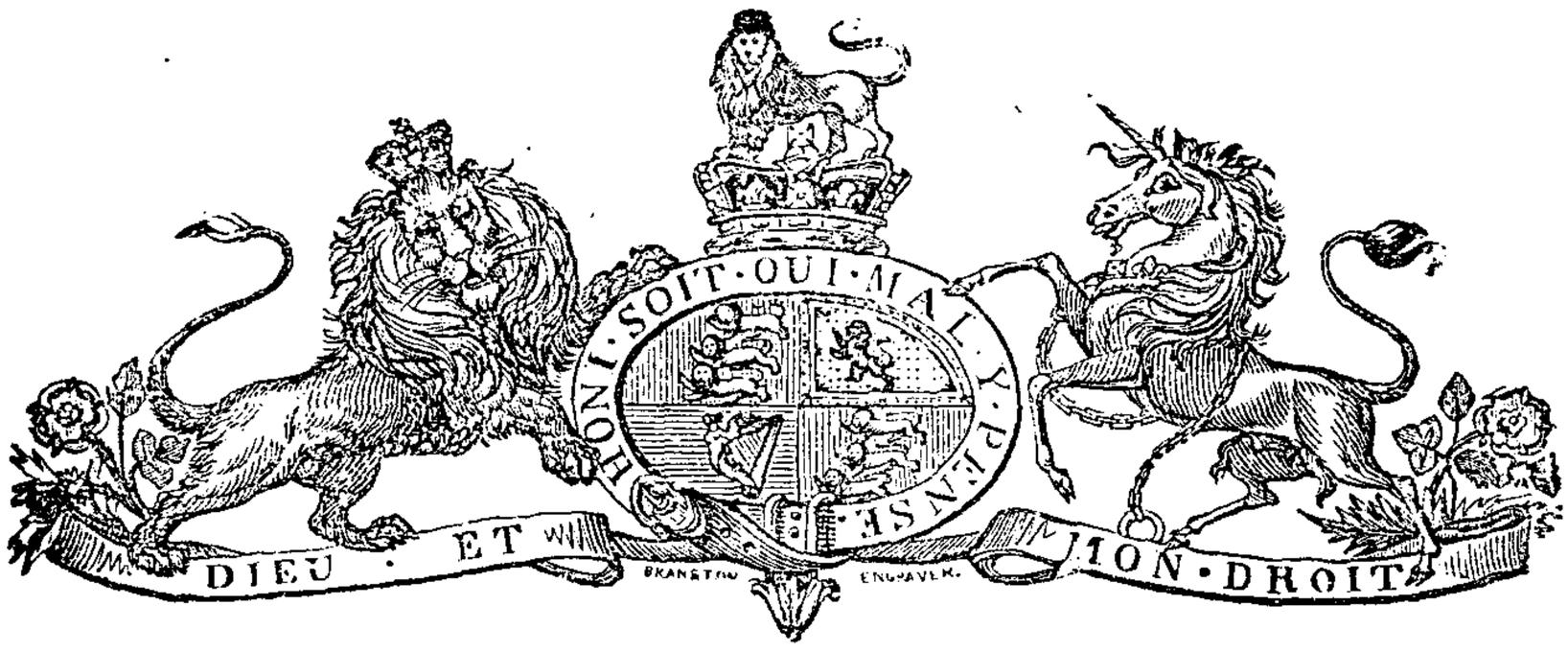


ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

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Company in manner herein-after mentioned; but the same cannot be done 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, That from and immediately after the Commencement of this Act the said several herein-before recited Acts relating to the *Aberdeen* and the *Great North of Scotland* Railways respectively shall be and the same are hereby repealed, and the Companies by the same Acts or any of them incorporated shall be and the same are hereby dissolved: Provided nevertheless, that the repealing of the said Acts shall not annul or in any wise prejudice or affect any Purchase, Sale, Disposition, Conveyance, Grant, Contract, Security, Act, Matter, or Thing whatsoever heretofore made, done, committed, or executed under or by virtue or in pursuance of the said repealed Acts or any of them, but all such Purchases, Sales, Dispositions, Conveyances, Grants, Contracts, Securities, Acts, Matters, and Things shall be and the same are hereby declared to be as good, valid, and effectual to all Intents and Purposes whatsoever as if the said Acts had not been repealed: Provided also, that, except as is herein otherwise specially provided, or except so far as the same may be repugnant to the Provisions of this Act, nothing herein contained shall extend in any way to defeat, affect, or prejudice any Rights, Privileges, Liberties, Powers, Accommodations, or Exemptions which, under or by virtue of the said recited Acts or any of them, are given, granted, continued, or reserved to or for the Benefit of any Persons or Corporations whose Estates, Properties, or Interests are, have been, or may be in anywise affected in or by the making or maintaining or otherwise on account of the Railways, Branches, and Works by the same Acts respectively authorized to be made and maintained, or to which such Persons or Corporations are or may be, or, but for the Repeal of the said recited Acts, would have been otherwise entitled, but all such Rights, Privileges, Liberties, Powers, Accommodations, and Exemptions shall be and they are hereby declared to be as valid and effectual as if the said recited Acts had not been repealed; and such several Persons and Corporations shall be entitled to, and shall have, use, and enjoy the same Rights, Privileges, Liberties and Powers, Accommodations and Exemptions, or such and so many of them, as immediately before the Commencement of this Act they were entitled, or as, but for the passing of this Act, they would hereafter have been entitled to have, use, and enjoy, as fully and effectually as if the said Acts had not been repealed, and shall and may have and be entitled to such or the like Powers and Remedies upon and against the said Company hereby incorporated, for securing the Possession, Use, and Enjoyment of such Rights, Privileges, Accommodations, and Exemptions, as, under the Provisions of the said recited Acts, they had or were or would or might have been entitled to against the said dissolved Companies or any of them in case the said recited Acts had not been repealed; and all such Penalties, Damages, Monies, Costs, and Expences as, under the Provisions of the said recited Acts, or any of them, would or hereafter might have become payable to or recoverable by such Persons and Corporations as aforesaid of and from the said dissolved Companies or any of them in case the same

Recited Acts repealed, and the Companies dissolved.

Not to affect Purchases, &c.

Not to prejudice Rights of Landowners, &c.

same Acts had not been repealed, shall and may be payable by and recoverable from the said Company hereby incorporated, in such Manner and by such Ways and Means as the same are respectively made payable and recoverable under the Provisions of the said recited Acts respectively.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, Parliamentary Notices, and other Documents, it shall be sufficient to use the Expression "The *Great North of Scotland* Railway Act, 1847."

Powers of 8 & 9 Vict. cc. 17. 19. and 33. extended to this Act.

III. And be it enacted, That "The Companies Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall, so far as not modified by this Act, or inconsistent with the Provisions thereof, be held to apply to the Company hereby incorporated, and the Railways and Works by this Act vested in and authorized to be made by the Company hereby incorporated, and shall be read and construed as forming Part of this Act.

Incorporation of new Company.

IV. And be it enacted, That from and immediately after the Commencement of this Act the several Persons and Corporations who immediately before the Commencement of this Act were Proprietors of Shares respectively in the respective Capitals of the said hereby dissolved Companies, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company, according to the Provisions herein contained or referred to, for the Purpose of working, completing, and maintaining all and singular the Railways, Branches, and Works vested in or made or authorized to be made by or for the said dissolved Companies or any of them under the Authorities of the said repealed Acts or any of them, or any other Act or Acts relating thereto to be passed in the present Session of Parliament, and for the Purposes aforesaid shall be incorporated by the Name of "The *Great North of Scotland* Railway Company, 1847," and by that Name shall be a Body Corporate, and have a Common Seal, with perpetual Succession, and shall for the Purposes of this Act have Power to purchase and hold and sell and dispose of Lands, within the Restrictions herein and in the said Acts extended to this Act or referred to contained.

Railways, &c. vested in new Company

V. And be it enacted, That from and immediately after the Commencement of this Act the aforesaid *Aberdeen* and *Great North of Scotland* Railways, and all other Railways and Branches thereof respectively which were vested in or belonged to the said dissolved Companies or any of them immediately before the Commencement of this Act, and whether made under the Powers of Acts of Parliament or with the Consent of Land Owners, or which shall be authorized to be made by them or any of them or otherwise, and all Works attached thereto, or made or provided for the Purposes thereof respectively, together with all Stations, Embankments, Drains, Soughs, Tunnels, Arches, Piers, Bridges, Sluices, Gates, Ways, Roads, Landing Places, Quays, Wharfs, Warehouses, Houses, and other Buildings, Cranes, Weighing Machines, Engines, Rails, and Appurtenances, to the said Railways and to all Branches and Extensions thereof belonging, and all Lands, Tenements,

Rights,

Rights, Powers, and Privileges whatsoever, and the Benefit of all Contracts, Agreements, and Proceedings in any way relating thereto, of or to which the said dissolved Companies or any of them were seised, possessed, or entitled, at Law or in Equity, immediately before the Commencement of this Act, shall be well and effectually vested in and belong to the Company hereby incorporated for their absolute Benefit; and such Railways, Branches, and Works shall be called "The *Great North of Scotland* Railway, 1847."

Joint Interests of the old Companies vested in new Company.

VI. And be it enacted, That where the Companies hereby dissolved, or any of them, were, immediately before the Commencement of this Act, seised or possessed of or in anywise entitled to any Railway, Branch, Work, or Hereditament, jointly or in common with any Company or Companies not hereby dissolved, or with any Person or Persons, then all such Right, Share, or Interest of and in the same Railway, Branch, Work, or Hereditament as was vested in or belonged to the said dissolved Companies or any of them shall, immediately after the Commencement of this Act, be well and effectually vested in and belong to the Company hereby incorporated, in such Manner and Quality of Estate or Interest, and subject to such Obligations in respect of the joint or common Ownership or Use thereof, as the said dissolved Companies or any of them would have held and been subject to in case this Act had not been passed.

Effects, &c. vested in the new Company.

VII. And be it enacted, That from and immediately after the Commencement of this Act all the Monies, Goods, Steam and other Engines, Carriages, Waggons, Trucks, Machines, Ropes, live and dead Stock, Shares, Bonds, Deeds, Securities, Books, Writings, Maps, Plans, and other personal Estate and Effects of or to which the said dissolved Companies or any of them were possessed or entitled, at Law or in Equity, immediately before the Commencement of this Act, shall be vested in and belong to the Company hereby incorporated, for their absolute Benefit; and all Persons and Corporations who immediately before the Commencement of this Act owed any Sum of Money to the said dissolved Companies or to any of them, or to any Person on behalf of the said dissolved Companies or any of them, shall pay the same, together with all Interest, if any, due or to accrue due for the same, to the Company hereby incorporated; and all Monies which immediately before the Commencement of this Act were due and owing by or recoverable from the said dissolved Companies or any of them, for the Payment of which they or any of them were, or, but for the passing of this Act, would have been liable, shall be paid, with all Interest, if any, due or to accrue due thereon, by or be recoverable from the Company hereby incorporated; and all Dispositions, Conveyances, Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities granted, made, or entered into before the Commencement of this Act, to, with, or in favour of, or by or for the said dissolved Companies or any of them, or any Person on behalf of the said dissolved Companies or any of them, shall be and remain as good, valid, and effectual, in favour of, against, and with reference to the Company hereby incorporated, and may be proceeded on and enforced in the same Manner, to all Intents and Purposes, as if the same Company had been a Party to

and

and executed the same, or had been named or referred to therein instead of the Persons, Company, or Party actually named therein respectively.

Arbitrations made on behalf of dissolved Companies to be valid.

VIII. And be it enacted, That every Agreement, Contract, or Bond before the Commencement of this Act made, executed, or entered into between, by, or on behalf of the said dissolved Companies or any of them and any Person, whereby any Matter in dispute between such dissolved Companies or any of them and such Person as last aforesaid shall have been referred or agreed to be referred to the Arbitrament or Determination of any Arbitrator, Arbitrators, or Umpire, shall be and remain as good, valid, and effectual, in favour of and against and with reference to the Company hereby incorporated, and may be proceeded on and enforced in favour of and against the same Company, in the same Manner, to all Intents and Purposes, as if the Matter in dispute thereby referred was Matter in dispute between the Company hereby incorporated and such Person as last aforesaid, and as if the same Company had been named or referred to therein, and had been Party to and executed or entered into the same, instead of the dissolved Company or Companies by or on whose Behalf the same was made, executed, or entered into as aforesaid; and every Decreet Arbitral or Award which shall be made under or by virtue of any such Agreement, Contract, or Bond shall be made in favour of or against the Company hereby incorporated, and shall be as binding and effectual to all Intents and Purposes, and may be proceeded upon and enforced in favour of or against the Company hereby incorporated, and in favour of or against any Person with whom the Matter shall be in dispute, in the same Manner in all respects as it would or might have been with reference to the Company by or with whom such Agreement, Contract, or Bond may have been entered into in case this Act had not been passed.

Railways and Works to be completed.

IX. And be it enacted, That all Railways, Extensions, Branches, and Works, Matters and Things, which, under the Provisions of the Acts relating to the said Companies or any of them, the said dissolved Companies or either of them are or may be authorized or required to make, execute, or complete, or so much thereof as shall not have been already made, executed, or completed, and all Repairs thereof, and all Regulations and Restrictions which by the said Acts respectively were imposed upon the dissolved Companies respectively, shall and may be constructed, maintained, done, executed, performed, and passed by and enforced against the Company hereby incorporated, as fully to all Intents and Purposes as the same are by the said Acts or any of them authorized and required to be done, maintained, observed, performed, and kept by the several and respective Companies to which they respectively relate, and as if the several Provisions in such Acts in reference thereto had been repeated and re-enacted in this Act, and been made applicable to the Company hereby incorporated: Provided nevertheless, that where any particular Time is by the said Acts limited for the Completion of such Works the same shall be so executed and completed within the Period so limited; and provided also, that where any Time is limited by the said Acts for the taking of Lands, it shall only be lawful for the Company hereby incor-

porated to take such Lands within the Time limited by such Acts respectively.

Contracts to be completed.

X. Provided also, and be it enacted, That in all Cases in which any of the said dissolved Companies previously to the Commencement of this Act, under the Powers or Provisions of any of the Acts hereby repealed, or any other Acts, have entered into any Contract for the Purchase of or shall have taken or used any Land which at the Time of the Commencement of this Act shall not be effectually conveyed to such Company, or the Purchase Money in respect of which shall not have been duly paid by such Company, then and in every such Case, where the Company shall be entitled to enforce such Contract or Call for a Conveyance of such Land, such Contract shall be completed, and such Land shall be conveyed to the Company hereby incorporated, or as such Company shall direct, and such Purchase Money shall be paid and applied pursuant to the Act or Acts under which such Contract shall have been made, or such Land shall have been taken or used; and all the Clauses, Provisions, Powers, and Authorities contained in such Act or Acts in relation to the Completion of such Contract, and the Purchase and Conveyance of such Land, and the Payment and Application of the Purchase Money in respect thereof, shall, for the Purposes of this Act, remain in full Force, and shall be construed and taken as if the Company hereby incorporated were named in such Act or Acts and Contract respectively instead of the Company which shall have entered into such Contract or taken or used such Land.

Monies belonging to incapacitated Parties to be applied ording to Provisions of Acts under which Purchases made.

XI. Provided also, and be it enacted, That in all Cases in which, under the Provisions of any of the Acts hereby repealed, any Sum of Money has already been paid by any of the said dissolved Companies or any of them, or shall hereafter be paid by them or any of them, or the Company hereby incorporated, into any One of the incorporated or chartered Banks of *Scotland*, to any Trustee or Trustees, on account of the Purchase of any Land or any Interest therein, or for any Compensation or Satisfaction, or on any other Account, such Sum, or the Stocks, Funds, or Securities in or upon which the same has been or shall be invested, either by the Order of the Court of Session or otherwise howsoever, and the Interest, Dividends, and annual Produce thereof, shall be applied and disposed of pursuant to the Act or Acts under which the same has been or shall be so paid into any One of the said Banks, or to such Trustee or Trustees as aforesaid; and all the Clauses, Provisions, Powers, and Authorities contained in such Act or Acts in relation to such Monies, Stocks, Funds, and Securities, and the Dividends and annual Produce thereof, shall, for the Purposes of this Act, remain in full Force, and shall be construed and taken as if the Company hereby incorporated were named in each such Act instead of the dissolved Company to which such Act relates.

Actions, &c. not to abate.

XII. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatsoever commenced or carried on, either by or against the said dissolved Companies or any of them, previously to the Commencement of this Act, shall abate or be discontinued or prejudicially affected by this Act, but on the contrary the same shall continue and take

take effect both in favour of and against the Company hereby incorporated, in the same Manner in all respects as the same would have continued and taken effect in relation to the said dissolved Companies or any of them if this Act had not been passed; and all Penalties incurred by any Offence against the Provisions of the said hereby repealed Acts or any of them previously to the Commencement of this Act shall and may be sued for, and all Offences which may have been committed before the Commencement of this Act against the Provisions of the said hereby repealed Acts or any of them may be prosecuted, in such or the like Manner, to all Intents and Purposes, as the same might have been sued for and prosecuted respectively if this Act had not passed, the Company hereby incorporated being, in reference to the Matters aforesaid, in all respects substituted in the Place of the said dissolved Companies respectively.

Officers to continue until removed, &c.

XIII. And be it enacted, That every Clerk, Agent, Collector, and other Officer appointed by virtue of or acting under the Authority of the said repealed Acts or any of them, and not acting contrary to the Provisions and Directions in this Act contained, shall hold and enjoy his Office and Employment, together with the Salary or Emolument thereunto annexed, until he shall be removed therefrom; and every such Clerk, Agent, Collector, and Officer shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations, in all respects whatsoever, as if he had been appointed by virtue of this Act.

Books, &c. to continue Evidence.

XIV. And be it enacted, That all Books and other Documents whatsoever by the said recited Acts or any of them authorized or directed to be kept, and thereby made Evidence, shall still be admitted as Evidence, in all Courts of Law and Equity or elsewhere, against or in favour of the said Company hereby incorporated.

Plans, &c. to remain with Sheriff Clerks.

XV. And be it enacted, That the several Maps or Plans, Sections and Books of Reference, which, in pursuance or for the Purposes of the several Acts relating to the said Companies or any of them, have been deposited in the Offices of the respective Sheriff Clerks of the several Counties to which the same relate, shall remain in the Custody of the said Sheriff Clerks for the Purposes specified in this Act and in the said Acts or any of them.

Works, &c. required to be done by dissolved Companies for Benefit of Landowners, &c. to be performed by new Company.

XVI. And be it enacted, That all Works and Things which, under the Provisions of the said Acts or any of them, or any other Act relating thereto, the said dissolved Companies or any of them were bound, required, empowered, or made liable to make, construct, complete, or maintain, and all Repairs thereof respectively, and all Regulations and Restrictions which, under the Provisions of the said Acts, were imposed upon or required to be observed by the said dissolved Companies or any of them, for the Safety, Protection, Accommodation, Convenience, Enjoyment, and Benefit of Persons and Corporations whose Estates, Properties, or Interests were or might be affected by the making and maintaining of the said Railways, Branch Railways, and

and Works by the said Acts, or any or either of them, authorized to be made and maintained by or otherwise vested in the said dissolved Companies or any of them, and for the Protection of such Estates, Properties, and Interests, and for securing the Enjoyment of such Estates, Properties, and Interests as aforesaid, and all such Payments annual and in gross as, under the Provisions of the said Acts or any of them, were required to be made by the said dissolved Companies or any of them, or such and so many of the aforesaid Works, Acts, Matters, Things, Regulations, Restrictions, and Payments as the said dissolved Companies or any of them would have been bound or liable to construct, complete, maintain, make, do, execute, observe, perform, or pay in case this Act had not been passed, shall be constructed, maintained, made, done, executed, observed, performed, kept, and paid by the Company hereby incorporated, as fully to all Intents and Purposes, and in the same Manner, as the same were by the said Acts or any of them required to be made, done, executed, maintained, observed, performed, kept, and paid by the said dissolved Companies or any or either of them, and as if the several Provisions in the said Acts or any or either of them contained in reference thereto respectively had been specially repeated and re-enacted in and by this Act, and had been made applicable to the Company hereby incorporated.

Provisions in Acts of Parliament for Benefit of dissolved Companies not to be affected by Repeal of their Acts.

XVII. And be it enacted, That all Powers, Rights, Options, Privileges, Provisions, Matters, and Things reserved, contained, or granted in and by any Act of Parliament (other than the said hereby repealed Acts) to or for the Benefit of or to be exercised by the hereby dissolved Companies or any of them, and not since repealed, shall, notwithstanding the Repeal of the said hereby repealed Acts, and the Dissolution of the said Companies, be of the like Force, Operation, and Effect as if the same Acts had not been repealed, and shall appertain and attach to, and be exercised and enforced by, the Company hereby incorporated, in as full and effectual and beneficial a Manner, to all Intents and Purposes, as the same Powers, Rights, Options, Privileges, Provisions, Matters, and Things respectively would have appertained and attached to, or might or could have been exercised and enforced by the said dissolved Companies or any of them in case this Act had not been passed.

As to Branches, &c. to be sanctioned in the present Session.

XVIII. And be it enacted, That if any Act or Acts shall be passed in the present Session giving to the said dissolved Companies or any of them any Powers to make any Branch or Branches, or any Alteration of any Part of their respective Undertakings, or otherwise in relation thereto, and to raise additional Capital for such Purposes, such Powers, in so far as not executed and in force, shall, from and after the Commencement of this Act, become vested in and be exercised by the Company hereby incorporated, as effectually as if the same Powers had been directly granted to such Company; and the Capital thereby empowered to be raised shall be added to and form a Part of the Capital of such Company.

Capital.

XIX. And be it enacted, That the Capital of the Company hereby incorporated shall be Two millions three hundred and thirty thousand Pounds.

XX. And

Number and Amount of Shares.

XX. And be it enacted, That the Number of Shares into which the said Capital shall be divided shall be Forty-six thousand six hundred, and the Amount of each Share shall be Fifty Pounds.

Apportionment of Capital.

XXI. And whereas the Share Capital which the said *Aberdeen* Railway Company are empowered to raise under and by virtue of the said herein-before recited Act authorizing them in that Behalf is Eight hundred and thirty thousand Pounds, divided into Shares of Fifty Pounds each: And whereas the Share Capital which the said *Great North of Scotland* Railway Company are empowered to raise under and by virtue of the said herein-before recited Act in that Behalf is One million five hundred thousand Pounds, divided into like Shares of Fifty Pounds each: Be it therefore enacted, That every Corporation and Person who immediately before and at the Commencement of this Act was a Proprietor of One or more Shares of Fifty Pounds in the Capital of the Companies hereby dissolved, or any of them, shall, in exchange for each such Share of Fifty Pounds, be entitled to receive from the Company hereby incorporated a new Share in the Capital of such last-mentioned Company of the Amount and Value of Fifty Pounds, wherein shall be specified the Amount called up; and the Proprietor of every such new Share shall be entitled to Dividends thereon out of the Profits of the Company hereby incorporated, in the Proportion which the Amount paid up on such Share shall bear to the nominal Value thereof.

Power to enforce Calls.

XXII. And be it enacted, That as to any of the Shares in the Company hereby incorporated which are given in lieu of Shares in the said dissolved Companies or any of them, upon which, at the Time of the Commencement of this Act, Calls have been made and not paid up, or upon which the full Amount *per* Share hath not been called up, it shall be lawful for the Company hereby incorporated to call for and to enforce the Payment of the Monies due and to become due upon such Shares, in the same Manner as if such Monies had been subscribed towards the Undertaking hereby incorporated; and the Directors of the Company hereby incorporated shall have all such and the same Rights and Remedies for obtaining and enforcing the Payment of such Monies, by Action, Forfeiture, and otherwise, as are by the said Companies Clauses Consolidation (*Scotland*) Act, 1845, provided in respect of Money subscribed towards the Undertaking.

New Register and Certificates.

XXIII. And be it enacted, That the Company hereby incorporated shall, as soon as conveniently may be after the Commencement of this Act, enter in the Register of Shareholders directed to be kept by "The Companies Clauses Consolidation (*Scotland*) Act, 1845," the several Amounts and Numbers of Shares respectively to which the several Shareholders of the said dissolved Companies shall have become entitled under this Act of and in the Capital of the Company hereby incorporated; and in the said Register of Shareholders the several Shares to which the Proprietors shall become entitled shall be entered numerically, the Shares given in exchange for Shares in the said dissolved *Aberdeen* Railway Company being numbered from 1 to 16,600 inclusive, and the Shares given in exchange for Shares in the said dissolved *Great North of Scotland* Railway Company being numbered

bered from 16,601 to 46,600 inclusive; and on the Demand of any such Shareholder who under this Act shall become entitled to any Share in the Company hereby incorporated, and who shall deliver up the Certificate of the Share held by him in any or either of the dissolved Companies for the Purpose of being cancelled, or who shall prove to the Satisfaction of the Directors that his Certificate has been worn out, lost, or destroyed, the Directors shall cause a Certificate of the Proprietorship of the Share in the Capital of the Company hereby incorporated to be delivered to such Shareholder at the Expence of the Company.

Shares held upon Trust.

XXIV. And be it enacted, That every Person and Corporation in whom any One or more of the said Shares respectively in the *Aberdeen* or *Great North of Scotland* Railway Companies respectively were vested at the Time of the Commencement of this Act upon any Trusts shall receive and hold such new Shares respectively upon the same Trusts and for the same Purposes in all respects; and that all Devises or Bequests of any Shares in the said *Aberdeen* and *Great North of Scotland* Railway Companies, or either of them, made and executed previously to the Commencement of this Act, shall be deemed and taken to apply to the new Shares in the Capital of the Company hereby incorporated which shall be given in exchange for them respectively.

Calls.

XXV. And be it enacted, That Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company hereby incorporated may make on the Shareholders, and One Half of the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Two Months at the least shall be the Interval between successive Calls; and such Calls shall be made from Time to Time, so as to equalise the Calls made on the respective Shares in the Capital of the said Company hereby incorporated.

Interest on Calls.

XXVI. And be it enacted, That it shall be lawful for the Company hereby incorporated to pay and allow Interest after a Rate not exceeding Four Pounds *per Centum per Annum* on all Calls paid in respect of the Shares given in exchange for Shares of the *Great North of Scotland* Railway Company, from the Date of the Payment thereof until the Completion of the Undertaking of the said Company.

Power to borrow Money on Mortgage.

XXVII. And be it enacted, That it shall be lawful for the Company hereby incorporated to borrow on Mortgage or Bond any Sums not exceeding in the whole, including any Sums which may have been borrowed by any of the said dissolved Companies, the Sum of Seven hundred and seventy-six thousand six hundred and sixty-six Pounds Thirteen Shillings and Four-pence, but no further Part of such Sum shall be borrowed until One Half of the said consolidated Capital of Two millions three hundred and thirty thousand Pounds shall have been actually paid up.

Former Mortgages

XXVIII. And be it enacted, That all Mortgages, Bonds, and other Securities granted or created under the Powers of the said recited

Acts

Acts or any of them shall, during the Continuance thereof respectively, have Priority over any Security to be granted under the Powers of this Act. to have Priority.

XXIX. And be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Mortgage, Bond, or other Security for Money to be granted or made by virtue of this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be duly stated, any thing herein contained to the contrary notwithstanding. Mortgages and Transfers, &c. to be stamped.

XXX. And be it enacted, That it shall not be lawful for the Company hereby incorporated, out of any Money by this Act or any other Act relating to the said Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking. Deposits for future Bills not to be paid out of the Company's Capital.

XXXI. And be it enacted, That the first Ordinary Meeting of the Company hereby incorporated shall be held within Two Months next after the Commencement of this Act; and the subsequent Ordinary Meetings of the Company shall be held once in each Year in the Month of *October* or *November*, as the Directors may appoint; and all Meetings, whether ordinary or extraordinary, shall be held in *Aberdeen*. First and subsequent General Meetings.

XXXII. And be it enacted, That the Quorum for every General Meeting of the said Company shall be Ten Shareholders holding in the aggregate not less than Ten thousand Pounds in the Capital of the said Company. Quorum of General Meetings.

XXXIII. And be it enacted, That the Scale according to which the Shareholders may vote in respect of their Shares shall be in proportion to the Number of Shares held by them respectively, each Share counting One Vote. Scale of voting.

XXXIV. And be it enacted, That the Number of Directors to be elected as after mentioned shall be Fifteen, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking. Number and Qualification of Directors.

XXXV. And be it enacted, That it shall be lawful for the said Company to increase or reduce the Number of Directors, provided that the increased Number do not exceed Eighteen, and that the reduced Number be not less than Seven. Power to vary the Number of Directors.

XXXVI. And be it enacted, That the several Persons who at the Time of the Commencement of this Act shall be Directors of the Companies hereby dissolved shall be the first Directors of the said Company hereby incorporated. First Directors.

XXXVII. And

First Election of Directors.

XXXVII. And be it enacted, That the Directors appointed by this Act shall continue in Office until the first Ordinary Meeting to be held in the Year next after the Commencement of this Act; and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

Future Directors.

XXXVIII. And be it enacted, That at the first Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected, the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office agreeably to the Provisions in the said "Companies Clauses Consolidation (*Scotland*) Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the said "Companies Clauses Consolidation (*Scotland*) Act, 1845."

Quorum of Directors.

XXXIX. And be it enacted, That the Quorum of a Meeting of Directors shall be Five.

Committees of Directors.

XL. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three nor more than Five, and the Quorum of such Committees shall be Three.

Period for the Balance and Inspection of Books.

XLI. And be it enacted, That the Period to which the Books of Account of the Company shall be brought to a Balance shall be the Thirty-first Day of *August* in each Year; and the Periods at which the Shareholders and Loan Creditors of the said Company shall be entitled to Inspection of such Books shall be Eight Days before and Eight Days after the Ordinary Meetings of the Company.

Tolls.

XLII. And be it enacted, That it shall be lawful for the Company hereby incorporated to demand any Tolls for the Use of the Railway not exceeding the following; (that is to say,)

Tonnage on Articles of Merchandize.

1. In respect of the Tonnage of all Articles conveyed upon the Railway, or any Part thereof, as follows:

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile not exceeding Two-pence; and if conveyed by Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny:

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and 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 Merchandize, *per* Ton *per* Mile not exceeding Two-pence Halfpenny; and if conveyed in Carriages belonging to the Company,

Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Stones, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile not exceeding Three-pence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny Halfpenny:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandize, Fish, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Four-pence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Two-pence:

And 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, carried or conveyed on a Truck or Platform, *per* Mile not exceeding Sixpence:

And a like Sum of Sixpence per Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Mile not exceeding Sixpence.

Tolls for Passengers or Cattle.

2. In respect of Passengers and Animals conveyed in Carriages upon the Railway as follows:

For any Person conveyed in or upon any such Carriage, *per* Mile not exceeding Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Penny *per* Mile:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per* Mile not exceeding Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding Three-pence *per* Mile:

For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Penny Halfpenny *per* Mile.

Tolls for propelling Power.

XLIII. And be it enacted, That the Toll which the said 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 or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken, except when Passengers, Animals, Goods, or other Articles are sent by a Special Train, in which Cases the Company shall be entitled to charge any reasonable Sum in their Discretion beyond the Tolls and Charges herein limited.

Regulations as to the Tolls.

XLIV. And be it enacted, That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Articles or Persons conveyed on the Railway for a less Distance than Six Miles, the Company may demand as for Six entire Miles:

For a Fraction of a Mile beyond Six Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Merchandize for such Fraction in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers, every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile:

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.

Tolls for small Parcels and Articles of great Weights.

XLV. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the said Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels, (that is to say, Parcels not exceeding Five hundred Pounds Weight each,) the Company may demand any Sum which they think fit: Provided always, that Articles sent in large aggregate Quantities, although made up of separate Articles, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder or single Piece of Machinery, or single Piece of Stone or Timber, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons, but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding One Shilling *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Limiting Charges for Conveyance of Passengers.

XLVI. And be it enacted, That it shall not be lawful for the said Company to demand or receive any greater Sum in respect of the Carriage of Passengers conveyed on the Railway by this Act authorized than Two-pence *per* Passenger *per* Mile in respect of any Passenger travelling in a First-class Carriage, One Penny Halfpenny *per* Passenger *per* Mile in respect of any Passenger travelling in a Second-class Carriage, and One Penny and One Eighth of a Penny *per* Passenger *per* Mile in respect of any Passenger travelling in a Third-class Carriage, including the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance, unless in the Case of Passengers travelling by Special Trains: Provided always, that in the Case of Trains travelling at a greater Rate of Speed than Twenty-five Miles *per* Hour it shall be lawful

lawful for the Company to demand and receive, in respect of Passengers travelling by such Trains in a First-class Carriage any Sum not exceeding Two-pence Three Farthings *per* Mile, and for Passengers travelling by such Trains in a Second-class Carriage any Sum not exceeding Two-pence *per* Mile, and if travelling in a Third-class Carriage by such Trains any Sum not exceeding One Penny Halfpenny *per* Mile, including in such Charges the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance.

Limiting Charge for the Conveyance of Goods and Cattle.

XLVII. And be it enacted, That it shall not be lawful for the said Company to charge in respect of the several Articles, Matters, and Things, and of the several Descriptions of Animals herein-after mentioned conveyed on the Railway by this Act authorized, any greater Sum, including the Charges for the Use of Carriages, Waggons, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance, than the several Sums herein-after mentioned; (that is to say,)

For all Dung, Compost, and all Sorts of Manure, Lime, and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile One Penny Halfpenny:

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, and Ironstone and 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 Merchandize, *per* Ton *per* Mile Two-pence:

For all Sugar, Grain, Corn, Flour, Hides, Dye Woods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Two-pence Halfpenny:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandize, Fish, Articles, Matters, and Things, *per* Ton *per* Mile Three-pence Halfpenny:

And 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, carried or conveyed on a Truck or Platform, *per* Mile Seven-pence:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, *per* Mile Five-pence:

For every Ox, Cow, Bull, or Neat Cattle, *per* Mile Two-pence:

For every Calf or Pig, Sheep, Lamb, or other small Animal, *per* Mile Three Farthings:

Provided always, that if any Passenger, Animals, or Goods be conveyed for a less Distance than Six Miles on the said Railway the said Company shall be entitled to demand and receive Tolls as for Six entire Miles.

Number of Second and Third Class Carriages.

XLVIII. And be it enacted, That Two Thirds in Number of the Company's regular Trains running each Day shall have Carriages attached for the Conveyance of Second and Third Class Passengers.

Railway Company to be subject to Provisions of

XLIX. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for Conveyance of the Mails by Railway;* and another Act was passed in

1 & 2 Vict. c. 98. 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and Two other Acts were passed in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled respectively *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the herein-before mentioned Railways, or any of them, or the Company hereby incorporated, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Company, so far as the same shall be applicable thereto, as fully and effectually as they would have applied to the said Railways and the said dissolved Companies if this Act had not been passed.

Railways to be subject to Provisions of any future general Act.

L. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by the said recited Acts or by this Act amalgamated or authorized to be made and completed from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Expences of Act.

LI. And be it enacted, That all Costs, Charges, and Expences connected with the passing of this Act shall be paid in equal Parts by the said *Aberdeen* Railway Company, and the said *Great North of Scotland* Railway Company, or the Directors thereof.

Commencement of Act.

LII. And be it enacted, That this Act shall commence and be in force from and after the Day of the Date of a Certificate under the Seal of the Commissioners of Railways certifying that it has been proved to their Satisfaction that One Half of the whole Amount of the Capital (exclusive of Loans) by the Act or Acts relating to each of the said dissolved Companies authorized to be raised has been actually paid up and expended for the Purposes authorized by such Acts respectively.

Public Act.

LIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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