



CHAPTER ccxiv.

An Act for making a Railway from the South Alloa Branch of the Caledonian Railway to Alloa; and for other purposes.

A.D. 1879;

[11th August 1879.]

WHEREAS the making and maintaining of a railway in the counties of Stirling and Clackmannan from the South Alloa branch of the Caledonian Railway to Alloa would be of public and local advantage:

And whereas the persons herein-after named, with others, are willing at their own expense to construct the railway, and it is expedient that they should be incorporated for the purpose of carrying the undertaking into execution:

And whereas it is expedient that the Caledonian Railway Company should be empowered to enter into and carry into effect the agreements with the Company by this Act authorised:

And whereas plans and sections showing the lines and levels of the railway authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the principal sheriff clerks for the counties of Stirling and Clackmannan, 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:

1. This Act may be cited as the Alloa Railway Act, 1879.

Short title.

2. The Companies Clauses Consolidation (Scotland) Act, 1845, Parts I. (relating to cancellation and surrender of shares) and III

Incorporation of general Acts.
8 & 9 Vict. c. 17.

[Local.-214.]

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26 & 27 Vict.
c. 113.
32 & 33 Vict.
c. 48.
8 & 9 Vict. c. 19.
23 & 24 Vict.
c. 106.
8 & 9 Vict. c. 33.
26 & 27 Vict.
c. 92.

(relating to debenture stock) of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869, the Lands Clauses Consolidation (Scotland) Act, 1845, the Lands Clauses Consolidation Acts Amendment Act, 1860, the Railways Clauses Consolidation (Scotland) Act, 1845, and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpreta-
tion of terms.

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; the expression "the Company" means the Company incorporated by this Act; the expression "the railway" means the railway by this Act authorised.

Company
incorporated.

4. The Right Honourable Walter Henry Erskine Earl of Mar and Kellie, Alexander Hugh Bruce Baron Balfour of Burleigh, John Thomson Paton, Archibald Arrol, William Bailey, George Younger, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, or assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the railway, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Alloa Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to
make railway
according to
deposited
plans.

5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, 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 that purpose. The railway herein-before referred to and authorised by this Act is—

A railway, three miles in length, commencing by a junction with the South Alloa branch of the Scottish Central Section of the Caledonian Railway at a point 10 yards or thereabouts, measured in a southerly direction along the rails of that branch, from the mile or distance post situate on the western side of that branch, indicating the distance of three miles from Alloa Junction, crossing the River Forth by a bridge, and terminat-

ing in a piece of vacant ground in the town of Alloa, on the west side of the private road leading from Craigward Place to Bass Crest Brewery, at a point 67 yards or thereabouts, measured in a southerly direction, from the south-east corner of the said brewery; which railway will pass from, in, through, or into, or be situate within the parishes of Airth and St. Ninians, in the county of Stirling, and the parish of Alloa, in the county of Clackmannan, or one or some of them.

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6. Subject to the provisions contained in the immediately following section, the Company may, in constructing the railway and works by this Act authorised, so far as relates to the bridge across the River Forth, deviate from the levels defined on the deposited sections to such extent as may be prescribed by the Board of Trade; and, subject as aforesaid, no deviation of that work shall be made from the lines thereof as marked on the deposited plans within the limits of deviation shown on those plans in such manner as to diminish the navigable space without the previous consent of the Board of Trade, or otherwise than in such manner as is expressly authorised by the Board of Trade.

Limits of deviation.

7. For the protection of the navigation of the River Forth, the following provisions shall have effect; (that is to say,)

As to bridge across the River Forth.

(1.) The bridge across the River Forth by this Act authorised shall be so constructed as to have two opening spans in the fairway of the channel of the said river, each sixty feet in width, and next adjoining to such opening spans and on each side thereof a span one hundred feet in width, and next adjoining to such last-mentioned spans and on each side thereof a span eighty feet in width, and throughout the said several spans there shall be a clear headway above high water of ordinary spring tides of at least twenty-four feet as respects the first-mentioned four spans, and of at least twenty-two feet as respects the last-mentioned two spans:

(2.) The Company shall so regulate the opening spans of the said bridge as to allow vessels navigating the said river to pass through such opening spans at all times without delay or hindrance, and all such vessels shall have priority over trains which may at the same time be approaching the said bridge for the purpose of crossing the same; and the Company shall be bound to provide and maintain such lights on the said bridge and all such signals for ensuring the safety of vessels navigating the said river as may be required from time to time by the Board of Trade:

(3.) The Company shall in all time coming keep the fairway of the channel of the said river under the said bridge at not

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less than its present depth, but this enactment shall not prevent the Commissioners of the Forth Navigation, or the provost, magistrates, and town council of the burgh of Stirling, or either of them, from deepening the said channel at their own expense, provided that in effecting such deepening they do not interfere with or weaken the foundations of the bridge across the said river.

Capital.

8. The capital of the Company shall be sixty thousand pounds, in six thousand shares of ten pounds each.

Shares not to issue until one-fifth part paid up.

9. The Company shall not issue any share created under the authority of this Act, nor shall any such 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 is paid in respect thereof.

Calls.

10. One fifth of the amount of a share shall be the greatest amount of a call, and two 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.

Receipt in case of persons not sui juris.

11. If any money is payable to a shareholder 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.

Power to borrow on mortgage.

12. The Company may from time to time borrow on mortgage any sum not exceeding in the whole twenty thousand pounds, but no part thereof shall be borrowed until the whole capital of sixty 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 the capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued *bonâ fide* and is held by the persons or corporations to whom the same was 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 as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

As to appointment of

13. 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 be not less than two thousand pounds in the whole. A.D. 1879.
judicial
factor.

14. 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 created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages. Power to
create and
issue debenture
stock.

15. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only. Application
of moneys.

16. The first ordinary meeting of the Company shall be held within three months after the passing of this Act. First ordinary
meeting.

17. The number of directors shall be six, but the Company may from time to time reduce the number, provided that the number be not less than three. Number of
directors.

18. The qualification of a director shall be the possession in his own right of not less than thirty shares. Qualification
of directors.

19. The quorum of a meeting of directors shall be three, but if the number of directors be reduced to three the quorum shall be two. Quorum of
directors.

20. The Right Honourable Walter Henry Erskine Earl of Mar and Kellie, Alexander Hugh Bruce Baron Balfour of Burleigh, John Thomson Paton, Archibald Arrol, William Bailey, and George Younger shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies Clauses Con- First
directors.

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solidation (Scotland) Act, 1845, and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Land for extraordinary purposes.

21. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation (Scotland) Act, 1845, shall not exceed one acre.

Period for compulsory purchase of lands.

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

Deposit money not to be repaid except so far as railway 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 two thousand seven hundred and fifty pounds, equal to five per centum upon the amount of the estimate in respect of the railway, has been deposited with the Court of Exchequer in Scotland in respect of the application to Parliament for this Act, which sum is referred to in this Act as the deposit fund: Be it enacted, that, notwithstanding anything contained in the said Act, the said deposit fund 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 railway open the same for the public conveyance of passengers; provided that if within such period as aforesaid the Company open any portion of the railway 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 railway opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway, the Court shall, on the application of the depositors, or the majority of them, order the portion of the deposit fund specified in the 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.

Application of deposit

24. If the Company do not previously to the expiration of the period limited for the completion of the railway complete and open

the same for the public conveyance of passengers, then and in every such case the deposit fund, 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 has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway or any portion thereof, or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation has been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit; and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the Court thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof; provided that until the deposit fund has been repaid to the depositors, or has 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.

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

Period for
completion
of works.

26. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,) In respect of passengers and animals conveyed in carriages upon the railway or any part thereof, as follows:

Tolls.

For every person conveyed in or upon any such carriage, per
mile twopenny; and if conveyed in or upon any carriage

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belonging to or provided by the Company, an additional sum per mile of one penny ;

Class I.—For every horse, mule, ass, or other beast of draught or burden conveyed in or upon such carriage, per mile threepence ; and if conveyed in or upon any carriage belonging to or provided by the Company, an additional sum per mile of one penny ;

Class II.—For every ox, cow, bull, or head of neat cattle conveyed in or upon any such carriage, per mile twopence ; and if conveyed in or upon any carriage belonging to or provided by the Company, an additional sum per mile of one penny ;

Class III.—For every calf, pig, sheep, or other small animal conveyed in or upon any such carriage, per mile one penny ; and if conveyed in or upon any carriage belonging to or provided by the Company, an additional sum per mile of one halfpenny.

In respect of goods conveyed on the railway :

Class IV.—For all coal, dung, compost, manure (except guano and artificial manures), lime, limestone, and undressed materials for the repair of public roads or highways, per ton per mile not exceeding one penny ; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per ton per mile not exceeding one penny ;

Class V.—For all coke, culm, charcoal, cinders, stones for building, pitching, and paving, bricks, tiles, slates, clay, sand, ironstone, iron ore, pig iron, bar iron, rod iron, hoop iron, and all other similar descriptions of wrought iron and iron castings, not manufactured into utensils or other articles of merchandise, per ton per mile not exceeding twopence ; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per ton per mile not exceeding one penny ;

Class VI.—For all sugar, grain, corn, flour, hides, dyewood, earthenware, guano, artificial manures, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, per ton per mile not exceeding threepence ; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per ton per mile not exceeding one penny ;

Class VII.—For all cotton and other wools, drugs, manufactured goods, fish, and all other wares, merchandise, articles, matters, and things (except small parcels and single articles of great weight as herein-after defined), per

ton per mile not exceeding fourpence; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per ton per mile not exceeding one penny halfpenny;

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Class VIII.—For every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, if conveyed on a truck or platform belonging to or provided by the Company, not exceeding sixpence per mile, and not exceeding one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

27. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal, or for each ton of goods, in addition to the several other tolls or sums by this Act authorised to be taken.

Toll for propelling power.

28. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act; that is to say,

Regulations as to tolls.

For all passengers, animals, or goods conveyed on the railway for a less distance than three miles, the Company may demand tolls and charges as for three miles;

For a fraction of a ton the Company may demand toll according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton;

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight;

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

29. With respect to small packages not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding anything in this Act, the Company may demand and take any tolls not exceeding the following; (that is to say,)

Tolls for small parcels and single articles of great weight.

For the carriage of small parcels on the railway:

For any parcel not exceeding seven pounds in weight, three-pence;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight, fivepence;

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For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, sevenpence ;

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight, ninepence ;

And for any parcel exceeding fifty-six pounds and not exceeding five hundred pounds in weight, the Company may demand any sum they think fit :

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight :

For the carriage of any single article the weight of which, including the carriage, exceeds four tons but does not exceed eight tons, the Company may demand any sum not exceeding sixpence per ton per mile ;

For the carriage of any single article the weight of which, including the carriage, exceeds eight tons, the Company may demand and take any sum they think fit.

Maximum
rate for
passengers.

30. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway, including the tolls for the use of the railway and of carriages, and for locomotive power, and every other expense incidental to such conveyance, shall not exceed the following ; (that is to say,)

For every passenger conveyed in a first-class carriage, threepence per mile ;

For every passenger conveyed in a second-class carriage, twopence per mile ;

For every passenger conveyed in a third-class carriage, one penny halfpenny per mile.

Maximum
rates for
animals and
goods.

31. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railway, including the tolls for the use of the railway, and for waggons or trucks and locomotive power, and for every other expense incidental to the conveyance, except a reasonable charge for loading and unloading of goods at any terminal station in respect of such goods, and for delivery and collection, and any other services incidental to the business or duty of a carrier, where any such services are performed by the Company, shall not exceed the following sums ; (that is to say,)

For every animal mentioned in Class I., per mile fourpence ;

For every animal mentioned in Class II., per mile threepence ;

For every animal mentioned in Class III., per mile one penny halfpenny; A.D. 1879.

For the article coal, per ton per mile one penny halfpenny; and for all other articles and goods mentioned in Class IV., per ton per mile twopence;

For the articles and goods mentioned in Class V., per ton per mile twopence;

For the articles and goods mentioned in Class VI., per ton per mile threepence;

For the articles and goods mentioned in Class VII., per ton per mile fourpence;

For any carriage mentioned under Class VIII., not weighing more than one ton, sixpence per mile; if weighing more than one ton, one penny halfpenny per mile for every quarter of a ton or fractional part of a quarter of a ton.

32. And whereas the length of the intended bridge crossing the River Forth will be five hundred and twenty yards or thereabouts, and the whole railway will be three miles in length, and the estimated cost of the bridge is upwards of half the estimated cost of the whole undertaking: Be it enacted, that, in addition to the tolls which the Company may demand and take in respect of the railway for traffic passing over the railway, the Company may demand and take for the conveyance of passengers, animals, and things passing over the bridge or any part thereof, including the tolls for the use thereof, and for carriage and locomotive power, and every other expense incidental to the conveyance, tolls and charges for two miles, in addition to the tolls and charges they may demand and take in respect of the railway. Additional
tolls in
respect of
bridge over
River Forth.

33. Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof. Passengers
luggage.

34. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor, or are directed to be delivered thereat to the consignee. Terminal
station.

35. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed Restrictions
as to charges
not to apply
to special
trains.

A.D. 1879. from time to time by the Company for the conveyance of passengers and goods upon the railway.

Company may take increased charges by agreement.

36. Nothing in this Act shall prevent the Company from taking any increased charges, over and above the charges by this Act limited, for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto, or in respect to the conveyance of animals or goods (other than small parcels) by passenger trains.

Working and traffic arrangements with Caledonian Company.
36 & 37 Vict. c. 73.

37. The Company on the one hand, and the Caledonian Railway Company (herein-after called the Caledonian Company) on the other hand, may, subject to the provisions of Part III. of the Railways Clauses Act, 1863, as amended or varied by the Regulation of Railways Act, 1873, from time to time enter into agreements with respect to the following purposes or any of them; (that is to say,)

The maintenance and management by the Caledonian Company of the railway or any part thereof, and the works connected therewith or any of them;

The use or working of the railway, or of any part thereof, and the conveyance of traffic thereon, and the employment of officers and servants;

The supply during the continuance of such agreement of stock, plant, and machinery necessary for the purposes thereof;

The fixing and collection and apportionment of the tolls, rates, charges, receipts, and revenues levied, taken, or arising in respect of traffic;

The payments and allowances to be made and the conditions to be performed with respect to the matters aforesaid.

Tolls for traffic conveyed partly on Company's railway and partly on the railway of the Caledonian Company.

38. During the continuance of any agreement to be entered into under the provisions of this Act for the working and use of the railway by the Caledonian Company, the railway of the Company and of that company shall for the purposes of short-distance tolls and charges be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the railway of the Caledonian Company for a less distance than three miles, tolls and charges may be charged as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond three miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers,

animals, or goods partly on the railway and partly on the railway of the Caledonian Company. A.D. 1879.

39. The several facilities, powers, privileges, and provisions by the Caledonian and Scottish Central Railways Amalgamation Act, 1865, granted, secured, and provided as regards East Coast traffic as defined by that Act shall, if and so long and so often as the railway is worked by the Caledonian Company, extend and apply to the railway in all respects as if it had been a railway in extension of or connected with the Scottish Central Railway belonging to or leased by the Caledonian Company, but the running powers by that Act granted shall not extend to the railway. Facilities as regards East Coast traffic.

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, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs and successors. Saving rights of Crown in foreshore.

41. Nothing contained in this Act, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned in or reserved by sections twenty, twenty-one, and twenty-two of the Crown Lands Act, 1866, and belonging to or exerciseable on behalf of Her Majesty, her heirs or successors. Saving rights of Crown under 29 & 30 Vict. c. 62:

42. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him, but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation (Scotland) Act, 1845. Interest not to be paid on calls paid up.

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

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Company
not exempt
from pro-
visions of
present or
future gene-
ral Railway
Acts.

44. Nothing in this Act contained shall exempt the Company or the 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, authorised by this Act.

Expenses of
Act.

45. All the 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.