



CHAPTER lxxiii.

An Act for shortening and improving the Railway Route from the authorised Forth Bridge Railway at Inverkeithing to the Edinburgh Perth and Dundee Railway near the Bridge of Earn Station; to transfer to the North British Railway Company the powers of the Forth Bridge Railway Company for making a Railway to Burntisland; to authorise an abandonment of part of that Railway and of another Railway and an extension of time for the compulsory purchase of land and completion of works; and for other purposes.

A.D. 1882.

[3rd July 1882.]

WHEREAS by the Forth Bridge Railway Act 1873 (in this Act called the Bridge Act 1873) the Forth Bridge Railway Company (in this Act called "the Bridge Company") were incorporated and authorised to make the railways therein described as Railways No. 1 No. 2 No. 3 and No. 4 whereof Railway No. 1 was intended to commence by a junction with the Queensferry Branch of the North British Railway Company (in this Act called "the Company") to cross the Firth of Forth by a bridge and to terminate in the parish of Inverkeithing in the county of Fife: Railway No. 2 (in this Act called "the Bridge Railway No. 2") was to commence by a junction with the said Railway No. 1 at its termination and to terminate in the parish of Burntisland in the county of Fife by a junction with the Edinburgh Perth and Dundee Railway of the Company: Railway No. 3 was intended to connect the said Railway No. 1 with the Edinburgh Dunfermline and Perth Railway of the Company and Railway No. 4 (in this Act called "the Bridge Railway No. 4") was intended to connect Railway No. 3 with the Bridge Railway No. 2:

36 & 37 Vict.
c. ccxxxvii.

And whereas by the North British Railway (Fife Railways) Act 1876 (in this Act called "the Act of 1876") the Company were authorised to make a railway therein called Railway No. 3 from

39 & 40 Vict.
c. cxxxv.

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39 & 40 Vict.
c. lxxxiii.

their Dunfermline and Queensferry Railway in the parish of Inverkeithing to the Bridge Railway No. 4 and it was enacted to the effect that when the said Railway No. 3 should be completed the Bridge Company should repay to the Company the whole expense of and incident to its construction and thereupon it should vest in the Bridge Company as part of their undertaking and it was further enacted to the effect amongst other things that the Bridge Company should out of the capital which they were authorised to raise under the Bridge Act 1873 set apart shares for an amount not exceeding one hundred and thirty-four thousand pounds to be applied exclusively to the construction of the Bridge Railways No. 2 and No. 4 and that such shares should be called "guaranteed shares" and that the Company should guarantee dividends thereon at the rate of five pounds five shillings per centum per annum and provision was made by the Forth Bridge Railway Act 1876 (section 6) for forming the said portion of capital into a separate capital of the Bridge Company and for the issuing and allotment thereof to the shareholders of that Company :

And whereas no shares have been issued for raising the said capital of one hundred and thirty-four thousand pounds :

And whereas the following works would be of public advantage (that is to say) :—

- (1) A railway (in this Act called "Railway No. 1") 1 mile 1 furlong 2 chains and 75 links in length commencing by a junction with the Dunfermline and Queensferry branch of the Company in the said parish of Inverkeithing and terminating in the same parish by a junction with the Bridge Railway No. 2 ;
- (2) A railway (in this Act called "Railway No. 2") 3 furlongs 8 chains and 80 links in length commencing in the parish of Dunfermline in the county of Fife by a junction with the said Dunfermline and Queensferry branch and terminating in the said parish of Inverkeithing by a junction with Railway No. 1 ;
- (3) A railway (in this Act called "Railway No. 3") 2 miles 6 furlongs and 9 chains in length commencing in the parish of Aberdour in the county of Fife by a junction with the Thornton and Dunfermline branch of the Company and terminating in the parish of Beath in the same county by a junction with the Kinross-shire Railway of the Company ;
- (4) A railway (in this Act called "Railway No. 4") 9 miles 7 furlongs 5 chains and 40 links in length commencing in the parish of Strathmiglo in the county of Fife by a junction

with the Fife and Kinross Railway of the Company and terminating in the parish of Dunbarney in the county of Perth by a junction with the Edinburgh Perth and Dundee Railway of the Company;

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- (5) A widening and enlargement with deviations of the said Kinross-shire Railway from its commencement by a junction with the said Thornton and Dunfermline Branch in the parish of Ballingry in the county of Fife to its termination by a junction with the said Fife and Kinross Railway in the parish and county of Kinross and of that part of the said Fife and Kinross Railway which lies between its junction with the said Kinross-shire Railway and the commencement of Railway No. 4;

and it is expedient that the Company should be authorised to make the said railways and works:

And whereas it is expedient that the powers conferred by the Bridge Act 1873 for making and maintaining the Bridge Railway No. 2 should so far as relates to that part of it which lies between the junction therewith of Railway No. 1 and its termination in the parish of Burntisland be transferred to the Company and that the remaining portion of the said railway from its commencement to the junction therewith of Railway No. 1 should be abandoned:

And whereas the construction of Railway No. 1 and Railway No. 2 will render unnecessary the railway authorised by the Act of 1876 and therein called Railway No. 3 and it is expedient that that railway should be abandoned:

And whereas the respective times limited by the Bridge Act 1873 for the compulsory purchase of lands and completion of works were extended by the Forth Bridge Railway Acts 1876 1878 and 1879 (in this Act respectively referred to as the Bridge Acts 1876 1878 and 1879) and it is expedient that they should be further extended with respect to that part of the Bridge Railway No. 2 which is not abandoned under the powers of this Act:

41 & 42 Vict.
c. lxiv.
42 & 43 Vict.
c. xvi.

And whereas it is expedient that the time limited by the North British Railway No. 2 (Station Enlargement and Railways) Act 1877 (in this Act called "the Act of 1877") for the completion of the railway therein called Railway No. 4 should be extended:

40 & 41 Vict.
c. xxi.

And whereas plans and sections showing the lines and levels of the intended railways and works and books of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and occupiers of the lands required or which may be taken for the purposes or under the powers of

A.D. 1882. — this Act have been deposited as follows (that is to say):—So far as relates to Railway No. 3 with the principal Sheriff Clerk for the county of Fife at his offices at Kirkcaldy Dunfermline and Cupar respectively and with the principal Sheriff Clerk for the county of Kinross at his office at Kinross and with the principal Sheriff Clerk for the county of Perth at his offices at Dunblane and Perth respectively and so far as relates to the widening and enlargement of the Kinross-shire Railway and Fife and Kinross Railway with the principal Sheriff Clerks for the counties of Fife and Kinross respectively at their offices aforesaid and so far as relates to all other railways and works in the county of Fife with the principal Sheriff Clerk for that county at his offices aforesaid which said documents are in this Act respectively referred to as the deposited plans sections and books of reference:

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

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

Short title.

1. This Act may be cited for all purposes as the North British Railway Act 1882.

Incorporation of general Acts.
8 & 9 Vict.
c. 19.
23 & 24 Vict.
c. 106.
8 & 9 Vict.
c. 33.
26 & 27 Vict.
c. 92.
8 & 9 Vict.
c. 17.

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

26 & 27 Vict.
c. 118.

3. In this Act—

The expression “the incorporated Acts” shall mean the Acts and parts of Acts incorporated with this Act;

The several words and expressions to which meanings are assigned by the incorporated Acts shall have the same respective meanings;

In the incorporated Acts for the purposes of this Act—

The expression “the special Act” shall mean this Act;

The expression “the Company” or “the promoters of the undertaking” or other like expression shall mean the North British Railway Company;

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

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Interpreta-
tion.

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

Power to
make rail-
ways &c.

5. The Company may divert the turnpike and public roads as shown upon the deposited plans and when and as in each case the new portion of road is made and open for use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road and when and as each of the said roads is so stopped up all rights of way over the same shall cease and the Company may appropriate and use for the purposes of their undertaking the site of the road stopped up so far as the same is bounded on both sides by lands of the Company.

Power to
divert roads
&c.

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

Power to
take ease-
ments &c. by
agreement.

A.D. 1882.

Transfer of certain powers to Company.

7. The provisions of the Bridge Acts 1873 1876 1878 and 1879 so far as the same are now in force and are not repealed by this Act and relate to the construction and maintenance of the Bridge Railway No. 2 and the purchase of land for the purposes thereof and other matters incidental thereto shall with respect to so much of that railway as is not abandoned under the provisions of this Act apply to the Company in like manner as but for the passing of this Act they would have applied to the Bridge Company.

Railways to form part of Company's undertaking.

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

Lands for extraordinary purposes.

9. 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 five acres.

Limiting time for compulsory purchase.

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

Power to cross certain roads on the level.

11. 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 contained in reference to the crossing of roads on the level the Company may in the construction of the railway carry the same with a single line only whilst the railway 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) :—

No. on deposited Plan.	Parish.	Description of Road.
WIDENING OF KINROSS-SHIRE RAILWAY.		
51	Cleish - - -	Public.
WIDENING OF FIFE AND KINROSS RAILWAY.		
43	Orwell - - -	Burial.
61	Orwell - - -	} Public.
7	Portmoak - - -	

Height and span of bridges.

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

herein-after mentioned in connexion therewith respectively (that is to say) :— A.D. 1882.

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
31	Inverkeithing	RAILWAY No. 1. Public - -	15 feet - -	15 feet.
31	Dron	RAILWAY No. 4. Public - -	15 feet - -	15 feet.

13. The Company may divert the turnpike roads as shown upon the deposited plans and when and as in each case the new portion of road is made and open for use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road. And when and as each of the said roads is so stopped up all rights of way over the same shall cease and the Company may appropriate and use for the purposes of their undertaking the site of the road stopped up so far as the same is bounded on both sides by lands of the Company.

Power to divert roads as shown on deposited plans.

14. The Company shall not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers make known their intention to take the same by placards handbills or other general notice placed in public view upon or within a reasonable distance from such houses and the Company shall not take any such houses until they have obtained the certificate of the sheriff that it has been proved to his satisfaction that they have so made known their intention.

Notice to be given of taking houses of labouring classes.

15. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of any house which the Company are by this Act authorised to acquire the Company shall (unless the Company and such person otherwise agree) procure sufficient accommodation elsewhere for such person : Provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by the sheriff. The Company may for the purpose of providing such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase lands by agreement and may on any such lands erect

Company to procure accommodation for persons of the labouring classes to be displaced.

A.D. 1882. — labouring class dwellings and may let or otherwise dispose of such lands and buildings.

Abandonment of railway.

16. The construction of so much of the Bridge Railway No. 2 authorised by the Bridge Act 1873 as lies between the commencement thereof as described in that Act and the junction therewith of Railway No. 1 and the construction of Railway No. 3 authorised by the Act of 1876 shall be abandoned.

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

17. The abandonment under the authority of this Act of any portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation from the Bridge Company or as the case may be from the Company for any damage occasioned by the entry of such Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by either of the said Companies to receive compensation from such Company for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation (Scotland) Act 1845 the Bridge Acts 1873 1876 1878 and 1879 and the Act of 1876 or any of them.

Compensation to be made in respect of railways abandoned.

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

Extending time for compulsory purchase of lands.

19. The time limited by the Bridge Act 1879 for the exercise of the powers granted by the Bridge Acts 1873 1876 1878 and 1879 or any of them for the compulsory purchase or taking of

lands is hereby so far as relates to that part of the Bridge Railway No. 2 the powers for making which are by this Act transferred to the Company enlarged and extended but so that none of the said powers shall be exercised after the first day of August one thousand eight hundred and eighty-four.

A.D. 1882.
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20. The time limited by the Bridge Act 1879 for the completion of the railways authorised by the Bridge Act 1873 so far as relates to that part of the Bridge Railway No. 2 the powers for making which are by this Act transferred to the Company and the time limited by the Act of 1877 for the completion of the works thereby authorised so far as relates to the railway therein called Railway No. 4 and the works in connexion therewith shall be enlarged and extended but so that the same shall not be exercised after the fifth day of August one thousand eight hundred and eighty-seven so far as relates to the Bridge Railway No. 2 nor after the seventeenth day of May one thousand eight hundred and eighty-five so far as relates to the said Railway No. 4.

Extension of
time for
completion
of works.

21. If the Company fail within the period limited by this Act to complete the railways which they are by this Act authorised to make or the time for completion of which is hereby extended the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said railways are completed and opened for public traffic or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the railway or railways not completed and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the solicitor of Her Majesty's Treasury and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of the Queen's Remembrancer of the Court of Exchequer in Scotland in the bank named in such warrant or order and shall not be paid thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening the railway 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.

Penalty
imposed
unless Rail-
ways opened
within the
time limited.

17 & 18 Vict.
c. 31.

A.D. 1882.

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 may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway not completed or of any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon or transferred to the Company by this Act and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the court may seem fit and if no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the court thinks fit to order on the application of 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.

Period for
completion
of works.

23. If that part of the Bridge Railway No. 2 which is not abandoned under the powers of this Act is not completed on the fifth day of August one thousand eight hundred and eighty-seven or if the Railway No. 4 authorised by the Act of 1877 is not completed on the seventeenth day of May one thousand eight hundred and eighty-five or if the railways by this Act authorised and hereinbefore described are not completed within five years from the passing of this Act then on the expiration of the day or period so named or fixed as aforesaid the powers by the Bridge Acts 1873 1876 1878 and 1879 the Act of 1877 and this Act or any of them granted to the Company for making and completing the same respectively as the case may be or otherwise in relation thereto shall cease to be exercised except as to so much of the railway so not completed as is then completed.

Tolls.

24. The Company may demand and take in respect of the railways by this Act authorised to be made by the Company such

tolls and charges as they think fit not exceeding the rates of tolls and charges authorised to be taken on the Border Union line of the North British Railway under the Border Union (North British) Railways Act 1859 as modified by the second and third sections of the Schedule (B) to the North British and Edinburgh and Glasgow Railway Companies Amalgamation Act 1865 and in estimating the amount of toll or charge in respect of any traffic conveyed partly on any railway by this Act authorised to be made by the Company and partly on any other railways of the Company the railway by this Act authorised and such other railways shall be deemed one railway.

A.D. 1882.

22 & 23 Vict.
c. xxiv.

28 & 29 Vict.
c. cccviii.

25. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railways of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

Classification table to be open to inspection and copies to be sold.

The Company shall within one week after application in writing made to the Secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified.

Terminal charges (if any) to be specified on application.

The Company on failing to comply with the provisions of this section shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by the Railway and Canal Traffic Act 1873 Section 14.

36 & 37 Vict.
c. 48.

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

Power to apply existing authorised capital to purposes of this Act.

27. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise by the creation and issue at their option of ordinary shares or stock or new preference shares

Power for Company to raise capital by shares or stock.

A.D. 1882.

or stock or wholly or partially by one or more of those modes respectively any additional capital not exceeding in the whole six hundred and fifteen thousand pounds including the sum of one hundred and thirty-four thousand pounds which the Bridge Company were authorised to raise by the Bridge Act 1873 and which under the provisions of the Act of 1876 and the Bridge Act 1876 was to form a separate capital of the Bridge Company and be guaranteed interest by the Company and the provisions of those Acts with reference to the said capital of one hundred and thirty-four thousand pounds are hereby repealed.

Shares or stock to form part of Company's general capital.

28. All shares or stock to be created by the Company under the authority of this Act shall subject to the provisions of this Act form part of the general capital of the Company.

One-fifth part of the shares to be paid on issue.

29. It shall not be lawful for the Company to issue any share to be created under the powers 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 part of the amount of such share shall have been paid up in respect thereof.

Calls.

30. Twenty per centum on the amount of any share shall be the largest amount of any call which may be made thereon and there shall be an interval of not less than three months between any two successive calls and the Company shall not call up more than three-fourths of a share in any year.

Power to borrow on mortgage.

31. The Company may in respect of the additional capital of six hundred and fifteen thousand pounds which they are by this Act authorised to raise by the creation and issue of shares or stock from time to time borrow on mortgage as herein-after mentioned such sums as they think fit not exceeding in the whole two hundred and five thousand pounds (that is to say) when three hundred and seven thousand five hundred pounds in respect of such additional capital has been bonâ fide paid up and certified as herein-after mentioned they may borrow on mortgage any sum of money not exceeding one hundred and two thousand five hundred pounds and the remaining one hundred and two thousand five hundred pounds when the residue of the said capital of six hundred and fifteen thousand pounds has been bonâ fide paid up and certified as herein-after mentioned but no such borrowing powers shall be exercised by the Company until they shall prove 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 or stock for raising such additional capital or some part thereof have been bonâ fide paid up to the extent in money of three hundred and seven thousand five hundred pounds in respect of the

first mentioned sum of one hundred and two thousand five hundred pounds and of a further sum of three hundred and seven thousand five hundred pounds making with the first mentioned sum of three hundred and seven thousand five hundred pounds six hundred and fifteen thousand pounds in respect of the last mentioned sum of one hundred and two thousand five hundred pounds intended to be borrowed 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 proofs aforesaid have been given which certificate shall be sufficient evidence thereof.

A.D. 1882.

32. The provisions of the North British Railway (General Powers) Act 1881 the North British and Montrose Railway Companies Amalgamation Act 1881 and North British Railway (New Tay Viaduct) Act 1881 authorising the appointment of a receiver or judicial factor for principal or interest moneys due upon any mortgages of the Company are hereby repealed but subject and without prejudice to any appointment of a receiver or judicial factor or proceedings taken under or by virtue of such provisions and in force or pending at the time of the passing of this Act.

Provisions of Acts of 1881 as to appointment of a receiver or judicial factor repealed. 44 & 45 Vict. c. clxxxiii. 44 & 45 Vict. c. cxiii. 44 & 45 Vict. c. cxxxvii.

33. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver or judicial factor In order to authorise the appointment of a receiver or judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver or judicial factor is made shall not be less than ten thousand pounds in the whole.

For appointment of a receiver or judicial factor.

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

Saving priority of existing mortgages.

35. 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

Debenture stock.

[Ch. lxxiii.] *North British Railway Act, 1882.* [45 & 46 VICT.]

A.D. 1882. — the interest of all mortgages and debenture stock at any time after the passing of this Act granted or created and issued by the Company and shall have priority over all principal moneys secured by such mortgages.

Application of money raised under Act.

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

Interest not to be paid on calls paid up.

37. The Company shall not out of any money by this or any other 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.

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

38. The Company shall not out of any money by this or any other 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.

Provision as to general Railway Acts.

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

Costs of Act.

40. 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.