



CHAPTER cxviii.

An Act to empower the West Highland Railway Company to deviate certain parts of their authorised railway and to construct new railways and a pier in connexion therewith to raise further capital and for other purposes. A.D. 1890.

[25th July 1890.]

WHEREAS by the West Highland Railway Act 1889 (in this Act called "the Act of 1889") the West Highland Railway Company (in this Act called "the Company") were incorporated with a share capital of five hundred and forty thousand pounds and with power to borrow one hundred and eighty thousand pounds on mortgage of their undertaking and were authorised to make and maintain certain railways in the counties of Dumbarton Perth Argyll and Inverness :

And whereas the Company have raised capital and are constructing the said railways :

And whereas it is expedient that the Company be authorised to deviate certain portions of their authorised Railway No. 2 as herein-after provided and to construct the new railways and pier herein-after described and to raise additional capital for the purposes of this Act and of their authorised undertaking :

And whereas it is expedient that the agreement between the Company and the North British Railway Company scheduled to and confirmed by the Act of 1889 for the maintenance and working of the Company's authorised undertaking by that company be extended so as to comprise and include the railways and works by this Act authorised :

And whereas plans and sections showing the lines and levels of the deviation railways and of the new railways and pier authorised by this Act and also books of reference to the plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for

A.D. 1890. the purposes of this Act were duly deposited with the respective principal sheriff clerks for the counties of Argyll and Inverness and are herein-after respectively referred to as the deposited plans sections and books of reference :

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

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

Short title.

1. This Act may be cited as the West Highland Railway Act 1890.

Incorporation of general Acts.

2. The provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the several matters following namely :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money upon mortgage or bond ;

The conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

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

The making of dividends ;

The giving of notices ; and

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

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 and by the Railway Companies (Scotland) Act 1867 the Lands Clauses Acts the Railways Clauses Consolidation (Scotland) Act 1845 Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 and the Harbours Docks and Piers Clauses Act 1847 (except sections 16 to 19 both inclusive) are except where expressly varied by or inconsistent with this Act incorporated with and form part of this Act.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Act meanings are assigned have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction. The expression "the railways" means the railways by this Act authorised to be constructed the expressions "the deviation railways" "the new railways" and "the pier" mean respectively the deviation railways the new railways and the pier by this Act authorised to be constructed.

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Interpreta-
tion.

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 railways and pier herein-after described and other works shown on those plans with all proper bridges junctions sidings approaches roads buildings yards moorings mooring-posts cranes works machinery 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. The railways and pier herein-before referred to and authorised by this Act are—

Power to
make rail-
ways and
pier.

DEVIATION RAILWAYS.

(1) A deviation Railway (No. 2) in this Act called "Deviation No. 2" three miles nine chains and twenty links or thereabouts in length commencing on the Company's authorised Railway No. 2 at a point eight hundred and thirty yards or thereabouts south-eastward from the centre of the iron bowstring girder bridge carrying the public road to Inverlair over the River Spean and terminating on the said Railway No. 2 at a point four hundred and seventy yards or thereabouts south-eastward from Glen Spean Lodge.

(2) A deviation Railway (No. 3) in this Act called "Deviation No. 3" three miles five furlongs one chain and eighty links or thereabouts in length commencing on the Company's authorised Railway No. 2 in the parish of Kilmonivaig at a distance of sixty miles and eight chains or thereabouts from the commencement of that railway at a point seven hundred yards or thereabouts north-eastward from the centre of the bridge of Lundy and terminating in the parish of Kilmallie at the termination of the said authorised Railway No. 2 on the foreshore in or ex adverso of that parish at a point four hundred and fifteen yards or thereabouts north-eastward from the north corner of the steamboat pier at Fort William all in the county of Inverness.

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NEW RAILWAYS.

- (3) A new Railway (No. 4) six chains and eighty links or thereabouts in length commencing at the termination of the Company's authorised Railway No. 6 at a point fifty-seven yards or thereabouts south-eastward from the north corner of the Fort William steamboat pier and terminating on the foreshore in or ex adverso of the parish of Kilmallie one hundred and eighty yards or thereabouts south-westward from the said north corner of the steamboat pier.
- (4) A new Railway (No. 5) in this Act called "Railway No. 5" one mile six furlongs nine chains and sixty links or thereabouts in length commencing in the parish of Kilmonivaig and county of Inverness by a junction with Deviation No. 3 by this Act authorised at a point two hundred and ninety-five yards or thereabouts northward from the centre of the bridge carrying the public road over the River Nevis near Fort William known as the Bridge of Nevis and terminating in the parish of Kilmallie and county of Argyll at the point herein-after described as the commencement of Railway No. 6 by this Act authorised.
- (5) A new Railway (No. 6) one furlong seven chains and seventy links or thereabouts in length commencing at a point four hundred and fifteen yards or thereabouts north-eastward from the centre of the bridge carrying the public road over the Caledonian Canal at Banavie Locks and terminating on the south bank of the said canal at a point seven hundred and ninety yards or thereabouts north-eastward from the same bridge.
- (6) A new Railway (No. 7) nine chains and sixty links or thereabouts in length commencing by a junction with Railway No. 6 by this Act authorised at a point six hundred and ninety yards or thereabouts north-eastward from the said bridge at Banavie Locks and terminating at a point four hundred and eighty yards or thereabouts north-eastward from the same bridge.

PIER.

- (7) A pier or landing stage on the south bank of the Caledonian Canal commencing at a point four hundred and sixty-six yards or thereabouts north-eastward from the centre of the said bridge at Banavie Locks and extending thence north-eastward along the said bank for a distance of about eighty yards and projecting into the said canal in a north-westerly direction for a distance of fourteen yards.

5. The Company may take by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation (Scotland) Act 1845 any quantity of land not exceeding two acres in addition to the lands which they are authorised to take by agreement for the like purposes by the Act of 1889 but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section.

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Lands for extraordinary purposes.

6. 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.

Period for compulsory purchase of lands.

7. The Company shall construct and maintain an archway in the embankment of Railway No. 4 by this Act authorised at such point and of such dimensions as the Board of Trade shall prescribe for the free use of the public to give access to the seashore between the two existing piers at Fort William.

Company to provide access to seashore at Fort William.

8. Nothing in this Act contained shall authorise the Company to purchase and take the land and property belonging or reputed to belong to the trustees of the Belford Hospital shown on the deposited plans and numbered 17 17/1 and 17/2 in the parish of Kilmallie and county of Inverness or any part thereof without the previous consent in writing of the said trustees.

For protection of the Belford Hospital Trustees.

9. For protection of the Caledonian Canal and the traffic thereon the following provisions shall have effect subject to any alterations thereof which may be hereafter agreed upon between the Company and the commissioners of the Caledonian Canal (herein-after called "the commissioners") (that is to say):—

For protection of the Caledonian Canal.

(1) The Company shall construct Railways No. 5 No. 6 and No. 7 and pier by this Act authorised in so far as the same affect the Caledonian Canal or lands belonging to the commissioners to the reasonable satisfaction of the superintendent for the time being of the commissioners.

(2) The Company shall not allow any steamer or vessel to lie at the said pier longer than is necessary for the embarking and disembarking of passengers and animals or the loading or unloading of goods and the regulations and arrangements of the Company with respect to the berthing of steamers or vessels at the said pier shall be subject to the consent of the commissioners said superintendent.

(3) The Company shall not under the powers of this Act purchase and take any portion of the bank or of the bed or solum of the canal but the commissioners shall when required by the Company grant to the Company a lease for nineteen

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years of such portion of the bank and bed or solum of the canal as may be necessary for the construction of the said Railways No. 5 No. 6 and No. 7 and pier at an annual rent of forty pounds and the said lease shall be renewable from time to time on such terms and conditions as may be agreed upon by the commissioners and the Company.

(4) The Company shall during the subsistence of any such lease uphold the portion of the canal bank occupied by the said Railways No. 5 No. 6 and No. 7 and pier its pitching slopes and mooring pauls and shall be responsible to the commissioners for any damage arising from any leakage therein from neglect on the part of the Company to uphold the same.

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) :—

Number on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
DEVIATION No. 2.			
4 18	Kilmonivaig -	Public carriage road -	1 in 12 on one side.
	Kilmonivaig -	Public carriage road -	1 in 20.
RAILWAY No. 5.			
81	Kilmallie -	Public carriage road -	1 in 16.

Height and span of bridge.

11. The Company may make the arch of the bridge for carrying the railway next herein-after mentioned over the road next herein-after mentioned of any height and span not less than the height and span herein-after mentioned in connexion therewith (that is to say) :—

Number on deposited Plans.	Parish.	Description of Road.	Height.	Span.
91	Kilmallie -	RAILWAY No. 5.		
		Public carriage road	15 feet	20 feet.

Width of certain roadways.

12. The Company may make the roadway over the bridges by which the following roads will be carried over the railways next

herein-after mentioned respectively 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) :—

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Number on deposited Plans.	Parish.	Description of Roadway.	Width of Roadway.
		DEVIATION No. 2.	
4	Kilmonivaig	- Public carriage road -	18 feet.
		DEVIATION No. 3.	
74	Kilmonivaig	- Public carriage road -	25 feet.
		RAILWAY No. 5.	
81	Kilmallie	- Public carriage road -	12 feet.

13. The Company when and as the new portion of any road altered or diverted under the powers conferred by this Act is made to the satisfaction of the sheriff and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road And when and so soon as the said portion of road is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the road stopped up as far as the same is bounded on both sides by lands of the Company.

Provision as to altered and diverted roads.

14. Subject to the provisions of section thirty-nine of the Railways Clauses Consolidation (Scotland) Act 1845 all new portions of road authorised by this Act to be formed in lieu of roads altered or diverted under the powers of this Act shall as respects management maintenance and in all other respects be held as parts of and be subject to the same provisions as the existing roads so altered or diverted as aforesaid respectively.

Maintenance of new portions of altered or diverted roads.

15. The Company notwithstanding the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 incorporated with the Act of 1889 and this Act respectively may deviate from the lines of the railways authorised by the Act of 1889 or by this Act as respectively delineated on the deposited plans thereof to any extent within the limits of deviation shown on those plans and may deviate from the levels of such railways as delineated on the deposited

Powers of lateral and vertical deviation and of altering gradients and curves of authorised and intended railways.

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sections thereof to any further extent upwards or downwards as may be agreed upon in writing with the owners of any lands through which and with the owners lessees and occupiers of any house affected by or through the curtilage of which such deviations are intended to be made and may increase any inclination or gradient of such railways shown on the deposited sections thereof as not steeper than one in fifty to such an extent as they may see fit provided that such inclinations or gradients where so increased be not steeper than one in fifty and they may diminish the radius of any curve described on the deposited plans of the said several railways to any extent which shall leave a radius of not less than one furlong Provided always that nothing in this section contained shall apply to any portion of the railways authorised by the Act of 1889 or by this Act to be made in the burghs of Helensburgh and Fort William or either of them and that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Power to deviate in construction of pier.

16. In making the pier the Company may deviate laterally to any extent not exceeding the limits of deviation delineated on the deposited plans and vertically to any extent not exceeding five feet.

Power to take easements &c. by agreement.

17. 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 easement servitude 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 rentcharges ground annuals or feu duties so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements servitudes rights and privileges as aforesaid respectively.

Owners may be required to sell parts only of certain properties.

18. And whereas in the construction of certain of the railways or otherwise in exercise of the powers of this Act it may happen that portions only of the lands houses or other buildings 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 lands houses or other buildings 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 opinion of 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 portion 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 Provided always that nothing in this section contained shall be held as determining that the properties described in the said schedule are properties within the meaning of the provisions of section ninety of the Lands Clauses Consolidation (Scotland) Act 1845.

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19. The Company shall abandon and relinquish the construction of such portions of Railway No. 2 authorised by the Act of 1889 as lie between the commencement and termination respectively of the deviation railways authorised by this Act.

Company to abandon portions of authorised railway.

20. The abandonment by the Company under the authority of this Act of any portion of railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation (Scotland) Act 1845 or the Act of 1889.

Compensation for damage to land by entry &c. for purposes of railways abandoned.

21. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portion of railway authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation (Scotland) Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compensation to be made in respect of portions of railway abandoned.

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Deposit fund referred to in Act of 1889 to apply to deviations authorised by this Act.

22. For the purposes of the fifty-second and fifty-third sections of the Act of 1889 the deviation railways authorised by this Act shall be deemed to form part of the railways by that Act authorised to be constructed instead of the portions thereof by this Act directed to be abandoned but nothing in this section shall prejudice or alter any right of any owner or occupier of lands or other persons injuriously affected or any creditors to or over the deposit fund mentioned in those sections.

Deposit money not to be repaid except so far as railways are opened.

23. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of one thousand and sixty-eight pounds has been deposited with the Queen's and Lord Treasurer's Remembrancer on behalf of the court that is to say the Court of Exchequer in Scotland in respect of the application to Parliament for this Act of which sum nine hundred and one pounds seven shillings is equal to five per centum upon the amount of the estimate in respect of the new railways and is herein-after referred to as "the new railway deposit fund" one hundred and six pounds thirteen shillings is equal to five per centum on the amount by which the estimate in respect of the deviation railways proposed to be authorised by the Bill for this Act as introduced into Parliament exceeded the expense of the portions of railway proposed to be abandoned by the said Bill as so introduced and sixty pounds is equal to four per centum upon the amount of the estimate in respect of the pier and is herein-after referred to as "the pier deposit fund") And whereas one of the said deviation railways (that is to say) Deviation Railway No. 1 was struck out of the said Bill during its progress through Parliament and the sum of sixty-nine pounds ten shillings (part of the said sum of one hundred and six pounds thirteen shillings) represents not less than five per centum upon the amount by which the estimate in respect of the deviation railways by this Act authorised exceeds the expense of the portions of railway by this Act directed to be abandoned (which sum of sixty-nine pounds ten shillings is herein-after referred to as "the deviation railway deposit fund") Be it enacted that notwithstanding anything contained in the said recited Act the new railway deposit fund or the deviation railway deposit fund (as the case may be) shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this

Act for completion of the new railways or the deviation railways (as the case may be) open the same for the public conveyance of passengers : A.D. 1890.

Provided that if within such period as aforesaid the Company open any portion of the new railways or of the deviation railways (as the case may be) for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the new railways or of the deviation railways (as the case may be) opened as aforesaid and the portion of the new railway deposit fund or of the deviation railway deposit fund (as the case may be) which bears to the whole of the respective deposit fund the same proportion as the length of railway so opened bears to the entire length of the new railways or of the deviation railways (as the case may be) the court shall on the application of the depositors or the majority of them order the portion of the new railway deposit fund or of the deviation railway deposit fund specified in such certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

24. If the Company do not previously to the expiration of the period by this Act limited for the completion of the new railways or the deviation railways (as the case may be) complete and open the same for the public conveyance of passengers then and in every such case the new railway deposit fund or the deviation railway deposit fund (as the case may be) or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the Edinburgh Gazette shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the new railways or the deviation railways or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property for the purposes of the new railways or the deviation railways (as the case may be) conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation shall have 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 respective deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the respective deposit fund or such portion thereof as may not be required as aforesaid

Application
of deposit.

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shall either be forfeited to Her Majesty and shall accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the court thinks fit to order on the application of the Solicitor to the 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 judicial factor has been appointed shall wholly or in part be paid or transferred to such judicial factor 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. Provided that until the new railway deposit fund or deviation railway deposit fund (as the case may be) shall have been repaid to the depositors or shall have become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Repayment
of part of
deposit
money.

25. On the application of the depositors or of the executors or administrators of the last survivor of them at any time after the passing of this Act the Court of Exchequer in Scotland or in time of vacation the Lord Ordinary officiating on the Bills in the Court of Session in Scotland may and shall order that the sum of thirty-seven pounds three shillings portion of the said sum of one hundred and six pounds thirteen shillings deposited with the Queen's and Lord Treasurer's Remembrancer as aforesaid in respect of the said Deviation Railway No. 1 and the pier deposit fund and the interest and dividends thereon respectively shall be paid to them or him or to any other person or persons whom they or he may appoint in that behalf.

Power to
limited
owners to
take shares
for land.

26. Subject to the provisions herein-after contained it shall be lawful for any limited owner named in the Second Schedule to this Act of any lands shown on the deposited plans and described in the deposited books of reference required by the Company for the purposes of the railways or pier to agree with the Company that the consideration to be paid for the same and the compensation (if any) to be paid for any permanent damage or injury to any such lands shall be wholly or in part the allotment to such limited owner of such number of shares in the capital of the Company as shall be agreed upon between such owner and the Company:—

- (1) For the purposes of this section the expression "limited owner" includes any person or persons named in the said Second Schedule and empowered under the seventh section of the Lands Clauses Consolidation (Scotland) Act 1845 to sell and convey or release lands or any estate or interest therein to the promoters of the undertaking.

- (2) All shares issued pursuant to this section to any limited owner shall be deemed to be fully paid-up shares in the capital of the Company and the names of the holders thereof shall be inserted as such in the register of shareholders. A.D. 1890.
- (3) All shares issued pursuant to this section to any limited owner shall be held upon the like uses and trusts and for the same purposes and in the same manner as the lands in consideration for which such shares are issued stood settled immediately before the conveyance of such lands to the Company.
- (4) The Company shall make an entry in their register of shareholders of the uses trusts and purposes aforesaid and subject to the uses trusts and purposes affecting such shares such limited owner in respect thereof shall have all the other rights and powers of a shareholder of the Company.
- (5) The Company shall not be bound to see to the application of any dividend payable to a limited owner or be in any way responsible with respect to the application thereof.

27. It shall be lawful for any limited owner named in the Second Schedule to this Act whose land the Company are authorised to take for the purposes of their undertaking to grant convey or dispose of the same or any portion thereof to the Company free of cost to the Company. Power to limited owners to convey lands free of charge in certain cases.

28. 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 : Restriction on taking houses of labouring class.

For the purposes of this section the expression "labouring class" includes mechanics artizans 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.

29. If the deviation railways be not completed within five years from the date of the passing of the Act of 1889 and the new railways and pier be not completed within five years from the date of the passing of this Act then the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto respectively shall cease except as to so much of the said several works as is then completed. Period for completion of works.

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Railways to form part of Company's undertaking.

Rates payable in respect of the pier.

30. Subject to the provisions of this Act the railways shall for purposes of tolls and charges and in all other respects form part of the authorised railways of the Company.

31. Whereas the right to levy tolls and dues on passengers animals and goods on the whole line of the Caledonian Canal belongs to the commissioners of the Caledonian Canal Be it enacted as follows :—

The Company may in lieu of the commissioners levy demand and take for the use of the pier by this Act authorised such tolls and dues in respect of passengers animals and goods landed or shipped thereat as may not exceed the like tolls and dues as are for the time being levied and collected by the commissioners at piers on the Caledonian Canal under their control.

Cranage and weighing rates.

32. It shall be lawful for the Company to demand and recover in respect of the use of cranes or other machinery or appliances for shipping landing or otherwise moving any article matter or thing on the said pier and in respect of weighing any article matter or thing on the said pier and in respect of weighing any article matter or thing landed thereon or shipped therefrom any rates not exceeding for each hoist sixpence per ton or any fraction of a ton.

Power to apply funds.

33. The Company may apply for any of the purposes of this Act to which capital is properly applicable any moneys which by the Act of 1889 they are authorised to raise by shares debenture stock or borrowing and which are not by the Act of 1889 made applicable to any special purposes or which being so made applicable are not required for such special purposes.

Power to raise additional capital.

34. The Company may subject to the provisions of Part II of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole fifty-one thousand pounds by the issue at their option of new ordinary shares or new preference shares or wholly or partially by either or both of those modes.

Shares not to be issued until one fifth paid.

35. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any such 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 is paid in respect thereof.

Calls.

36. One fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

37. If any money is payable to a shareholder mortgagee or debenture holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate or of his tutor or curator or curator bonis shall be a sufficient discharge to the Company.

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Receipt for persons not sui juris.

38. The provisions of sections ten to seventeen (both inclusive) of the Act of 1889 shall extend and apply to and in the case of any ordinary shares created by the Company under the powers of this Act.

Applying sections 10 to 17 of Act of 1889 to new shares.

39. Except as by this Act otherwise provided the capital in new shares created by the Company under this Act and the new shares 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 were shares in that capital.

Except as otherwise provided new shares to be subject to the same incidents as other shares.

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

Dividends on new shares.

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 to which a preferential dividend shall be assigned.

Restrictions as to votes in respect of preferential shares.

42. The Company may in respect of the additional capital of fifty-one thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sums not exceeding in the whole seventeen thousand pounds but no part thereof shall be borrowed until the whole capital of fifty-one thousand pounds is issued and accepted and one half thereof 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 the whole of such capital has been issued and accepted and that one half thereof has been paid up and that not less than one fifth 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 that such shares were issued bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and that such persons or corporations 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

Power to borrow.

A.D. 1890. as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

Provisions of Act of 1889 as to appointment of a judicial factor repealed.

43. The provisions of the Act of 1889 authorising the appointment of a judicial factor are hereby repealed but subject and without prejudice to any appointment of a judicial factor heretofore made or proceedings taken under or by virtue of such provisions and in force or pending at the time of the passing of this Act.

For appointment of a judicial factor.

44. 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 judicial factor In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than ten thousand pounds in the whole.

Existing mortgages to have priority.

45. 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 subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any 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.

46. The Company may raise all or any part of the money which they are by this Act authorised to raise on mortgage by the creation and issue of debenture stock subject to the provisions of section twenty of the Act of 1889.

Application of moneys.

47. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act and to other purposes of the undertaking of the Company being in all cases purposes to which capital is properly applicable.

Extending working agreement with North British Railway Company.

48. Section sixty-seven of the Act of 1889 and the agreement set forth in the Fourth Schedule annexed to that Act shall be read and have effect as if the new railways and the pier had originally formed part of the railways by that Act authorised and the deviation railways had been authorised to be constructed as part of Railway No. 2 by that Act authorised to be constructed instead of the portions of that railway which are by this Act authorised to be abandoned and the gross revenues of the Company mentioned in the said agreement shall be held to include all revenues arising from the

new railways and pier and the share and loan capital of the Company mentioned in the said agreement shall be held to include the share and loan capital which the Company are by this Act authorised to raise. A.D. 1890.

49. Notwithstanding anything in this Act or in any Act or Acts incorporated herewith contained it shall be lawful for the Company in addition to the said sum of fifty-one thousand pounds additional capital to raise as part of such capital any further sum or sums not exceeding four thousand pounds for the purpose of paying and thereout to pay interest at such rate not exceeding three and a half pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him in such additional capital from the respective times of such payments until the expiration of the time limited by the Act of 1889 for the completion of the works by that Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say) :—

Power to pay interest out of capital during construction.

- (A) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two thirds at least of the additional share capital authorised by this Act has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same ;
- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear ;
- (C) The amount so paid for interest shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised ;
- (D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares in such additional capital and in every certificate of shares ;
- (E) The accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section :

Save as herein-before and in section seventy-two of the Act of 1889 set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually

A.D. 1890. — made as is in conformity with the Companies Clauses Consolidation (Scotland) Act 1845 :

Section seventy-two (paragraph E) of the Act of 1889 shall be read and have effect as if the word half-yearly had been omitted therefrom.

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

50. 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 the Crown in the fore-shore.

51. 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 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 Her heirs or successors.

Provision as to general Railway Acts.

52. Nothing in this Act contained shall exempt the Company or their railways 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.

Costs of Act.

53. All costs charges and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

The FIRST SCHEDULE referred to in the foregoing Act.

A.D. 1890.

Describing lands houses or other buildings parts whereof only may be required by the Company.

Parish.	Numbers on deposited Plans.
DEVIATION No. 3.	
Kilmonivaig - - -	59, 59/1, 62.
Kilmallie - - -	18.
RAILWAY No. 4.	
Kilmallie - - -	63, 64, 65, 73, 110.

The SECOND SCHEDULE referred to in the foregoing Act.

NAMES OF LIMITED OWNERS.

The RIGHT HONOURABLE WILLIAM FREDERICK BARON ABINGER.
 SIR ROBERT MENZIES Baronet of Menzies.
 GEORGE GUSTAVUS WALKER of Loch Treig.
 DONALD CAMERON of Lochiel
 ALFRED DONALD MACKINTOSH of Mackintosh.
 CHRISTINA CAMERON CAMPBELL of Collart.

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