



CHAPTER ccxvi.

An Act to authorise the Highland Railway Company to
construct Railways being partly doubling or widening
of their existing Railway to acquire additional lands to
revive the powers and extend the time limited by certain
Acts for the completion of works to raise further capital
and for other purposes. [6th August 1897.]

A.D. 1897.
—

WHEREAS it is expedient that the Highland Railway Company
(herein-after called "the Company") should be authorised to
make and maintain the railways herein-after described being partly
a doubling or widening of their existing railway and other works
(herein-after called "the railways") and for that purpose and for
the other purposes of their undertaking herein-after mentioned to
acquire the lands herein-after described and referred to :

And whereas the Company have expended on capital account
considerable sums in excess of the amounts they have received by
the issue of share capital in respect of the following railways and
works viz. :—

- (A) The Railway No. 1 and the deviations thereof authorised by
the Highland Railway (New Lines) Act 1884 (herein-after called
the Act of 1884) and the Highland Railway Act 1887 (herein-
after called the Act of 1887) and the Highland Railway Act
1892 (herein-after called the Act of 1892) respectively which
railway and works are herein-after called the Aviemore Line;
- (B) The railway and pier at the terminus thereof authorised by
the Highland Railway Act 1893 (herein-after respectively called
the Kyle section and the Act of 1893);
- (C) The Railway No. 2 authorised by the Highland Railway Act
1890 (herein-after respectively called the Fort George branch
and the Act of 1890);
- (D) The improvement extension re-arrangement or reconstruction
of the Company's station at Inverness :

[Ch. ccxvi.] *Highland Railway (Additional Powers)* [60 & 61 Vict.]
Act, 1897.

A.D. 1897.

— And whereas in order to alleviate the pressure of the liabilities incurred in respect of the before-mentioned works it is expedient that the Company should be authorised to pay interest out of capital on the respective sums herein-after mentioned and also on the railways and other works authorised to be constructed by this Act:

And whereas it is expedient that the time limited by the Act of 1892 for the completion of the deviation railway authorised by that Act should be extended:

And whereas it is expedient that the periods limited by the Act of 1892 for the completion of the Railway No. 1 authorised by the Act of 1884 and the deviations thereof authorised by the Act of 1887 except so much of that railway as has been authorised to be abandoned by the Acts of 1887 and 1892 should be extended and the powers for the construction thereof revived:

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

And whereas it is expedient that the further powers herein-after mentioned should be conferred on the Company:

And whereas plans and sections showing the lines and levels of the railways and works and plans of the lands required or which may be taken for the purposes or under the powers of this Act and also books of reference thereto containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the principal sheriff clerks for the counties of Inverness Perth and Nairn and are herein-after respectively referred to as the deposited plans sections and books of reference:

And whereas the purposes 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:—

Short title.

1. This Act may be cited as the Highland Railway (Additional Powers) Act 1897.

Incorporation of Acts.

2. The Lands Clauses Acts the Railways Clauses Consolidation (Scotland) Act 1845 Part I. (relating to construction of a railway) Part II. (relating to extension of time) of the Railways Clauses Act 1863 the clauses and provisions of the Companies Clauses Consoli-

[60 & 61 VICT.] *Highland Railway (Additional Powers)* [Ch. ccxvi.]
Act, 1897.

dition (Scotland) Act 1845 with respect to the following matters A.D. 1897.
(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 nonpayment 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 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 the 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 any subsequent Acts are except where expressly varied by this Act incorporated with and form part of this Act.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And for the purposes of the construction of the said Acts with this Act—

- “The Company” means the Highland Railway Company;
- “The railways” means the railways by this Act authorised;
- “The undertaking” means the undertaking of the Company:

In this Act—

- “The Act of 1880” means the Highland and Dingwall and Skye Railway Companies Amalgamation Act 1880;
- “The Act of 1884” means the Highland Railway (New Lines) Act 1884;
- “The Act of 1887” means the Highland Railway Act 1887;
- “The Act of 1890” means the Highland Railway (New Lines) Act 1890;
- “The Act of 1892” means the Highland Railway Act 1892;
- “The Act of 1893” means the Highland Railway Act 1893;

[Ch. ccxvi.] *Highland Railway (Additional Powers)* [60 & 61 Vict.]
Act, 1897.

A.D. 1897.

“The Act of 1895” means the Highland Railway Act 1895;

“The Aviemore Line” means the railways authorised by the Acts of 1884 1887 1892 except so much of the railways authorised by the Act of 1884 as were authorised to be abandoned by the Acts of 1887 and 1892;

“The Kyle section” means the railway authorised by the Act of 1893;

“The Fort George branch” means the railway (No. 2) authorised by the Act of 1890.

Power to
make new
railways.

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 herein-after described with all proper works and conveniences connected therewith 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 that purpose:

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

(1) A railway (No. 1) sixty-nine miles six furlongs and one chain or thereabouts in length commencing in the united parish of Duthil and Rothiemurchus in the county of Inverness by a junction with the Aviemore Station loop line of the Company at a point thereon two hundred and thirty-three yards or thereabouts measuring along the said loop line in a southerly direction from a point thereon opposite to the Aviemore Station clock and terminating in the parish of Little Dunkeld in the county of Perth at or near a point four hundred and seventeen yards or thereabouts measuring along the existing railway of the Company in a north-westerly direction from the northern end of the Murthly Tunnel. The said railway will pass from through or into all or some of the following parishes or places namely the united parish of Duthil and Rothiemurchus Alvie the united parish of Kingussie and Insh and Laggan all in the county of Inverness the parishes of Blair Atholl Moulin Logierait the united parish of Dunkeld and the parish of Dowally and Little Dunkeld all in the county of Perth:

(2) A railway (No. 2) five furlongs and five chains or thereabouts in length wholly in the parish of Little Dunkeld and county of Perth commencing at the termination of Railway No. 1 before described and terminating at or near a point three hundred and eighty-three yards or thereabouts measuring in an easterly direction along the existing railway of the Company from the southern end of the Murthly Tunnel:

(3) A railway (No. 3) five miles six furlongs and six chains or thereabouts in length commencing at the termination of Railway No. 2 before described and terminating in the parish of Auchtergaven in the county of Perth by a junction with the railway of the Caledonian Railway Company at a point thereon one hundred and ten yards or thereabouts measuring in a south-westerly direction along that railway from the south end of the island platform at the Stanley Junction Station of that railway. The said railway will pass from through or into all or some of the following parishes or places viz. the parishes of Little Dunkeld Kinclaven and Auchtergaven all in the county of Perth.

A.D. 1897.

5. The railways by this Act authorised shall for all purposes be and be deemed to be part of the undertaking of the Company.

Railways to
form part of
Company's
undertaking.

6. Subject to the provisions of this Act the Company may alter raise lower widen lengthen or divert the public roads streets and bridges herein-after described in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road is made to the satisfaction of two justices 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 (that is to say) :—

Power to
divert roads.

(1) A public road with the bridge at Clachnaharry thereon in the united parish of Inverness and Bona in the county of Inverness and partly in the royal burgh of Inverness from a point thereon directly opposite Clachnaharry Inn in the said united parish and royal burgh and terminating at a point on that road seven hundred and thirty yards or thereabouts measuring along that road in a south-westerly direction from the public road bridge over the railway of the Company at Clachnaharry :

(2) The public roads or streets with the Rose Street railway bridge forming part thereof in the royal burgh of Inverness in the united parish of Inverness and Bona in the county of Inverness known as Rose Street and Longman Road commencing at the junction of Rose Street with Innes Street and ending at a point on the Longman Road two hundred and eight yards or thereabouts measuring along that road in a north-easterly direction from the said junction of Rose Street with Innes Street :

(3) The bridge in the royal burgh of Nairn parish of Nairn and county of Nairn at or near the railway station of the Company at Nairn carrying the railway of the Company over the public road leading from the town of Nairn to Cawdor.

[Ch. ccxvi.] *Highland Railway (Additional Powers)* [60 & 61 Vict.]
Act, 1897.

A.D. 1897.

Lands for
extraordi-
nary pur-
poses.

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

Power to
Company to
acquire lands
for general
purposes.

8. Subject to the provisions of this Act and in addition to the other lands which the Company are by this Act authorised to acquire the Company may from time to time enter upon take use and appropriate for the general purposes of their undertaking all or any of the lands herein-after mentioned delineated on the deposited plans and described in the deposited books of reference (that is to say) :—

Certain lands and buildings at Bunchrew in the parish of Kirkhill and united parish of Inverness and Bona and county of Inverness situate on both sides of the railway of the Company at or near Bunchrew Station of the Company ;

Certain lands and buildings at Clachnaharry in the united parish of Inverness and Bona and county of Inverness and partly in the royal burgh of Inverness situate on both sides of the railway of the Company at or near Clachnaharry Station of the Company ;

Certain lands and buildings at or near Innes Street Shore Street Rose Street Railway Terrace and Longman Road in the royal burgh of Inverness united parish of Inverness and Bona and county of Inverness and at Seafield in the united parish of Inverness and Bona and county of Inverness and partly in the royal burgh of Inverness and at Millburn in the united parish of Inverness and Bona and county of Inverness ;

Certain lands at Nairn in the parish of Nairn and county of Nairn and chiefly in the royal burgh of Nairn situate on both sides of the Nairn Station of the Company ;

Certain lands at Auldearn in the parish of Auldearn and county of Nairn situate on the south side of the railway of the Company at or near Auldearn Station of the Company.

Period for
compulsory
purchase of
lands.

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

Power to
cross certain
roads on the
level.

10. Subject to the provisions in the Railways Clauses Consolidation (Scotland) Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863

[60 & 61 VICT.] *Highland Railway (Additional Powers)* [Ch. ccxvi.]
Act, 1897.

contained in reference to the crossing of roads on the level the Company may in the construction of the railways carry the same with a single line only whilst the railways shall consist of a single line and afterwards with a double line only across and on the level of the roads next herein-after mentioned (that is to say) :—

A.D. 1897.

No. on deposited Plans.	Parish.	Description of Road.
Railway No. 1	39 Kingussie and Insh -	Public.
	295 Blair Atholl -	Public.
	97 Moulin -	Public.
	55 Logierait -	Public.
Railway No. 3	106 Ditto -	Public to Aberfeldy.
	39 Little Dunkeld -	Public.
	34 Kinclaven -	Public.

11. 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) :—

Inclination
of roads.

No. on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
Railway No. 1	49 Duthil and Rothiemurchus -	Public -	1 in 20
	76 Alvie -	Public -	1 in 15
	9 Blair Atholl -	Public -	1 in 17
	9 Ditto -	Public -	1 in 16½
	71 Ditto -	Public -	1 in 10
	42 Moulin -	Public -	1 in 14
	27 Ditto -	Public -	1 in 16
Railway No. 3	71 Little Dunkeld -	Public -	1 in 15
	96 Ditto -	Public -	1 in 8½
	34 Kinclaven -	Public -	1 in 14
	52 Ditto -	Public -	1 in 18
Clachnaharry	2 County of Inverness (Inverness and Bona).	Public -	1 in 25
	5 Burgh of Inverness (Inverness and Bona).	Public -	1 in 25
	12 Inverness and Bona -	Occupation Street -	1 in 15
	18 Burgh of Inverness (Inverness and Bona).	Street -	1 in 12
	62 Ditto -	Public -	1 in 18

12. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of any heights and spans not less than the heights and spans

Height and
span of
bridges.

[Ch. ccxvi.] *Highland Railway (Additional Powers)* [60 & 61 Vict.]
Act, 1897.

A.D. 1897, herein-after mentioned in connexion therewith respectively (that is to say) :—

No. on deposited Plans.	Parish.	Description of Road.	Height.	Span.
Railway No. 1	49	Duthil and Rothiemurchus.	Public	14 ft. 6 in. 20 ft. 0 in.
	9	Blair Atholl -	Public	14 ft. 6 in. 20 ft. 0 in.
	128	Ditto - -	Public	15 ft. 0 in. 25 ft. 0 in.
	150	Ditto - -	Public	17 ft. 6 in. 22 ft. 0 in.
	239	Ditto - -	Public	18 ft. 4 in. 25 ft. 0 in.
	42	Moulin - -	Public	15 ft. 0 in. 18 ft. 0 in.
	196	Ditto - -	Public	16 ft. 5 in. 19 ft. 10 in.
	215	Ditto - -	Public	16 ft. 10 in. 25 ft. 0 in.
	6	Logierait -	Public	16 ft. 6 in. 25 ft. 0 in.
	106	Little Dunkeld	Public	16 ft. 0 in. 20 ft. 0 in.
	159	Ditto - -	Public	15 ft. 5 in. 30 ft. 0 in.
Railway No. 3	27	Ditto - -	Public	15 ft. 0 in. 30 ft. 0 in.
Nairn land	4	Nairn - -	Public	13 ft. 7 in. 26 ft. 0 in.

Widths of certain roadways.

13. 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) :—

No. on deposited Plans.	Parish.	Description of Roadway.	Width of Roadway.
Railway No. 1	76	Alvie - - -	Public - 10 ft. 4 in.
	160	Kingussie and Insh -	Public - 20 ft. 6 in.
	177	Ditto - - -	Public - 14 ft. 8 in.
	169	Ditto - - -	Public - 20 ft. 6 in.
	8	Laggan - - -	Public - 20 ft. 0 in.
	9	Blair Atholl - -	Public - 21 ft. 0 in.
	71	Ditto - - -	Public - 18 ft. 3 in.
	20	Moulin - - -	Public - 20 ft. 0 in.
	27	Ditto - - -	Public - 22 ft. 4 in.
	101	Ditto - - -	Public - 25 ft. 9 in.
Railway No. 2	71	Little Dunkeld -	Public - 22 ft. 6 in.
	96	Ditto - - -	Public - 20 ft. 0 in.
Railway No. 3	31	Ditto - - -	Public - 20 ft. 0 in.
Clachnaharry land.	52	Kinclaven - - -	Public - 20 ft. 0 in.
	2	County of Inverness -	Public - 25 ft. 0 in.
	5	Burgh Ditto - - -	
Inverness land	Inverness and Bona Parish.		Public - 25 ft. 0 in.
	18	Inverness and Bona -	
62			

[60 & 61 Vict.] *Highland Railway (Additional Powers)* [Ch. ccxvi.]
Act, 1897.

14. The Company may in the construction of the railways divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road is made to the satisfaction of two justices 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 (that is to say) :—

A.D. 1897.
Power to
divert roads
as shown on
deposited
plans.

Railway.	Parish.	No. of Road on deposited Plans.
Railway No. 1	Duthil and Rothiemurchus -	24 (2 portions).
	Alvie - - - - -	129 (2 portions).
	Kingussie and Insh - - -	169 (2 portions).
	Blair Atholl - - - - -	48
	Moulin - - - - -	27 (2 portions).
	Little Dunkeld - - - - -	71

And when and so soon as any portion of any road is so stopped up under the powers of this Act all rights 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 roads or the portion of road stopped up as far as the same is bounded on both sides by lands of the Company.

15. For the protection of the Caledonian Railway Company (in this section called "the Caledonian Company") the following provisions shall unless otherwise agreed between the Company and the Caledonian Company apply and have effect (that is to say) :—

For protec-
tion of Cale-
donian Rail-
way Com-
pany.

- (1) In constructing Railway No. 3 by this Act authorised the Company shall make the junction between that railway and the railway of the Caledonian Company at Stanley Junction Station at such point within the limits of deviation of the said Railway No. 3 as may be agreed between the engineer of the Company and the engineer of the Caledonian Company or failing agreement as may be settled by an arbiter to be appointed by the Board of Trade on the application of the Company or the Caledonian Company and all the works of the Company in connexion with the formation of such junction and any alteration of the said Stanley Junction Station or the platforms thereof for the purposes of such junction shall be

[Ch. ccxvi.] *Highland Railway (Additional Powers)* [60 & 61 VICT.]
Act, 1897.

A.D. 1897.

carried out and completed by and at the expense of the Company under the supervision and to the reasonable satisfaction of the engineer of the Caledonian Company and according to plans and sections to be agreed between the engineer of the Company and the engineer of the Caledonian Company or failing agreement to be settled by an arbiter to be appointed as aforesaid :

(2) The Company shall not in carrying out any of such works obstruct or interfere with the traffic on the railway of the Caledonian Company and shall indemnify the Caledonian Company against all claims damages losses or expenses which may be brought against them or which they may incur by reason or in consequence of the works or operations of the Company :

(3) Any new or additional works to be constructed by the Company at the said station in connexion with the formation of the new junction and the alteration of the said Stanley Junction Station or the signalling of the said junction or station or in any other way due to the construction of the said Railway No. 3 shall after completion be deemed part of the existing station and any such new or additional platforms and works and the said junction shall after completion be maintained by the Caledonian Company :

(4) The Company shall without prejudice to the yearly payment now made by them to the Caledonian Company for the user of the said station pay to the Caledonian Company such an additional annual sum in respect of the cost to be incurred by the Caledonian Company in the maintenance of the said new or additional platforms or works and of the said new junction and in respect of any additional expense in connexion with the signalling of the said station by reason of the said new junction as may be agreed between the Company and the Caledonian Company or failing agreement as may be determined by an arbiter to be appointed as aforesaid :

(5) Upon completion of the said new junction the existing junction between the railway of the Company and the railway of the Caledonian Company at the Stanley Junction Station shall if and so far as required by the Caledonian Company be taken out and removed by the Company to the satisfaction of the engineer of the Caledonian Company :

(6) Nothing in this Act shall relieve the Company from the payment to the Caledonian Company of the annual toll now paid by them for running over the railway of the Caledonian Company between Stanley Junction Station and Perth and all

traffic between Stanley Junction Station and Perth and any intermediate places shall continue to be local traffic of the Caledonian Company. A.D. 1897.

16. The several rights powers facilities and privileges by the Highland Railway (Northern Lines Amalgamation) Act 1884 granted secured and provided as regards Caledonian traffic shall extend and apply in all respects to the railways by this Act authorised. Extending Caledonian Railway Company's facilities.

17. The several rights powers facilities and privileges by the Highland Railway (Northern Lines Amalgamation) Act 1884 granted secured and provided as regards North British Railway traffic shall extend and apply in all respects to the railways by this Act authorised. Extending North British Railway Company's facilities.

18. The agreement contained in the Second Schedule to this Act between James Auldjo Jamieson as commissioner for Archibald Edward Butter of Faskally in the county of Perth of the first part and the Company of the second part is hereby confirmed and made binding on the parties thereto. Agreement with A. E. Butter confirmed.

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

20. And whereas in the construction of the railways and works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect (that is to say):— Owners may be required to sell parts only of certain lands and buildings.

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are herein-after

A.D. 1897.

included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":

- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the jury arbiters or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed:
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne or paid by the owner:
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether

or not they shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :

A.D. 1897.

- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation (Scotland) Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

21. If the Company fail within the period limited by this Act to complete the Railway No. 2 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 Railway No. 2 is completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the works of that railway and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act 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 of the Queen's and Lord Treasurer's Remembrancer on behalf of the Court of Exchequer in Scotland in the bank specified in such warrant or order and shall not be paid thereout except as herein-after provided But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained

Penalty imposed unless
Railway
No. 2
is opened
within the
time limited.

[Ch. ccxvi.] *Highland Railway (Additional Powers)* [60 & 61 Vict.]
Act, 1897.

A.D. 1897. — from the Board of Trade that the Company was prevented from completing or opening such line 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.

Application
of penalty.

22. 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 No. 2 or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit and if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a judicial factor has been appointed or the Company is insolvent or the railways or any part thereof have been abandoned be paid to such judicial factor or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company.

Period for
completion
of railways.

23. If the railways are not completed within the period of 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 same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Power to
apply cor-
porate funds
to purposes
of Act.

24. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys which they now have in their hands or which they have power to raise by shares or mortgage by virtue of any Acts relating to the Company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Power to the
Company to
raise addi-
tional capital.

25. The Company may subject to the provisions of Part II. of the Companies Act 1863 raise any additional capital not exceeding in the whole seven hundred and fifty thousand pounds by the issue at their option of new ordinary shares or stock or new preference

shares or stock or wholly or partially by any one or more of those modes respectively. A.D. 1897.

26. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof. Shares not to be issued till one-fifth part thereof shall have been paid.

27. If any money is payable to a shareholder or mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of his tutor or curator or curator bonis shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

28. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital The capital in new shares or stock so created shall form part of the capital of the Company. New shares or stock to be subject to the same incidents as other shares or stock.

29. 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 up and paid on such new shares or to the whole amount of such stock as the case may be Provided always that the special general meeting of the Company authorising the creation and issue of such new shares or stock may attach thereto or to any portion thereof respectively such terms and conditions as may be determined by resolution passed at such meeting Provided also that the terms and conditions on which such shares or stock respectively are issued shall be stated on the certificates thereof. Dividends on shares or stock.

30. 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 New shares issued under this Act and any other Acts may be of same class.

[Ch. ccxvi.] *Highland Railway (Additional Powers)* [60 & 61 VICT.]
Act, 1897.

A.D. 1897. other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Power to
borrow.

31. The Company may in respect of the additional capital of seven hundred and fifty 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 two hundred and fifty thousand pounds and of such sum the Company may borrow not exceeding fifty thousand pounds in respect of each one hundred and fifty thousand pounds of such capital but no part of any such several sums of fifty thousand pounds shall be borrowed until shares for the portion of capital in respect of which the borrowing powers are to be exercised are issued and accepted and one half of such portion of 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 that portion of capital in respect of which the borrowing powers are proposed to be exercised have been issued and accepted and that one half of such portion of capital has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and the Company have proved to such sheriff as aforesaid before he so certifies that such shares were issued and accepted and to the extent aforesaid paid up and held by the persons to whom the same were issued or their executors administrators successors or assigns and that such persons 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 shall be sufficient evidence thereof Provided always that a portion of the railways hereby authorised measuring ten miles in length or portions thereof measuring together fifteen miles in length shall have been completed to formation level before borrowing the first sum of fifty thousand pounds and that further portions of the said railways of like extents respectively shall have been completed before borrowing the remainder of the respective sums of fifty thousand pounds.

For appointment of a
judicial
factor.

32. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise money by borrowing for the purposes of their undertaking with respect to the appointment of a judicial factor for enforcing payment by the Company of arrears of interest or principal or principal and interest shall be and the same is hereby repealed but without

prejudice to any appointment which has been made or to the continuance of any proceedings which have been commenced prior to the passing of this Act under such provision The mortgagees of the undertaking 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.

A.D. 1897.

33. 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 at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Debenture stock.

34. All mortgages and bonds 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 bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Existing mortgages to have priority.

35. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act (including the improvement extension and re-arrangement or reconstruction of the Company's station at Inverness) and for the general purposes of the undertaking of the Company being in all cases purposes to which capital is properly applicable.

Application of moneys.

36. Notwithstanding anything in the Act of 1895 or any Act or Acts incorporated therewith the Company shall have power to pay interest on capital out of the moneys authorised to be raised under that Act in manner following (that is to say):—

Payment of interest out of capital during construction.

- (1) The Company may out of any moneys by the Act of 1895 authorised to be raised pay interest in respect of the railways and works in subsection (c) of this section mentioned at such rate not exceeding three pounds per centum per annum as the directors may determine to the holders of shares or

[Ch. ccxvi.] *Highland Railway (Additional Powers)* [60 & 61 VICT.]
Act, 1897.

A.D. 1897.

stock (whether preference or ordinary) to be hereafter issued under the provisions of the said Act on an amount not exceeding two hundred thousand pounds from time to time paid up on such shares or stock from the respective times of such payments until the expiration of the time limited for the completion of the said railways and works or for such less period as the directors may determine in manner and subject always to the conditions herein-after stated (that is to say) :—

- (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 share capital authorised by the Act of 1895 in respect of which such interest may be paid that is to say two thirds of the sum of two hundred thousand pounds has been actually issued and accepted and is held by shareholders who or whose executors administrators and assignes 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 amounts to be so paid for interest in respect of the capital to be raised in respect of the purposes herein-before mentioned shall not exceed the total amounts specified in this subsection namely :—

	£	
Aviemore Line -	13,500	} Total £23,250.
Kyle section -	4,500	
Fort George branch -	5,250	

The amounts so respectively authorised to be paid as interest shall not be deemed to be share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid ;

- (D) The respective amounts specified in the immediately preceding subsection shall be distinguished as Aviemore capital Kyle capital and Fort George branch capital ;
- (E) Notice that the Company has power so to pay interest out of capital to those respective amounts shall so long as such interest is charged to capital be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares having reference to the capital upon which it is proposed to pay interest out of capital ;

(F) The half-yearly accounts of the Company shall show the
respective amounts of capital on which and the rate at
which interest has been paid in pursuance of this section : A.D. 1897.

- (2) In like manner and subject to the conditions aforesaid so far
as applicable the Company may in respect of every one hundred
and fifty thousand pounds of capital moneys authorised to be
raised under this Act pay interest at such rate not exceeding
three pounds per centum per annum as the directors may
determine to the holders of shares or stock (whether preference
or ordinary) to be issued and accepted under the provisions of
this Act on the amount from time to time paid up on such
shares or stock from the respective times of such payments until
the expiration of the time limited for the completion of the
railways and works by this Act authorised or for such less
period as the directors may determine Provided always that the
total amount to be so paid for interest in respect of the capital
by this Act authorised shall not exceed the sum of ninety-six
thousand pounds and that a proportionate amount only of the
said sum of ninety-six thousand pounds shall be paid in respect
of such one hundred and fifty thousand pounds or other sum
for the time so raised :

Save as herein-before provided 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 or any other 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 Provided always that the certificates of all shares or
stock issued by the Company to which the payment of interest
shall be attached under the provisions of this section shall be
distinguished by reference to the Act authorising the construction
of the railways or works to which they shall be applied and
shall bear a name or denomination distinguishing them from
the other shares or stock of the Company so long as the interest
upon such shares or stock shall be payable out of capital
Provided also that the Company shall not pay such interest on
any such shares or stock after the completion of the railways
or works to the construction of which such shares or stock are
applicable or after the expiration of five years from the date
of the issue of the capital in respect of which the interest is
payable under the provisions of this section whichever shall first
happen.

[Ch. ccxvi.] *Highland Railway (Additional Powers)* [60 & 61 VICT.]
Act, 1897.

A.D. 1897.

Extension of
time for com-
pletion of
deviation
railway autho-
rised by
Act of 1892.

37. The time limited by the Act of 1892 for the completion of the deviation railway authorised by section 4 of that Act is hereby extended until the twenty-seventh day of June one thousand eight hundred and ninety-nine and at the expiration of that period those powers shall cease.

Revival of
powers and
extension of
time for com-
pletion of
railways
authorised
by Acts of
1884 and
1887.

38. The powers limited by the Act of 1892 for the construction and completion of the railway and works firstly described in section 5 of the Act of 1884 as amended by the Act of 1887 except as to so much of the said railway as was by the Act of 1887 and the Act of 1892 authorised to be abandoned are hereby revived and extended until the twenty-eighth day of July one thousand eight hundred and ninety-eight and at the expiration of that period those powers shall cease. Sections 23 and 24 of the Act of 1884 shall be construed so far as respects the railway the time for completing which is extended by this Act as if the period limited by this Act were substituted for the period limited by that Act except that no part of the penalty incurred in respect of that railway under those sections shall be applied for by the Solicitor of the Treasury or forfeited to Her Majesty but any money recovered by way of penalty under those sections shall (subject to the application thereof in payment of compensation or for the benefit of creditors as provided by the said section 24) be repaid to the Company.

Restriction
on taking
houses of
labouring
class.

39. The Company shall not under the powers of this Act or under the powers of the former Acts extended by this Act purchase or acquire ten or more houses which on the fifteenth day of December last before the passing of this Act or of the former Acts by which such purchase or acquisition was originally authorised as the case may be were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the respective fifteenth days of December aforesaid but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" means and 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.

Saving
rights of the
Crown in the
foreshore.

40. 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. A.D. 1897.

41. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking. Deposits on future Bills not to be paid out of capital.

42. Nothing in this Act contained shall exempt the Company or their railway 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. Provision as to general Railway Acts.

43. 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.

[Ch. ccxvi.] *Highland Railway (Additional Powers)* [60 & 61 Vict.]
Act, 1897.

A.D. 1897. SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

PROPERTIES OF WHICH PARTS ONLY MAY BE TAKEN.

County and Parish.	No. on deposited Plans.
County of Inverness parish of Duthil	40 43 45 47.
County of Inverness parish of Alvie	102.
County of Inverness parish of Kin- gussie and Insh.	53.
County of Inverness parish of Laggan	17.
County of Perth parish of Blair Atholl	39 141 173 241 281 292 292A 296 298 357.
County of Perth parish of Moulin -	120 122 188 190 191 197 198 200 201.
County of Inverness burgh of Inver- ness parish of Inverness and Bona.	20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 60 61 63.
County of Perth parish of Logierait	61.
County of Perth parish of Little Dunkeld.	22 41 49.
County of Perth parish of Little Dunkeld.	24.
County of Perth parish of Auchter- gaven.	1 3 4 5 6 7 8 9 10 11 15.

THE SECOND SCHEDULE.

MINUTE OF AGREEMENT between James Auldjo Jamieson Writer to
the Signet Edinburgh as Commissioner for Archibald Edward
Butter Esquire of Faskally in the county of Perth (herein-after
referred to as "the proprietor") of the first part and the
Highland Railway Company incorporated by Act of Parliament
(herein-after referred to as "the Company") of the second part.

Whereas the Company is at present promoting a Bill before Parliament
intituled "A Bill to authorise the Highland Railway Company to construct
" railways being partly doubling or widening of their existing railway to
" acquire additional lands to revive the powers and extend the time limited

[60 & 61 VICT.] *Highland Railway (Additional Powers)* [Ch. ccxvi.]
Act, 1897.

“ by certain Acts for the completion of works to authorise the Company to
“ raise further capital and for other purposes ” And whereas the Company
propose under said Bill to take power inter alia to make and maintain a
railway therein referred to as Railway (No. 1) sixty-nine miles six furlongs
and one chain or thereabouts in length commencing in the united parish of
Duthil and Rothiemurchus in the county of Inverness by a junction with the
Aviemore Station loop line of the Company at a point thereon two hundred
and thirty-three yards or thereabouts measuring along the said loop line in
a southerly direction from a point thereon opposite to the Aviemore Station
clock and terminating in the parish of Little Dunkeld in the county of Perth
at or near a point four hundred and seventeen yards or thereabouts measuring
along the existing railway of the Company in a north-westerly direction
from the northern end of the Murthly Tunnel And whereas the said Railway
No. 1 is intended partly to be constructed on lands and property belonging
to the proprietor And whereas the parties have in view of the said Bill
being passed into law agreed as follows and that it is proper to set forth the
agreement in an authentic form Therefore the parties hereto have agreed
and hereby agree as follows:—

A.D. 1897.

First.—That the Company shall not exercise the powers sought for under
the Bill for acquiring ground for doubling their existing line of railway
so far as regards those portions of the proprietor's estate of Faskally
indicated on the parliamentary plans deposited with reference to said
Bill by the numbers 53 54 56 62 63 66 68 69 72 73 75 and 76 to the
effect of taking ground from any part of these subjects so far as lying
on the south side of the existing line of railway and that the Company
shall confine their operations wholly to the north side of the existing
line of railway but declaring always that the Company if they find it
necessary for easing the curve on the existing line of railway at that
part shall be entitled to acquire a stripe of ground being part of that
portion of the Faskally estate marked number 56 on the said deposited
plans not exceeding five feet in breadth on the south side of the existing
line of railway :

Second.—That the Company shall not exercise the power sought for under
the Bill so far as regards those portions of the estate of Faskally near
Aldour marked numbers 230 232 234 236 and 239 on said deposited
plans to the effect of taking ground from any part of these subjects on
the south side of the existing line of railway except in so far as it shall
be absolutely necessary to do so for the purpose of easing the curve on
the existing line of railway at that part :

Third.—That as regards the underground access marked number 121 on
said deposited plans which will be affected by the Company's works
under said Bill the Company shall when so required by the proprietor
and in lieu of such access widen the overhead bridge marked number
106 on said deposited plans and shall form a new road therefrom through
the portion of ground marked number 108 on said deposited plans to
connect with the existing access road marked number 121 on said
deposited plans on the south side of the existing line of railway and it
is hereby agreed that the breadth to which the overhead bridge before

[Ch. ccxvi.] *Highland Railway (Additional Powers)* [60 & 61 VICT.]
Act, 1897.

A.D. 1897.

mentioned is to be widened and the precise line and width of the said new access road to be formed by the Company shall failing agreement between the parties be determined by arbitration :

Fourth.—Nothing herein contained shall prejudice the proprietor's claims against the Company for compensation for lands to be taken or for compensation for damage to his lands or any other claims for compensation competent to him in consequence of the taking of the said lands or the Company's operations in virtue of the said Bill and it is also provided that nothing herein contained shall prejudice his claims for accommodation works in addition to those hereby stipulated for or referred to :

Fifth.—The Company shall be bound to have this agreement incorporated with or scheduled to the said Bill in a manner satisfactory to the proprietor.

In witness whereof these presents written on this and the preceding page by Alexander Robertson clerk to the said James Auldjo Jamieson are (under the declaration that the words "as aforesaid" occurring in the seventeenth line of this page are delete before subscription) subscribed in duplicate as follows videlicet For and on behalf of the said the Highland Railway Company by the Right Honourable the Earl of March and the Right Honourable Lord Colville of Culross two of the ordinary directors and William Gowanlock of Muirfield House Inverness secretary all of said Company all at Westminster on the eleventh day of March one thousand eight hundred and ninety-seven before these witnesses William Burns solicitor Inverness and Thomas Watson clerk to the said James Auldjo Jamieson and by the said James Auldjo Jamieson also at Westminster on the same day month and year last-mentioned before these witnesses Duncan Campbell Barr factor on the Hamilton estates at Hamilton and the said Thomas Watson.

DUNCAN C. BARR Witness.
THOS. WATSON Witness.
WILLIAM BURNS Witness.
THOS. WATSON Witness.

JAS. AULDJO JAMIESON.
MARCH Director.
COLVILLE OF CULROSS Director.
WM. GOWANLOCK Secretary.

Printed by EYRE and SPOTTISWOODE,

FOR

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

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and
90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.