------------|-------------------------|-----------|----------------------|---------|---------|
| 1 | 20 | Torryburn | Public | 15 feet | 25 feet |

Further extension of time for purchase of lands for works authorised by North British Railway (Waverley Station &c.) Act 1891.

30. The powers granted to the Company by the North British Railway (Waverley Station &c.) Act 1891 for the compulsory purchase of lands for the purposes of the works by that Act authorised as extended and continued by the North British Railway Act 1894 and further extended and continued by the North British Railway Act 1896 are hereby further extended and continued and may be exercised by the Company for the further period of two years from the fifth day of August one thousand eight hundred and ninety-eight and on the expiration of that period those powers shall cease but the provisions of this section shall not extend or apply to the Company's power to take and excavate or use the solum below the floor of the Waverley Market Edinburgh belonging to the Lord Provost magistrates and council of the city and royal burgh of Edinburgh.

Further extending time for purchase of lands for railways and works authorised by Aberlady Gullane and North Berwick Railway Act 1893.

31. The powers granted to the Aberlady Gullane and North Berwick Railway Company by the Aberlady Gullane and North Berwick Railway Act 1893 for the compulsory purchase of lands for the purposes of the railways and works by that Act authorised as extended and continued by the North British Railway Act 1896 are hereby further extended and continued and may be exercised by the Aberlady Gullane and North Berwick Railway Company for the further period of two years from the twenty-fourth day of August one thousand eight hundred and ninety-eight and on the expiration of that period those powers shall cease.

Further extension of time for completion of railways and works authorised by Aberlady Gullane and North Berwick Railway Act 1893.

32. The powers granted to the Aberlady Gullane and North Berwick Railway Company by the Aberlady Gullane and North Berwick Railway Act 1893 for the completion of the railways and works by that Act authorised as extended and continued by the North British Railway Act 1896 are hereby further extended and continued and may be exercised by the Aberlady Gullane and North Berwick Railway Company for a further period of three years from the twenty-fourth day of August one thousand nine hundred and one and sections 29 and 30 of the Aberlady Gullane and

North Berwick Railway Act 1893 shall be read and construed as if the period further extended continued and limited by this Act had been the period limited by that Act for the completion of the railways and works by that Act authorised. If the said railways and works be not completed within the said further extended period then on the expiration of that period the powers by the Aberlady Gullane and North Berwick Railway Act 1893 granted to the Aberlady Gullane and North Berwick Railway Company in relation thereto as further extended continued and limited by this Act shall cease except as to so much of the said railways and works as shall then be completed.

A.D. 1898.

33. The powers granted by the East Fife Central Railway Act 1893 to the East Fife Central Railway Company amalgamated with the Company under the provisions of the North British Railway Act 1895 for the compulsory purchase of lands for the purposes of the East Fife Central Railway as extended and continued by the last-mentioned Act and the powers for compulsory purchase of lands for the purposes of the East Fife Deviations by the said last-mentioned Act authorised are hereby respectively extended and continued and may be exercised by the Company for a further period of two years as regards the East Fife Central Railway from the twenty-fourth day of August and as regards the East Fife Deviations from the sixth day of July one thousand eight hundred and ninety-eight and on the expiration of such extended periods those powers shall cease.

Further extending time for purchase of lands for railways and works authorised by East Fife Central Railway Act 1893 and North British Railway Act 1895.

34. The powers granted by the East Fife Central Railway Act 1893 to the East Fife Central Railway Company for the completion of the East Fife Central Railway as extended and continued by the North British Railway Act 1895 are hereby further extended and continued and may be exercised by the Company for a further period of three years from the twenty-fourth day of August one thousand nine hundred and one and the powers granted by the last-mentioned Act for the construction and completion of the East Fife deviations are hereby extended and continued and may be exercised by the Company for the further period of two years from the sixth day of July one thousand nine hundred. Section 19 of the North British Railway Act 1895 shall be read and construed as if the periods further extended continued and limited by this Act had been the periods limited by that Act respectively for the completion of the East Fife Central Railway and the East Fife deviations. If the said railways and works be not completed within the said further extended periods then on the expiration of those periods the powers in relation thereto shall cease

Extension of time for completion of railways and works authorised by East Fife Central Railway Act 1893 and North British Railway Act 1895.

[Ch. ccxxviii.] *North British Railway (General [61 & 62 Vict.] Powers) Act, 1898.*

A.D. 1898. — except as to so much of the said railways and works as shall then be completed.

Further extension of time for purchase of lands at Bridgeton Cross Glasgow.

35. The powers granted to the Company by the North British Railway Act 1893 for the compulsory purchase of lands in the parish of Calton in the city or royal burgh of Glasgow in the county of Lanark adjoining the Company's Bridgeton Cross terminus as extended by the North British Railway Act 1896 are hereby further extended and may be exercised by the Company for a period of two years from the twenty-seventh day of July one thousand eight hundred and ninety-eight and on the expiration of that period those powers shall cease.

Restrictions on displacing persons of labouring class.

36.—(1) The Company shall not under the powers of this Act or under the powers of any former Act extended by this Act purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1897 ten or more houses which on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised (as the case may be) were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or have been or shall be subsequently so occupied unless and until—

(A) They shall have obtained the approval of the Secretary for Scotland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the respective fifteenth day of December aforesaid or for such number of persons as the Secretary for Scotland shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) They shall have given security to the satisfaction of the Secretary for Scotland for the carrying out of the scheme.

(2) The approval of the Secretary for Scotland to any scheme under this section may be given either absolutely or conditionally and after the Secretary for Scotland has approved of any such scheme he may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the

scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced : A.D. 1898.

Provided that the Secretary for Scotland may dispense with the last-mentioned requirement subject to such conditions (if any) as he may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Secretary for Scotland may have approved of any such scheme or of any modifications of any such scheme or subject to which he may have dispensed with the above-mentioned requirement shall be enforceable by an order of the Court of Session to be obtained by the Secretary for Scotland.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom :

Provided that the court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase section 145 of the Public Health (Scotland) Act 1897 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of that Act and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or under any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this

[Ch. ccxxviii.] *North British Railway (General [61 & 62 VICT.] Powers) Act, 1898.*

A.D. 1898. section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings by the Company shall contain proper covenants for securing that the buildings on such lands shall during such period of twenty-five years be used exclusively for the purpose of such dwellings and shall be endorsed with notice of this enactment :

Provided also that the Secretary for Scotland may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as he may see fit.

(8) The Secretary for Scotland may direct any inquiries to be held which he may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and he and any person appointed by him to hold inquiry shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them respectively under the Public Health (Scotland) Act 1897 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act.

(9) The Company shall pay to the Secretary for Scotland a sum to be fixed by him in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the person appointed to hold any such inquiry and a sum to be fixed by the Secretary for Scotland not exceeding three guineas a day for the services of the person so appointed.

(10) Any houses on any of the lands shown on the plans deposited with reference to this Act or any former Act extended by this Act occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Secretary for Scotland under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Secretary for Scotland is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the

opinion of the Secretary for Scotland they might have been sufficient to accommodate. A.D. 1898.

(11) For the purposes of this section the expression "labouring class" means 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.

37. 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 new preference shares or stock convertible into ordinary preference stock and ordinary stock or wholly or partially by one or more of those modes respectively any additional capital not exceeding in the whole three hundred and ninety 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 of the amount of such share shall have been paid in respect thereof. Power for Company to raise capital by shares or stock.

38. All preference shares or stock convertible into ordinary preference stock and ordinary stock created and issued under the provisions of this Act or any Act or Acts relating to the Company may by agreement with the holders thereof be converted on the same terms and subject to the like conditions as all preference shares or stock convertible into ordinary preference stock and ordinary stock authorised to be created and issued under the North British Railway Act 1888. Extending provisions of Act of 1888 to preference stock convertible into ordinary stock.

39. Except as by this Act otherwise provided the capital in new shares or stock 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. Except as otherwise provided new shares or stock to be subject to same incidents as present shares or stock.

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

40. 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 Dividends on new shares or stock.

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A.D. 1898. 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.

Restriction as to votes in respect of preferential shares or stock.

41. 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 under this Act and any other Act of past or present sessions may be of same class.

42. 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 and any other Act passed in the present session of Parliament whether before or after the passing of this Act by which the Company may be authorised to raise capital by new shares or stock 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.

43. Twenty per centum on the amount of any share shall be the greatest 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.

44. The Company may in respect of the additional capital of three hundred and ninety thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole one hundred and thirty thousand 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 to the

extent aforesaid 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. A.D. 1898.

45. The provisions of the North British Railway Act 1897 authorising the appointment of a receiver or judicial factor for principal or interest moneys due upon any mortgage 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. Provisions of Act of 1897 as to appointment of a receiver or judicial factor repealed.

46. 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. For appointment of a receiver or judicial factor.

47. 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. Existing mortgages to have priority.

48. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 and of section 63 of the North British Railway Act 1895. Company may create debenture stock.

49. All moneys raised under this Act whether by shares or stock or debenture stock or by borrowing shall be applied only to the purposes of this Act and to the general purposes of the undertaking of the Company being in each case purposes to which capital is properly applicable. Application of moneys raised under Act.

[Ch. ccxxviii.] *North British Railway (General [61 & 62 Vict.] Powers) Act, 1898.*

A.D. 1898.

Company may apply corporate funds.

50. The Company may apply for or towards all or any of the purposes of this Act to which capital is properly applicable any sums of money which they have already raised or are authorised to raise by any of their Acts and which are not required for the purposes to which they are by those Acts made specially applicable.

Cancelling stock held by Company in lieu of stock of Blane Valley Railway Company amalgamated with Company.

51. As from the date of the passing of this Act the sum of thirty thousand pounds four and a half per centum preference stock 1891 held by the Company under the provisions of section 30 of the North British Railway (General Powers) Act 1891 in lieu of the same amount of stock of the Blane Valley Railway Company by that Act amalgamated with the Company shall be and the same is hereby cancelled.

Repayment of portion of Glasgow Yoker and Clydebank Railway deposit.

52. The Court of Exchequer in Scotland may on the application of the depositors or the survivor or survivors of them or of the Company order the payment to the Company of the sum of seven hundred and eighteen pounds fourteen shillings and twopence being the portion remaining unpaid of the sum of four thousand four hundred and sixty-four pounds deposited on the twelfth day of January one thousand eight hundred and eighty-three in the Union Bank of Scotland and which remaining sum of seven hundred and eighteen pounds fourteen shillings and twopence is now standing in the name of the Queen's Remembrancer in Scotland to the credit of ex parte "The Glasgow Yoker and Clydebank Railway" together with any interest or dividends thereon.

Harbour commissioners may lease lands for certain purposes.

53. The harbour commissioners may lease to any company or person for the purpose of making maintaining and working thereon a graving dock gridiron shipbuilding yard and other works and conveniences certain lands held by them lying to the west of Cromwell Dyke and the tidal basin of the harbour of Burntisland and to the south of Ross Brae for such period for such rent or other consideration and subject to such restrictions conditions and other provisions as may be agreed upon between the harbour commissioners and such company or person and may enter into any agreement as to the leasing of the said lands and the making maintaining and working of the said graving dock gridiron ship building yard and other works and conveniences.

Interest not to be paid on calls paid up.

54. 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

[61 & 62 VICT.] *North British Railway (General Powers) Act, 1898.* [Ch. ccxxviii.]

calls actually made as is in conformity with the Companies Clauses Consolidation (Scotland) Act 1845. A.D. 1898.

55. 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.

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

Provision as to general Railway Acts.

57. 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.

Costs of Act.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
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ISBN 0 10 517385 1