



CHAPTER c x'ii.

An Act to authorise the construction by the North British Railway Company of a railway from their South Queensferry Branch to their Edinburgh and Glasgow Railway; the maintenance of other railways; the purchase of additional lands; the amalgamation of the North Monkland Railways Company; the lease of the Newport Railway; and for other purposes.

A.D. 1888.

[7th August 1888.]

**W**HEREAS it is expedient that the North British Railway Company (in this Act called "the Company") should be empowered to construct the branch railway from their South Queensferry Branch Railway to their Edinburgh and Glasgow Railway and to make the new and alter and divert the existing roads discontinue the level crossings and execute the other works and exercise the other powers in this Act respectively mentioned and to acquire the additional lands for the general purposes of their undertaking in this Act also mentioned:

And whereas it is expedient that certain branch railways constructed in connexion with the Bothwell Hamilton and Coatbridge Railway of the Company should be authorised sanctioned and confirmed and that the Company should be empowered to maintain such railways as part of their undertaking:

And whereas it is expedient that the Company should be authorised to disuse and abandon a portion of their Charleston Branch Railway:

And whereas it is expedient that the time extended and limited by the North British Railway Act 1885 for the compulsory purchase of lands for the purposes of Railway No. 3 and Railway No. 4 authorised by the North British Railway Act 1882 and for Railway No. 2 authorised by the Forth Bridge Railway Act 1873 so far as the same is not authorised to be abandoned by the said Act of 1882 should be revived and extended:



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And whereas it is expedient that the time within which the Company are required to dispose of certain superfluous lands should be extended :

And whereas it is expedient to extend the time for the exercise of the powers conferred upon the Company by the 35th section of the North British Railway Act 1885 with respect to the alteration and improvement of their hotel, general offices and other property adjoining their Waverley Station and Princes Street Edinburgh :

And whereas by Section 37 of the North British Railway Act 1885 so much of Section 21 of the North British Railway (New Tay Viaduct) Act 1881 as enacted that the Company should remove the ruins and débris of the old bridge was repealed and in lieu thereof it was enacted that the Company should within three years from the passing of that Act remove such parts of the five piers of the old bridge which are to the east of and adjacent to the four spans of the new viaduct referred to in section 9 of the said Act of 1881 together with any such ruins and débris of the old bridge and any obstructions interfering with the navigation caused by the old bridge as are east of and adjacent to the said four spans and within fifteen feet of the low water level at ordinary spring tides :

And whereas the removal of such piers and of such débris or any interference therewith might impair the stability and security of the new viaduct and it is therefore expedient that such piers and débris should not be removed and the said Section 37 of the said Act of 1885 should be repealed :

And whereas by the North Monkland Railways Act 1872 the North Monkland Railway Company in this Act called "the North Monkland Company" were incorporated and authorised to make the railways therein described and to raise a share capital of sixty thousand pounds and to borrow twenty thousand pounds on mortgage of their undertaking and an agreement between the promoters of the undertaking and the Company by which the Company agreed to work the said railways for a period of fifteen years after the date of completion was confirmed and the undertaking of the North Monkland Company has since been and now is worked by the Company :

And whereas it is expedient that the North Monkland Company should be amalgamated with the Company upon the terms in this Act mentioned :

And whereas by the Newport Railway Act 1866 the Newport Railway Company in this Act called "the Newport Company" were incorporated and were authorised to make a railway in the county of Fife from the terminus of the Edinburgh Perth and Dundee Railway of the Company to Newport :



And whereas other Acts have been passed in the years 1867 1870 and 1873 relating to the Newport Railway Company and their undertaking :

And whereas under the powers of the Newport Railway Act 1873 the undertaking of the Newport Company is now worked by the Company in perpetuity :

And whereas the Newport Company have agreed to grant a lease of their undertaking to the Company and the Company have agreed to accept such lease subject to the approval of Parliament and it is expedient that the said companies should be authorised to carry the said agreement into effect :

And whereas it is expedient to provide for the consolidation division or conversion of the ordinary stock and the Edinburgh and Glasgow ordinary stock in the capital of the Company into one or more class or classes of new shares or stock and that the Company should be authorised to raise by the creation and issue of preference or ordinary shares or stock or of preference shares or stock convertible into ordinary stock the whole or any portion of the sum of three hundred and thirty thousand pounds which they are by the North British Railway Act 1885 authorised to raise by the creation and issue of preference shares or stock :

And whereas plans and sections showing the lines and levels of the railway and works authorised by this Act and the lands which may be taken for the purposes thereof and plans showing the additional lands authorised to be acquired under the powers of this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of all such lands were duly deposited as follows (that is to say) so far as relates to the county of Linlithgow with the principal sheriff clerk for that county at his office in Linlithgow so far as relates to the county of Edinburgh with the principal sheriff clerk for that county at his office at Edinburgh so far as relates to the county of Lanark with the principal sheriff clerk of that county at his offices in Glasgow Lanark Airdrie and Hamilton respectively so far as relates to the county of Fife with the principal sheriff clerk of that county at his offices in Cupar Dunfermline and Kirkcaldy respectively so far as relates to the county of Kinross with the principal sheriff clerk for that county at his office in Kinross and so far as relates to the county of Perth with the principal sheriff clerk of that county at his offices in Perth and Dunblane respectively and such plans sections and books of reference are herein-after respectively referred to as the deposited plans sections and books of reference :

A.D. 1888. — And whereas the objects aforesaid cannot be effected without the authority of Parliament :

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

Short title. 1. This Act may be cited for all purposes as the North British Railway Act 1888.

Incorporation of general Acts. 2. The Lands Clauses Consolidation (Scotland) Act 1845 the Lands Clauses Consolidation Act 1845 the Lands Clauses Consolidation Acts Amendment Act 1860 the Railways Clauses Consolidation (Scotland) Act 1845 the Railways Clauses Consolidation Act 1845 Parts I II and V of the Railways Clauses Act 1863 relating respectively to construction of a railway to extension of time and to amalgamation and the provisions of the Companies Clauses (Consolidation) Scotland Act 1845 with respect to the several matters following (that is to say) the distribution of the capital of the Company into shares the transfer or transmission of shares the payment of subscriptions and the means of enforcing the payment of calls the forfeiture of shares for the non-payment of calls the remedies of creditors of the Company against the shareholders the borrowing of money by the Company on mortgage or bond the conversion of the borrowed money into capital the consolidation of the shares into stock the giving of notices and the provision to be made for affording access to the special Act and Parts I II and III of the Companies Clauses Act 1863 relating respectively to cancellation and surrender of shares to additional capital and to debenture stock are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act.

Interpretation. 3. In this Act—  
The expression "the incorporated Acts" shall mean the Acts and parts of Acts incorporated with this Act :  
The several words and expressions to which meanings are assigned by the incorporated Acts shall have the same respective meanings :  
The expression "the North Monkland Company" shall mean the North Monkland Railway Company :  
The expression "the Act of 1872" shall mean the North Monkland Railway Act 1872 :  
The expression "the Newport Company" shall mean the Newport Railway Company :



The expression "the Newport Acts" shall mean the Newport Railway Act 1866 the Newport Railway Act 1867 the Newport Railway Act 1870 and the Newport Railway Act 1873 : A.D. 1888.

In the incorporated Acts—

The expression "the dissolved Company" shall mean the North Monkland Railway Company :

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

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

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railway herein-after described with all proper stations sidings approaches works and conveniences connected therewith respectively and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for those purposes. Power to make railway &c.

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

A railway or branch railway five miles one furlong four chains and seventy-five links in length commencing in the parish of Dalmeny in the county of Linlithgow by a junction with the South Queensferry Branch Railway of the Company at or near a point on the said railway one hundred and eighty yards or thereabouts measured southwards along the said railway from the southern end of the booking-office at Dalmeny Station and terminating in the parish of Corstorphine in the county of Edinburgh by a junction with the Company's Edinburgh and Glasgow Railway at a point on that railway eight yards or thereabouts measured in a westerly direction along the said railway from the south-east corner of the booking-office at Corstorphine Station.

5. The running powers and facilities conferred on the North Eastern Railway Company and the Great Northern Railway Company under the North British and Edinburgh and Glasgow Railway Companies Amalgamation Act 1865 shall for traffic passing viâ the Forth Bridge apply to the railway authorised by this Act Provided that in the division of the rates and fares arising from traffic carried by the said companies under such running powers and facilities the receipts for the extra mileage chargeable in respect of the Forth Bridge under the Forth Bridge Railway Act 1878 and the Tay Bridge under the North British Railway Enlarging running powers of North Eastern and Great Northern Companies. 28 & 29 Vict. c. cccviii.



A.D. 1888. (New Tay Viaduct) Act 1881 shall be accounted for as follows in respect of the Forth Bridge to the Forth Bridge Railway Company and in respect of the Tay Bridge to the North British Railway Company.

Extending running powers and facilities to Midland Railway Company.

6. Section six of the Forth Bridge Railway Act 1878 relating to the running powers and facilities of the Midland Railway Company shall extend and apply to the railway by this Act authorised as well as to the portions of the railway of the Company specified in that section.

Company may maintain as part of their undertaking certain railways in the parish of Bothwell in the county of Lanark.

7. Subject to the provisions of this Act the Company may maintain the following railways constructed by the Company (that is to say) :

A railway or branch railway two furlongs and one hundred and twenty-two yards or thereabouts in length already constructed wholly situate in the parish of Bothwell in the county of Lanark commencing by a junction with the Glasgow Bothwell Hamilton and Coatbridge Railway of the Company at a point thereon one hundred and forty yards or thereabouts measured westwards along the said railway from the centre of the footbridge over the railway at Maryville Station and terminating at a point six yards or thereabouts measured northwards from the centre line of the said Glasgow Bothwell Hamilton and Coatbridge Railway at a point six hundred and ninety yards or thereabouts measured westwards along that railway from the said footbridge over the railway :

A railway or branch railway seven furlongs and twenty-two yards or thereabouts in length already constructed wholly situate in the parish of Bothwell in the county of Lanark commencing by a junction with the railway herein-before described at a point fifteen yards or thereabouts measured northwards from the centre line of the Glasgow Bothwell Hamilton and Coatbridge Railway of the Company at a point four hundred and ninety yards or thereabouts measured westward along that railway from the centre of the footbridge over the railway at Maryville Station and terminating by a junction with the westmost siding of the Newlands Colliery at a point thereon ten yards or thereabouts measured in a westerly direction from the chimney stalk of Newlands Pit boilers :

And may acquire by agreement all rights in over or upon the lands upon which the said railways and works are constructed and such railways shall be deemed to be in all respects a portion of the railways of the Company as though they had been constructed under the powers of this Act.



8. Subject to the provisions of this Act the Company may in the lines and according to the levels shown on the deposited plans and sections execute the works make the new roads and deviations and alterations of roads herein-after described with all proper works and conveniences connected therewith and may exercise the other powers herein-after mentioned and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes (that is to say) :

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Power to  
divert roads  
make new  
roads and  
stop up level  
crossings  
&c.

They may in the parishes of Cleish and Portmoak in the county of Kinross alter the levels and divert so much of the public road leading from Leslie to the Great North Road as lies between the junction of the said road with the Great North Road and a point one hundred and sixty yards or thereabouts east of the level crossing of that road by the Company's Kinross-shire Railway and may carry the said road when so diverted over the said railway and may when the said diverted road is completed and opened to the public stop up and discontinue the said level crossing :

They may in the parishes of Orwell and Portmoak in the county of Kinross and in the parish of Strathmiglo in the county of Fife alter the levels and divert so much of the public road leading from Kinnesswood to the Great North Road near Cuthil Muir as lies between points one hundred and sixty yards or thereabouts north-west and one hundred and eighty yards or thereabouts south-east of the level crossing of that road by the Fife and Kinross Railway of the Company and may carry the said road when so diverted over the said railway and may when the said diverted road is completed and opened to the public stop up and discontinue the said level crossing :

They may in the parish of Kinross in the county of Kinross make a new road commencing at a point at or near the northern end of the level crossing of the occupation road leading from Gallowhill by Hopefield to Kinross by the Fife and Kinross Railway of the Company and terminating on the public road leading from Kinross to Dollar at a point thereon fifty-five yards or thereabouts west of the centre of the bridge carrying the said public road at Kinross Junction over the said Railway :

They may in the parish of Kinross and county of Kinross alter the levels of and divert the public road which is carried by a bridge over the Company's Fife and Kinross Railway at Kinross Junction between a point measured one hundred

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and five yards or thereabouts in a north-westerly direction along the said road from the centre of the said bridge to a point one hundred and twenty yards or thereabouts measured in a south-easterly direction along the said road from the centre of the said bridge and may reconstruct widen and lengthen the said bridge and may alter the levels of and divert the public road which joins the aforesaid public road near Kinross Junction and leads by Hopefield and Springfield to the Great North Road from the point where the said roads join near Kinross Junction to a point forty-four yards or thereabouts measured from the point where the said roads join along the road which leads by Hopefield and Springfield to the Great North Road :

They may in the parish of Dron in the county of Perth construct a new road commencing at a point on the road leading westward from Dron parish church to West Dron three hundred yards or thereabouts from the said church and terminating at a point on the said road four hundred yards or thereabouts measured in a westerly direction from the said point of commencement and may when such new road is completed and open to the public stop up and discontinue the existing roadway between the two points aforesaid.

Provisions  
for protec-  
tion of  
county road  
trustees for  
Kinross-  
shire.

9. For the protection of the county road trustees for Kinross-shire the following provisions shall apply :

The Company shall construct suitable bridges for carrying the roads over the railway at the level crossings by this Act authorised to be stopped up and discontinued and such bridges and the approaches thereto shall be of a gradient not greater than one in twenty-five and shall in all other respects be constructed according to the provisions having reference to the construction of bridges for carrying turnpike roads over the Railway contained in the Railways Clauses Consolidation (Scotland) Act 1845 :

In case of any difference between the Company and the said trustees as to the widening reconstruction or alteration of any existing bridges carrying roads over the railway within the county of Kinross and under the jurisdiction and management of the said trustees and which will or may be affected under the powers of this Act such difference shall be determined by the Board of Trade in the manner provided by section fifty-eight of the said last-mentioned Act.

Inclination  
of roads.

10. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any



inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say): A.D. 1888.

Number on deposited Plan.	Parish.	Description of Road.	Intended inclination.
19	Dalmeny	Public highway	1 in 20 on one side
42	Dalmeny	Public highway	1 in 20 on one side
5	Corstorphine	Public highway	1 in 20 on both sides
10	Corstorphine	Public highway	1 in 20 on one side
7	Currie	Public highway	1 in 20 on both sides
27	Corstorphine	Public highway	1 in 20 on both sides

11. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say):

Width of certain roads.

Number on deposited Plan.	Parish.	Description of Road.	Width of Roadway.
15	Cramond	Public highway	30 feet
9	Corstorphine	Public highway	30 feet
7	Currie	Public highway	25 feet
27	Corstorphine	Public highway	25 feet

12. The Company may make the roadway over the bridges by which the Road Crossings No. 1 and No 2 will be carried over the Kinross-shire Railway and the Fife and Kinross Railway of such width between the fences thereof as the Company think fit not being less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say):

Width of certain roads over Road Crossings Nos. 1 and 2 over Kinross-shire Railway and Fife and Kinross Railway.

Road Crossing No.	No. on deposited Plan.	Parish.	Description of Road.	Width of Roadway.
1	51 and 33	Cleish Portmoak	Public highway	25 feet
21	61 and 7	Orwell Portmoak	Public highway	25 feet

13. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned

Height and span of bridges.



A.D. 1888. of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively (that is to say) :

No. on deposited Plan.	Parish or Place.	Description of Road.	Height.	Span.
19	Dalmeny	Public highway	15 feet	25 feet
42	Dalmeny	Public highway	15 feet	25 feet
32	Corstorphine	Public highway	14 feet	15 feet

Additional lands.

**14.** Subject to the provisions of this Act the Company may enter upon take and use the lands in the parishes of Inverkeithing and Aberdour in the county of Fife and in the parishes of Cleish Orwell and Kinross in the county of Kinross delineated on the deposited plans and described in the deposited books of reference :

Owners may be required to sell to Company parts only of certain lands and buildings.

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

Extension of time for compulsory purchase of lands for Railways Nos. 3 and 4 authorised by Act of 1882.

**16.** The powers of the Company for the compulsory purchase of the lands mentioned in Part I. of the Third Schedule to this Act for the purposes of Railway No. 3 and Railway No. 4 authorised by the North British Railway Act 1882 which powers were extended and limited by the North British Railway Act 1885 are hereby revived and extended but so that such powers shall not



be exercised after the third day of July one thousand eight hundred and eighty-nine. A.D. 1888.

17. The powers of the Company for the compulsory purchase of the lands mentioned in Part II. of the Third Schedule to this Act for the purposes of Railway No. 2 authorised by the Forth Bridge Railway Act 1873 and extended by the North British Railway Act 1882 so far as such railway is not authorised to be abandoned under the powers of the said Act of 1882 are hereby revived and extended but so that such powers shall not be exercised after the first day of August one thousand eight hundred and eighty-nine.

Extension of time for compulsory purchase of lands for Railway No. 2 authorised by Forth Bridge Railway Act 1873.

18. The Company may notwithstanding anything to the contrary contained in the Lands Clauses Consolidation Act 1845 or in the Lands Clauses Consolidation (Scotland) Act 1845 or in any Act relating to the Company with which those Acts or either of them are or is incorporated retain and hold any lands belonging to them in the parishes mentioned in the Second Schedule to this Act which have not yet been applied to or are not required for the purposes of the Company but are situate near or adjoining any railway or station of the Company or may in the opinion of the Company be required by them for the purposes of stations sidings or other conveniences for the period of five years from the passing of this Act but at any time during such period of five years the Company may and at the expiration of such period the Company shall sell and dispose of as superfluous lands all such parts of those lands as shall not then have been applied to or are not then required for the purposes of their undertaking.

Extending time for sale of superfluous lands.

19. The Company may at any time and from time to time but subject to the provisions contained in the North British Railway Act 1885 exercise all or any of the powers conferred upon them by section thirty-five of that Act.

Company may at any time exercise powers contained in section thirty-five of Act of 1885.

20. Subject as herein-after provided so much of Section 37 of the North British Railway Act 1885 as enacts that the Company shall within three years from the passing of that Act remove such parts of the five piers of the old Tay Bridge as are situate to the east of and adjacent to the four spans of the new Tay Viaduct referred to in section nine of the North British Railway (New Tay Viaduct) Act 1881 as approved by the Board of Trade for the purposes of navigation is hereby repealed:

Repeal of section thirty-seven of Act of 1885 as to removal of piers of old Tay Bridge.

Provided always as follows:—

- (1) The masonry of each of the said five piers shall be brought up and restored by the Company to the level at which it stood when the old Tay Bridge was completed and that in such manner as may be agreed upon between the engineer of the



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Dundee Harbour Trustees (herein-after called "the harbour engineer") an engineer to be named by the magistrates and town council of the city of Perth (herein-after called "the Perth engineer") and the engineer of the Company (herein-after called "the Company's engineer") and in the event of their disagreeing in opinion as the Board of Trade shall fix and after such restoration the said piers shall be duly maintained by the Company :

- (2) The Company shall construct carry out and maintain fenders at or adjoining such piers of the old Tay Bridge not exceeding five in number as the harbour engineer and the Perth engineer may consider necessary for the navigation and that in such manner as may be agreed upon between the harbour engineer the Perth engineer and the Company's engineer and in the event of their disagreeing in opinion as the Board of Trade shall fix :
- (3) The Company shall for facilitating and improving the navigation exhibit and keep burning every night from sunset to sunrise sufficient lights on the east and west ends of each of the fourteen piers of the high girders of the new Tay Viaduct and that in such manner as shall be agreed upon by the harbour engineer the Perth engineer and the Company's engineer and in case of difference of opinion as shall be settled by the Commissioners of Northern Lighthouses :
- (4) The Company shall also for facilitating and improving the navigation exhibit and keep burning every night from sunset to sunrise a sufficient light on the east cutwater of each of the fourteen piers of the old Tay Bridge opposite the fourteen piers of the said high girders of the new Tay Viaduct and in case of difference as to the manner or sufficiency of any such light between the harbour engineer the Perth engineer and the Company's engineer the Commissioners of Northern Lighthouses shall decide such difference.

Railway to form part of Company's undertaking.

**21.** Subject to the provisions of this Act the railway by this Act authorised to be made and the railways by this Act authorised to be maintained shall for the purposes of tolls and charges and in all other respects form part of the railway of the Company.

Period for completion of works.

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



**23.** If the Company fail within the period limited by this Act to complete the railway which they are by this Act authorised to make the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said railway is completed and opened for public traffic or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the works and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the Solicitor to Her Majesty's Treasury and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of the Queen's Remembrancer of the Court of Exchequer in Scotland in the bank specified in such warrant or order and shall not be paid thereout except as hereinafter 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 railway for the purposes of such traffic as aforesaid by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

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

**24.** Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the "Edinburgh Gazette" shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or of 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 either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the court thinks fit to order on the

Application of penalty.



A.D. 1888. application of the Solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Period for compulsory purchase of lands.

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

Restriction on taking houses occupied by labouring class.

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

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

Power to take easements &c. by agreement.

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

Abandonment of portion of Charleston Branch Railway.

**28.** The Company may abandon for the purposes of public traffic and discontinue the maintenance and use of so much of their Charleston Branch Railway in the parish of Dunfermline in the County of Fife as is situate between the northernmost boundary fence of the Stirling and Dunfermline Railway of the Company near the junction of the Coal Road with Rumblingwell Road and



the southern boundary of the West of Fife Branch Railway of the Company near Elgin Junction and also the detached portion of railway (formerly used as an offset or connexion from the Balmule Branch Railway to the "Tom Pit") in the said parish of Dunfermline and they may at any time after the same shall have been so abandoned and discontinued deal with or dispose of the site thereof in such manner and on and subject to such terms and conditions as they may think proper.

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**29.** The undertaking of the North Monkland Company shall subject to the contracts obligations debts liabilities and incumbrances of that Company be amalgamated with and form part of the undertaking of the Company subject nevertheless to the provisions of this Act and such amalgamation shall take effect on and from the thirty-first day of July one thousand eight hundred and eighty-eight which date is herein-after referred to as the date of the amalgamation and the agreement set forth in the Fourth Schedule to this Act shall determine on the date of amalgamation subject nevertheless and without prejudice to any moneys which may be then due from the one Company to the other Company.

North  
Monkland  
Company  
amalgamated.

**30.** After obtaining possession of the railways of the North Monkland Company the Company shall in perpetuity efficiently maintain and work the same respectively and shall pay all charges of every kind thereon including all rates taxes and charges imperial and local and Government duty.

Company to  
maintain and  
work rail-  
ways of  
North  
Monkland  
Company.

**31.** The tolls and charges which the Company may demand and take for traffic conveyed upon the railways of the North Monkland Company shall not exceed the tolls and charges authorised to be taken upon the same railways under the Act of 1872 but for the purpose of short distance charges in respect of traffic passing partly over any railway of the North Monkland Company and partly over any railway of the Company the railways of the Company and of the North Monkland Company shall be considered as one railway.

Tolls for  
traffic con-  
veyed partly  
on North  
Monkland  
Railway and  
partly on  
railway of  
Company.

**32.** The North Monkland Company shall be entitled to all their revenues up to and inclusive of the day of the date of amalgamation and shall discharge and relieve the Company from all their contracts obligations debts and liabilities incurred upon revenue account up to the date of amalgamation.

North  
Monkland  
Company to  
receive rents  
and revenue  
and pay cer-  
tain debts  
up to date  
of amalga-  
mation.

**33.** The Company shall be entitled to and shall receive all the assets property and claims of the North Monkland Company assignable to capital account and all books of accounts and minutes papers plans and other documents relating to that Company.

Company to  
be entitled  
to assets on  
capital  
account.



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Company to pay six pounds for each ten pounds in capital of North Monkland Company.

Money given in exchange to be subject to same trusts &c.

As to debts of the dissolved Company.

Confirming lease of Newport Railway to Company.

**34.** The Company shall pay to the shareholders of the North Monkland Company six pounds sterling for every ten pounds of share capital in the North Monkland Company held by such shareholders respectively and the shareholders shall deliver up to the secretary of the Company the certificates of the shares held by them respectively and such money shall be payable to the said shareholders on the first day of August one thousand eight hundred and eighty-eight and the capital of the North Monkland Company shall be extinguished.

**35.** All money so paid for shares in the capital of the North Monkland Company shall be taken by the parties entitled thereto respectively subject to the same trusts powers rights charges and liabilities as such shares in the North Monkland Company were subject to immediately before the amalgamation or would have been subject to if this Act had not been passed and so as to give effect to and not revoke any will or testamentary instrument disposing of or affecting such shares and every testamentary disposition affecting such shares shall be held to apply to the whole or a proportionate amount of the money paid for such shares as the case may be.

**36.** The mortgages of the North Monkland Company existing at the time of the amalgamation amounting to the sum of twenty thousand pounds shall become mortgages of the Company and shall be paid off or may be renewed or converted into debenture stock by the Company and all such renewed mortgages or debenture stock shall be charges upon the undertaking of the Company.

**37.** The deed of lease entered into between the Company of the first part and the Newport Company of the second part of and applicable to the undertaking of the Newport Company for a term of nine hundred and ninety-nine years as from and after the first day of January one thousand eight hundred and eighty-eight as set forth in the Fifth Schedule to this Act is hereby confirmed and the said deed of lease including all the covenants and provisions therein contained as so set forth shall have effect and be binding upon the parties thereto :

Within three months from the date of the passing of this Act the Company shall produce the said lease duly stamped for denoting payment of the full and proper stamp duty by law payable in respect thereof to the Commissioners of Inland Revenue and in default of such production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum shall be recoverable from the Company together with full costs of suit and all costs and charges attending the same.



**38.** During the continuance of the lease the railway of the Newport Company shall for the purpose of making bye-laws relating to the railway and traffic thereon be deemed to be a railway of the Company within the meaning of the Railways Clauses Consolidation (Scotland) Act 1845.

For purpose of bye-laws railway of Newport Company to be deemed a railway of the Company.

**39.** The tolls and charges which the Company may demand and take for traffic conveyed upon any railway of the Newport Company shall not exceed the tolls and charges authorised to be taken upon the same railway under the Act or Acts relating thereto but for the purpose of short distance charges in respect of traffic passing partly over the railway of the Newport Company and partly over any railway of the Company the railways of the Company and of the Newport Company over which such traffic shall pass shall be considered as one railway.

Tolls on traffic conveyed partly on Newport Railway and partly on railway of Company.

**40.** The lease shall not take effect until a copy thereof has been deposited with the principal sheriff clerk of the county of Edinburgh and nothing in the lease contained shall take away alter or affect any of the duties obligations restrictions or liabilities to which the Newport Company but for the making of such lease might by any law or statute be subject but all persons and corporations other than the lessee shall have the same rights privileges powers and remedies against the lessor notwithstanding the lease as they would have had if the lease had not been made.

Copy of lease to be deposited with principal sheriff clerk and rights of third parties saved.

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

Power to apply existing authorised capital.

**42.** 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 wholly or partially by one or more of those modes respectively any additional capital not exceeding in the whole two hundred and twenty-five thousand pounds but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

Power for Company to raise capital by shares or stock.

**43.** 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

Except as otherwise provided new shares or stock to



A.D. 1888. 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:

be subject to same incidents as present shares.

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

Dividends on new shares or stock.

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

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

45. 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.

46. 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.

Directors may prepare a scheme for consolidation of North British and Edinburgh and Glasgow ordinary stocks.

47. The directors may prepare a scheme for the consolidation division or conversion of North British Ordinary Stock and Edinburgh and Glasgow Ordinary Stock in the capital of the Company into one or more class or classes of new shares or stock hereinafter called "new stock" of such name or names and amount or amounts respectively and bearing respectively such rate of dividend and having attached thereto respectively such preferences and priorities and other rights as shall be defined in such scheme Provided that the rate of dividend on the preferred portion of such new stock shall not exceed three per cent. per annum and the Edinburgh and Glasgow Ordinary Stock shall be consolidated with and rank *pari passu* with the deferred portion thereof:

Any preference share or preference stock which may be issued in pursuance of such scheme shall be entitled to the preferential dividend or interest assigned thereto out of the profits of each half-



year in priority only to the ordinary stock of the Company but if in any half-year there are not profits available for the payment of the full amount of preferential dividend or interest for that half-year no part of the deficiency shall be made good out of the profits of any subsequent half-year or out of any other funds of the Company For the purposes of this section the half-year shall terminate on the thirty-first day of July and on the thirty-first day of January in each year.

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48. The directors shall send a copy of the scheme at the same time to every holder of North British Ordinary Stock and of Edinburgh and Glasgow Ordinary Stock of the Company with a notice that the scheme will be submitted to the consideration of separate meetings of the holders of North British Ordinary Stock and Edinburgh and Glasgow Ordinary Stock and thereafter if or in so far as approved of at such meetings to the consideration of a meeting of the shareholders of the Company.

Copy of the scheme to be sent to the shareholders.

49. Each such separate meeting shall be called by the directors in like manner as an extraordinary general meeting of the Company and shall be held not sooner than fourteen days nor later than one month after the copies of the scheme shall have been sent to the shareholders and the directors shall submit the scheme to each such separate meeting for their consideration and approval and they or any of them may be present at the meeting but shall not be entitled to vote thereat unless and except in so far as they are holders of stock in the class represented at such meeting.

As to separate meetings of shareholders.

50. The scheme shall not be considered as approved of at any such separate meeting unless it be approved of by the holders present in person or by proxy of at least three-fourths of the paid-up capital represented at such meeting.

Approval of three-fourths of paid-up capital represented at the meeting necessary.

51. If the scheme shall be approved of at the separate meetings the directors shall submit the same to the consideration of an extraordinary general meeting of the shareholders of the Company to be held within one month after the last of such separate meetings and the shareholders present in person or by proxy at such extraordinary general meeting and entitled to vote thereat may if they think fit by a majority of votes according to the scale of voting prescribed by the Company's Acts sanction the scheme if it has been approved of at the separate meetings and the scheme in so far as thus approved of and sanctioned but not otherwise shall be carried into effect.

Scheme so far as approved of at the separate meetings to be submitted to an extraordinary meeting and carried into effect.

52. In the event of the failure of any scheme wholly or in part from any cause other than and except the same being rejected at

On failure of scheme wholly or in



A.D. 1888.  
part new  
scheme may  
be prepared.

an extraordinary general meeting of the shareholders of the Company the directors may if and as often as they think fit prepare a new scheme in lieu of any previous scheme or portion of a scheme which has so failed and every such new scheme shall be dealt with and shall have effect in all respects as is herein-before provided with respect to the original scheme.

New stock  
to be given  
in lieu of  
converted  
stock.

**53.** For the purpose of carrying any scheme which has been approved of and sanctioned as aforesaid into effect the directors may and shall create and issue new stock of the class name and nominal amount or of the respective classes names and nominal amounts and with the incidents specified in such scheme in lieu of the stocks to be consolidated divided or converted as therein mentioned and shall furnish to every holder of such stock free of charge a certificate or certificates for the amount of new stock to which he is entitled and after the creation and issue of such new stock the stock in lieu of which the same is issued and the certificates of such stock shall be deemed to be cancelled and the new stock shall vest in the holders thereof upon and subject to the same trusts agreements covenants conditions engagements and liabilities as the stock in respect of which it was issued and every deed or other instrument or any testamentary or other disposition affecting the stock so cancelled shall take effect with reference to the whole or a proportionate part as the case may be of the new stock substituted therefor.

Power to  
raise capital  
authorised  
by Act of  
1885 by  
ordinary  
shares.

**54.** If and so soon as any scheme shall have been sanctioned and confirmed section fifty-nine of the North British Railway Act 1885 shall be repealed and the Company shall be entitled subject to the provisions of Part II of the Companies Clauses Act 1863 to raise by the creation and issue at their option of preference or ordinary shares or stock or of preference shares or stock convertible into ordinary stock or wholly or partially by one or more of those modes respectively the whole or any portion of the additional capital of three hundred and thirty thousand pounds which they are by the said Act authorised to raise by the creation and issue of preference shares or stock bearing a fixed rate of dividend but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the Corporation or 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 to  
borrow.

**55.** The Company may in respect of the additional capital of two hundred and twenty-five 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 seventy-five 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.

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**56.** The provisions of the North British Railway Act 1887 authorising the appointment of a receiver or judicial factor for principal or interest moneys due upon any mortgages of the Company are hereby repealed but subject and without prejudice to any appointment of a receiver or judicial factor or proceedings taken under or by virtue of such provisions and in force or pending at the time of the passing of this Act.

Provisions of Act of 1887 as to appointment of a receiver or judicial factor. repealed.

**57.** 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.



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Existing  
mortgages  
to have  
priority.

**58.** All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and as regards the undertaking comprised in and assigned by such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over all mortgages to be granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Debenture  
stock.

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

Application  
of money  
raised under  
Act.

**60.** All moneys raised under this Act whether by shares or stock or debenture stock or by borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

Interest not  
to be paid on  
calls paid up.

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

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

**62.** 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.

Saving rights  
of Crown  
under Crown  
Lands Act  
1866.

**63.** Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands



[51 & 52 VICT.] *North British Railway Act*, 1888. [Ch. clxiii.]

Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors. A.D. 1888.

64. Nothing in this Act contained shall exempt the Company and the railway by this Act authorised to be made 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 the Company.

Provision  
as to general  
railway  
Acts.

65. 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.



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**SCHEDULES** referred to in the foregoing Act.

**THE FIRST SCHEDULE.**

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY ARE REQUIRED BY THE COMPANY.

Parish.	Number on deposited Plans.
Dalmeny - - - - -	17 17 21 22
Cramond - - - - -	8 10 11 12 13 13A 14 24
Orwell - - - - -	8 9 65 66 67 68 69 70 72 73
Kinross - - - - -	66 111 112

**THE SECOND SCHEDULE.**

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

County.	Parish.	County.	Parish.
Edinburgh	Borthwick	Selkirk	Innerleithen
Do.	Cramond	Do.	Stow
Do.	Colinton	Do.	Yarrow
Do.	Currie	Roxburgh	Crailing
Do.	Cranston	Do.	Eckford
Do.	Crichton	Do.	Galashiels
Do.	Kirkliston	Do.	Kelso
Do.	Kirknewton	Do.	Lilliesleaf
Do.	Midcalder	Do.	Minto
Do.	Newbattle	Do.	St. Boswells
Haddington	Innerwick	Northumberland	Plashet or Plashet
Do.	North Berwick	Do.	Thornycroft
Do.	Pencaitland	Do.	Tarset
Do.	Prestonpans	Do.	Wellhaugh
Do.	Whitekirk	Do.	Wark
Berwick	Buncle	Cumberland	Aitken Beaumont
Do.	Mordington	Do.	Burgh by Sands
Peebles	Innerleithen	Do.	Caldewgate
Do.	Traquair	Do.	Grinsdale



County.	Parish.	County.	Parish.
Cumberland	Kingmuir	Linlithgow	Livingstone
Do.	Kirkandrews-upon-	Do.	South Queensferry
	Eden	Forfar	Craig
Lanark	Bothwell	Do.	Dun
Do.	Blantyre	Do.	Inverkeillor
Do.	Carnwath	Do.	Lunan
Do.	Hamilton	Do.	Maryton
Do.	Shotts	Do.	Montrose
Dumbarton	Dumbarton	Do.	St. Vigean
Stirling	Alva	Lanark	Maryhill
Do.	Balfron	Do.	Cadder
Do.	Slamannan	Stirling	Kilsyth
Kinross	Portmoak	Do.	Campsie
Perth	Perth	Do.	New Kilpatrick
Linlithgow	Abercorn	Do.	Baldernock
Do.	Carriden		

THE THIRD SCHEDULE.

PART I.

Describing Lands authorised to be taken by the North British Railway Act 1882 subject to Extension of Time for Compulsory Purchase.

No. of Railway.	Parish.	No. on Plans deposited with reference to North British Railway Act 1882.
3	Aberdour	1 to 11 inclusive
-	Beath	1 to 222 inclusive
	Ballingry	2, 36a, 40 to 49 inclusive
4	Strathmiglo	1 to 9 inclusive
	Orwell	62 to 93 inclusive
	Arngask	1 to 144 inclusive
	Abernethy	1 to 5 inclusive
	Dron	1 to 68 inclusive
	Dunbarney	1 to 34 inclusive



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PART II.

Describing Lands authorised to be taken by the Forth Bridge Railway Act 1873 and extended by the North British Railway Act 1882 subject to Revival and Extension of Time for Compulsory Purchase.

No. of Railway.	Parish.	No. on Plans deposited with reference to the Forth Bridge Railway Act 1873.
Bridge Railway No. 2	Dalgety	1 to 26 inclusive
	Aberdour	1 to 78 inclusive
	Burntisland	1 to 130 inclusive

THE FOURTH SCHEDULE.

AGREEMENT between THE NORTH BRITISH RAILWAY COMPANY and THE PROMOTERS OF THE NORTH MONKLAND RAILWAYS BILL.

First The railways to be authorised by the Bill now in dependence in Parliament under the short title of the North Monkland Railways Bill and herein-after called the North Monkland Railways shall be limited to Number 1 of the Bill and so much of the Railways Numbers 2 and 3 as extends between the junction of Railway Number 2 with Railway Number 1 and the lands of Cullochrigg belonging to Colonel David Carrick Robert Carrick Buchanan.

Second The railways and works so authorised when completed to the satisfaction of the joint committee to be appointed as herein-after provided shall be maintained and worked for goods and mineral traffic by the North British Railway Company for the period of fifteen years from and after the date when the same shall be completed and opened for traffic and for such working and maintenance while the gross receipts of the North Monkland Railways are less than twenty pounds per mile per week the North British Railway Company shall receive fifty per cent. of the gross receipts and when and so long as the gross receipts shall amount to twenty pounds per mile per week or upwards the North British Railway Company shall receive forty-seven and one-half per cent. of the gross receipts.

Third The rates for traffic arising or terminating on the North Monkland Railways shall be fixed as follows :—To the rates charged by the North British Railway Company on their own lines to or from the points of junction between the same and the North Monkland Railways there shall be added as the North Monkland Company's proportion of the cumulo rate for the distance traversed upon their railways not less than the rate per mile charged on the North British lines plus a terminal charge of fourpence per ton for mineral traffic and ninepence per ton for goods traffic other than police manure.

Fourth The rates for local traffic that is traffic arising and terminating on the North Monkland Railways shall subject to the provisions of the North Monkland Company's Act be fixed by the North British Railway Company.

Fifth Within three years from the completion and opening for traffic of the North Monkland Railways the North British Railway Company upon obtaining the necessary powers from Parliament may if they see fit acquire the whole undertaking authorised by the said Bill on payment of the original cost thereof including the expense of preparing for obtaining and passing the said Bill as the same shall be fixed by the joint committee with the addition of a premium of ten per cent. on the said cost.

Sixth A joint committee composed of two directors appointed by the respective boards of the North British Railway Company and the North Monkland Railways Company shall superintend the construction of the said railways and all contracts and works shall be entered into and carried out at the sight and to the satisfaction of the said joint committee.

Seventh In the event of any difference arising between the parties hereto as to the true intent and meaning of this agreement or as to the carrying of the same into effect such difference shall be settled by an arbitrator mutually agreed upon and failing agreement by John Horatio Lloyd Esquire barrister-at-law London.

Lastly In consideration of this agreement the North British Railway Company hereby agree to withdraw their opposition to the said Bill In witness whereof these presents written on stamped paper by Henry Lovegrove clerk to Messrs. Vacher and Sons law stationers Parliament Street Westminster are subscribed in duplicate by John Walker of Edinburgh secretary to the North British Railway Company for and on behalf of the North British Railway Company and by Gavin Black Motherwell solicitor in Airdrie secretary of the provisional committee of the North Monkland Railways Company for and on behalf of the said provisional committee promoters of the said North Monkland Railways Bill both at London the sixteenth day of April one thousand eight hundred and seventy-two before these witnesses Adam Johnstone of Edinburgh solicitor to the said North British Railway Company and Robert Ross writer in Glasgow.

J. WALKER

Secretary North British Railway Company.

G. B. MOTHERWELL

Secretary North Monkland Railways Company.

AD. JOHNSTONE witness.

ROBERT ROSS witness.

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## THE FIFTH SCHEDULE.

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IT IS CONTRACTED AND AGREED between the NORTH BRITISH RAILWAY COMPANY of the first part herein-after called the first parties and the NEWPORT RAILWAY COMPANY of the second part herein-after called the second parties :

WHEREAS by the Newport Railway Act 1866 the second parties were incorporated and authorised to construct a railway from the North British Railway to Newport in the county of Fife as therein particularly described And whereas by the Newport Railway Act 1867 the second parties were empowered to make a deviation from the works authorised by the said first-mentioned Act and to abandon certain portions of such works And whereas by the Newport Railway Act 1870 the second parties were empowered to extend the authorised Newport Railway to Long Craig in the county of Fife and



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to abandon the deviation authorised in the last-recited Act And whereas the line of the Newport Railway so extended was designed to connect the North British (Tay Bridge) Railway with the town of Ferryport-on-Craig and places intermediate and the said railway was duly made and opened for traffic And whereas provision was made in the said Newport Railway Act 1870 for the Companies parties hereto entering into arrangements respecting the traffic and working of the said railway And whereas by an agreement between the said parties hereto dated thirtieth August and twelfth September both in the year eighteen hundred and seventy-two (herein-after called the agreement of eighteen hundred and seventy-two) arrangements were made for the maintenance working and management of the Newport Railway by the first parties hereto on the terms and conditions therein expressed and for other purposes as therein set forth and it was provided that the said agreement should subsist in perpetuity And the said agreement was scheduled to and confirmed by Section Seven of the Newport Railway Act 1873 And whereas the second parties are authorised by the recited Acts to raise a share capital of forty-six thousand pounds and to borrow on debenture the sum of fifteen thousand three hundred pounds And whereas the second parties have raised the sum of forty-six thousand pounds or thereby of share capital and have borrowed on or by way of debenture the sum of fifteen thousand three hundred pounds or thereby And whereas it has been agreed between the parties hereto that the agreement of eighteen hundred and seventy-two entered into between them as aforesaid shall be superseded and discharged and that the said Newport Railway shall be leased to the first parties as from the first day of January eighteen hundred and eighty-eight for the period at the rent and subject to the conditions and stipulations herein-after contained and that the first parties are applying to Parliament in the present session for power to both parties hereto to enter into such lease Now therefore the second parties have set and in consideration of the rent and other prestations after specified hereby set and in tack and assedation let to the first parties the railway of the second parties including the stations works and other conveniences belonging to the second parties as existing on the first day of January eighteen hundred and eighty-eight with the whole plant utensils and office furniture then belonging to the second parties and including the whole rights powers and privileges then vested in and which now or hereafter may belong or be competent to the second parties by virtue of the recited Acts or of any other Act of Parliament so far as such rights powers and privileges relate to the use of the said railway the purchase or acquisition of additional lands the construction of new works the levying of tolls rates and charges and the beneficial enjoyment of the said railway (all of which are herein-after called railway) and that for the space of nine hundred and ninety-nine years as from and after the said first day of January eighteen hundred and eighty-eight which notwithstanding the date hereof shall be held to be the commencement of this lease But these presents are granted always at and for the rent and other prestations and with and under the following provisions declarations and others and the said parties hereto have accordingly agreed with each other and do hereby agree and bind and oblige themselves to each other in manner following that is to say:

First. The said agreement of eighteen hundred and seventy-two shall be and the same is hereby discharged as from and after the said first day of January eighteen hundred and eighty-eight.

Second.—The first parties shall during the currency of this lease have the absolute and exclusive right to use the railway and to raise and levy the tolls



rates and other sources of revenue as fully and freely as the second parties might but for this lease do and subject always to the same regulations and restrictions as are imposed upon the second parties their officers and servants by the recited Acts. A.D. 1888.

Third.—The first parties shall during the currency of this lease uphold and maintain the railway in good and efficient repair and working order and condition and leave it at the end of the lease in the same good order and condition and they shall also duly keep open the railway to the public and duly run and work by locomotive power a reasonable number of trains each lawful day upon the railway at suitable and convenient hours for the carriage and conveyance of goods and passengers and all stations at present existing on the railway shall be duly worked and kept open and through connexion shall at all times be maintained.

Fourth.—The first parties shall take the titles of the second parties to the lands taken for the railway as good and sufficient Further the first parties shall bear any compensation still due or unpaid to landowners tenants or others already affected by the exercise of the second parties' statutory powers and any feuduties and annual charges to tenants still payable for the period subsequent to the said first day of January eighteen hundred and eighty-eight and in all time thereafter in respect of lands taken or acquired or injuriously affected The first parties shall also bear and pay all public and parochial burdens in respect of the railway and all burdens assessments claims and charges whatsoever attending or exigible or arising out of the ownership occupation or working or use or maintenance of the railway in any way from and since the said first day of January eighteen hundred and eighty-eight and in all time thereafter.

Fifth.—The first parties shall yearly and continually during the lease pay to the second parties in name of yearly rent the sum of three thousand pounds sterling which shall be applied by the second parties in manner following vizt.

(First.) In payment or discharge of any charges or liabilities not hereinbefore provided for and subject thereto in payment of the annual interest payable upon the said sum of fifteen thousand three hundred pounds or thereby of debenture debt ;

(Second.) In payment of the expenses incurred or to be incurred by the second parties for or in connexion with the management and direction which will still pertain to them applicable to the receipt of the rent the distribution and payment of the dividend after-mentioned and the interest before-mentioned and the renewal assignation or discharge of the said debt or any part thereof and the borrowing of other sums in lieu thereof or of any part thereof or otherwise ; and

(Third.) In payment of a dividend to the ordinary shareholders of the Company upon the forty-six thousand pounds or thereby of share capital at the rate of four and one-half per centum per annum or such higher or other rate as the balance of the rent may yield.

Sixth.—The said yearly rent shall be payable as follows vizt. three hundred and six pounds on the fifteenth day of May and three hundred and six pounds on the eleventh day of November in each year and one thousand one hundred and ninety-four pounds on the thirtieth day of June and one thousand one hundred and ninety-four pounds on the thirty-first day of December in each year beginning payment of the first instalment as on the fifteenth May eighteen hundred and eighty-eight.



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Seventh.—The said rent shall be leviable and recoverable as a first charge upon the tolls and revenues of the railway and the second parties shall also be entitled to all other rights and remedies competent at common law in security and for recovery of the said rent.

Eighth.—If and whenever any instalment of the said rent is not paid on the day on which it falls due, then the sum so from time to time in arrear and unpaid shall bear interest at the yearly rate of five pounds in the hundred while it remains in arrear and unpaid.

Ninth.—The powers and provisions contained in sections fifty-six and fifty-seven of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the recovery of interest or of arrears of interest due on mortgages or bonds shall be applicable so far as may be to the recovery of any instalment or instalments of the before-mentioned rent and of any interest for non-payment thereof and it shall be lawful for the second parties to enforce the payment of such rent and interest (and of any subsequent instalments of such rent which may become due during such appointment) by the appointment of a judicial factor to receive the tolls and revenues leviable under the statutes and this lease to the payment of such rent and interest and for the purposes of this head the prescribed sum in arrear to entitle the second parties to require the appointment of a judicial factor shall be the amount of any one instalment of rent for the time being due and unpaid to them.

Tenth.—The second parties shall be entitled to retain recover apply and use as and for their own absolute property and not subject to the lease created by these presents to any extent or in any way all moneys in the hands of their bankers agents and debtors rebates on land consignations drawbacks or interest from proprietors and tenants and all unpaid calls on their shares or stock and all their share capital or stock already created and notwithstanding such lease and except as is by these presents otherwise expressly provided the second parties shall after the execution of these presents be entitled to exercise all the powers rights faculties and privileges vested in or belonging to them previous to the execution of these presents relating to the management realisation and administration of their estates and affairs including all powers to borrow on debenture debenture stock or otherwise in order to pay off or replace any debenture mortgage or other security and all powers necessary to receive and recover and apply or divide the rent receivable from the first parties under the lease now created and all powers necessary for any other purpose connected therewith and for exercising the several rights and privileges and performing the several obligations by these presents vested in or arising to or imposed upon the second parties but the said second parties shall have no power either to raise capital or to borrow beyond the amount of their share capital already issued except the power to borrow or raise money for the purpose of replacing loans already received.

Eleventh.—Nothing herein contained shall prejudice or affect the rights of the debenture holders bond holders mortgage holders or other persons to whom at the time of the execution of these presents any debts were owing by the second parties on debenture or bond or mortgage or in whose favour any moneys were secured upon the undertaking or property of the second parties or on the tolls and charges leviable for or in respect of the railway or upon the revenues thereof or shall prejudice or affect the right of the second parties to borrow any money on debenture or bond or mortgage or to issue debenture stock in order to pay off or replace any debenture mortgage or other security but all debentures bonds and mortgages and debenture stock of the second parties existing at the time of the execution of these presents and all debentures bonds and mortgages or debenture



stock which may be granted or given after that time in order to pay off or replace any debenture mortgage or other security shall be and the same are hereby declared to be a first charge on the undertaking or property of the second parties and the tolls and charges and revenues aforesaid as if the lease created by these presents had not been entered into.

Twelfth.—All claims by or competent to either of the parties hereto against the other prior to the execution of these presents shall be and the same are hereby discharged and in particular but without prejudice to the said generality the advances hitherto made for or on account of the second parties by the first parties and all debts by the second parties to the first parties are hereby abandoned and discharged.

Thirteenth.—In respect the second parties have under the North British Railway Amalgamation Act 1880 power to raise twenty thousand pounds of additional capital and in respect they will not now exercise that power the first parties may apply to Parliament for a transference of such power to them applicable to their own undertaking and not as capital of the second parties.

Fourteenth.—In the event of any disputes arising betwixt the parties hereto as to the true interpretation of the terms of or the mode of carrying out these presents the same shall be as they are hereby referred to arbitration in manner provided by and as if the same had been specially referred under the provisions of the Railway Companies Arbitration Act 1859.

Fifteenth.—The expenses of these presents and incident thereto shall be paid by the first parties including in such expenses all costs and charges for obtaining parliamentary sanction thereto.

Sixteenth.—Both parties bind and oblige themselves respectively to each other that they shall implement and fulfil their respective parts of the premises to each other under the liquidate and agreed on penalty of five hundred pounds sterling which sum shall be payable as ascertained and liquidated damages consequent on the breach thereof and not by way of penalty with interest thereon at the rate of five per cent. from the date of said breach having been committed.

Lastly.—These presents are made subject to the sanction of Parliament and to such alterations as Parliament may think fit to make therein and both parties consent to the registration hereof for preservation and execution.

In witness whereof these presents consisting of this and the four preceding pages are along with a duplicate thereof duly executed as follows viz<sup>t</sup>: the same are sealed with the common seal of the said the Newport Railway Company and subscribed for and on behalf of the said Company by William Heriot Maitland Dougall of Scotsraig near Tayport and Harry Walker of Westwood Newport-on-Tay two of the directors and George Bradley Wieland the secretary all of the said the Newport Railway Company as follows viz<sup>t</sup>: the same are subscribed by the said William Heriot Maitland Dougall at Scotsraig aforesaid on the twelfth day of July eighteen hundred and eighty-eight years before these witnesses Philip Mitchell railway porter Tayport and Annie Fleming table maid at Scotsraig aforesaid and by the said Harry Walker at Westwood aforesaid on the day month and year last mentioned before these witnesses Jane Dick housemaid and Marjory Henry cook both at Westwood aforesaid and the same are sealed with the common seal of the said the Newport Railway Company and subscribed by the said George Bradley Wieland secretary foresaid at Edinburgh on the thirteenth day of said month of July and year last mentioned before these witnesses John Martin and Robert Paton both clerks in the head office of the said the North British Railway Company at Edinburgh



A.D. 1888. — and the same are also sealed with the common seal of the said the North British Railway Company and subscribed for and on behalf of the said Company by Peter Garnett South Woods Hall Thirsk Yorkshire and Henry John Trotter Langton Grange Gainford near Darlington two of the directors and the said George Bradley Wieland the secretary all of the said the North British Railway Company all at Edinburgh on the day month and year last mentioned before these witnesses the said John Martin and the said Robert Paton.

JNO. MARTIN, witness.

ROBT. PATON, witness.

PHILIP MITCHELL, witness.

ANNIE FLEMING, witness.

JANE DICK, witness.

MARJORY HENRY, witness.

JNO. MARTIN, witness.

ROBT. PATON, witness.



PETER GARNETT, Director.

H. J. TROTTER, Director.

G. B. WIELAND, Sec<sup>y</sup>  
N. B. Ry. Coy.

W. H. MAITLAND DOUGALL,  
D<sup>r</sup>.

H. WALKER, D<sup>r</sup>.



G. B. WIELAND, Sec<sup>y</sup>  
Newp<sup>t</sup> Ry. Coy.

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