CHAPTER lxvii.

An Act for conferring further Powers on the Great North of Scotland Railway Company with relation to their Undertaking. [28th June 1877.]

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WHEREAS it is expedient that the Great North of Scotland Railway Company (who are herein-after referred to as "the Company") should be authorised to make and maintain the works herein-after described, and to purchase and acquire additional lands for the purposes of their undertaking, and that the other powers herein-after contained should be conferred upon the Company:

And whereas it is expedient that the Company should be enabled to raise capital for the purposes of this Act, and also to raise additional capital for the improvement and enlargement of their railways, stations, and other works, and for the providing of additional rolling stock, and other the general purposes of their undertaking:

And whereas plans and sections showing the lines and levels of the widenings and other works authorised by this Act, and the lands in or through which the same are intended to be made, and plans of the lands which the Company are by this Act empowered to acquire and appropriate, and a book of reference to such plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the said lands, have been deposited with the principal sheriff clerk for the county of Aberdeen, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference respectively:

And whereas the objects of this Act cannot be attained 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,

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and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited as "The Great North of Scotland Railway Act, 1877."

Certain provisions of general Acts herein named incorporated.

2. The following Acts and parts of Acts are, excepting where the same are expressly varied by this Act, incorporated with and form part of this Act; namely,

"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. of "The Railways Clauses Act, 1863," relating to the construction of a railway.

Extending certain provisions of 8 & 9 Vict. c. 17. to this Act.

3. Subject to the provisions of this Act, all the provisions of "The Companies Clauses Consolidation (Scotland) Act, 1845," with respect to the following matters; (that is to say,)

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

The consolidation of shares into stock;

The making of dividends;

The giving of notices;

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

Parts I., II., and III. of "The Companies Clauses Act, 1863," relating respectively to the cancellation and surrender of shares, to additional capital, and to debenture stock,

shall be applicable to the capital and moneys hereby authorised to be raised by shares or stock or mortgage, and to the proprietors thereof.

Interpretation of terms.

4. 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 Great North of Scotland Railway Company.

Power to widen and improve portions of railway and construct other works.

5. Subject to the provisions of this Act, the Company may make and maintain, in the lines, according to the levels, and in the manner shown on the deposited plans and sections, the works herein-after described, and may for the purposes thereof make such alterations in the levels of the streets, roads, and footpaths affected thereby as are shown on the deposited plans and sections, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference relating thereto as may be required for the purposes aforesaid, and the widenings and improvements shall, for the purposes of toll and in all other respects, be deemed part of the Great North of Scotland Railway.

The following are the works referred to in this section:

WIDENING OF DEESIDE RAILWAY.

The Company may widen and improve their Deeside Railway, and lay down additional lines of railway thereon from the commencement of the said railway at Aberdeen to the Culter Station thereof; such widening and improvement will be wholly situate in the parishes of Old Machar, Banchory Devenick, and Peterculter, in the county of Aberdeen; and in making such widening and improvement it shall be lawful for the Company, subject to the provisions of "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, to carry the railway with an additional single line across and on the level of the following public roads, numbered respectively upon the deposited plans 74 in the parish of Old Machar, No. 19 in the parish of Banchory Devenick, and No. 70 in the parish of Peterculter; but nothing in this Act contained shall authorise the Company to cross any such road on the level with more than a double line of railway, and the siding now existing at this crossing shall be removed.

WIDENING OF RAILWAY BRIDGE.

They may, in the parish of Inverurie, widen and enlarge on the west side thereof the existing bridge whereby the Great North of Scotland Railway is carried over the road near Inverurie leading to Keith Hall.

DIVERSION OF ROAD.

They may divert the said road in manner shown upon the deposited plans and sections, and when such diversion shall have

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been made and opened to the public the Company may stop up the portion of road instead of which the said diversion is made.

ADDITIONAL RAILS OVER LEVEL CROSSINGS.

They may, subject to the provisions before referred to in respect of the crossing of roads on the level, lay down and maintain an additional line of railway (a.) across and upon the level of the road in the parish of Dyce numbered 1 upon the deposited plans, (b.) across and upon the level of the public road in the parish of Kintore numbered 1 upon those plans, and (c.) across and upon the level of the road in the parish of Inverurie numbered 21 upon the said plans: Provided always, that if the additional line be laid down, such last-mentioned road shall be carried by a bridge over the railway instead of being crossed on the level.

NEW ROAD AND ALTERATION OF OTHER ROADS.

They may make in the parish of Old Machar a new road commencing at the public road leading from Aberdeen northward to Inverurie, and terminating at Powis Road, and when the said new road is made and opened to the public they may stop up so much of Powis Road as will be situate between the junction thereof with the said road leading from Aberdeen to Inverurie and the termination of the new road, also of so much of the Canal and Sunnyside Roads as are or will be situate between Powis Road and the said new road.

Power to deviate in construction of works.

6. The Company, in constructing the works by this Act authorised, may deviate to the extent of the limits of deviation marked on the deposited plans, and may deviate from the levels shown on the deposited sections to any extent not exceeding five feet, but not so as to increase the rate of inclination as shown on the deposited sections of any new road or street.

As to vesting of site and soil of portions of roads stopped up.

7. The site and soil of the street and portions of road stopped up and discontinued under the authority of this Act, and the fee simple and inheritance thereof, shall, if the Company are, or if and when under the powers of this Act they become, the owners of the lands on both sides thereof, or on one side only with the consent of the owner of the land on the other side, be wholly and absolutely vested in the Company, and may be appropriated by them to the purposes of their undertaking.

Provision as to repair of new roads.

8. The new roads to be made by the Company under the authority of this Act (except the stone, iron, or other structure

carrying any new road over the railway of the Company, which structure shall, subject to the provisions of this Act, be repaired and maintained by and at the expense of the Company) shall, when made and completed, respectively from time to time be repaired and maintained by and at the expense of the same parties, in the same manner, and to the same extent as other roads within the parishes respectively in which such new roads will be situate are from time to time liable to be repaired or maintained.

If any question shall arise between the Company and any of such parties as to the due completion of any new road, such question shall from time to time be determined by the sheriff on the application of either of the parties in difference, and after not less than seven days notice to both parties of the sitting of such sheriff for the purpose; and the certificate of such sheriff of the due completion of such new road shall be conclusive evidence of the fact so certified.

Period for completion of works.

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

Power to purchase additional lands.

10. Subject to the provisions of this Act, the Company, in addition to the other lands which they are by this Act authorised to acquire, may enter upon and take compulsorily for the purposes of their undertaking the lands herein-after described, which are delineated upon the deposited plans and described in the deposited books of reference; (that is to say,)

For Enlargement of Aberdeen Station.

Certain lands situate partly in the parish of Old Machar and partly in the parish of St. Nicholas.

For Enlargement of the Kittybrewster Station.

Certain lands situate in the said parish of Old Machar.

For General Purposes of the Railway.

Certain land in the parish of Kintore, and other land in the parish of Chapel of Garioch.

For Enlargement of the Kinaldie Station.

Certain lands in the parishes of Dyce and Kinellar near the said station.

For Enlargement of the Kintore Station.

Certain lands in the parish of Kintore near the said station.

For Enlargement of the Inverurie Station.

Certain lands in the parish of Inverurie near the said station.

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FOR ENLARGEMENT OF THE INVERAMSAY STATION.

Certain lands in the parish of Chapel of Garioch near that station.

FOR ENLARGEMENT OF THE RUTHRIESTON STATION.

Certain lands in the parish of Old Machar near that station.

FOR ENLARGEMENT OF THE CULTS STATION.

Certain lands in the parish of Banchory Devenick near that station.

FOR ENLARGEMENT OF THE MURTLE STATION.

Certain lands in the parish of Peterculter near the station.

FOR ENLARGEMENT OF THE MILLTIMBER STATION.

Certain lands in the said last-mentioned parish near the station.

FOR ENLARGEMENT OF THE CULTER STATION.

Certain lands in the said parish of Peterculter near the station.

Power to take easements, &c. by agreement.

11. 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 that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Company any easement, right, or privilege, required for the purposes of this Act or any of the purposes of their undertaking, in, over, or affecting any such lands, and the provisions of the last-mentioned Acts with respect to lands and feu duties, as far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, or privileges as aforesaid.

Powers for compulsory purchases limited.

12. 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.

As to taking of lands belonging to Christian Leslie and others.

13. The arbiters or oversman who shall assess the compensation to be paid to Christian Leslie, Lamond Leslie, Isabella Jane Leslie, Helen Leslie, and Esther Leslie, or the survivors or survivor of them, or other the owner or owners for the time being of the mansion house and lands of Powis, for the value of any lands to be taken from them under the powers of this Act, shall take into consideration and assess additional compensation for any residential or other damage or injury which may, in the opinion of the said arbiters or oversman, be done or may hereafter be caused to the said mansion house and lands by reason of the uses to which the lands actually taken under the powers of this Act shall be applied, but so that there shall only be one arbitration in respect of each taking of any such lands.

For protection of Post

14. If in the execution of the works by this Act authorised the Company desire to alter, remove, or otherwise interfere with any

Office telegraphs.

telegraph poles, wires, or telegraph apparatus belonging to Her Majesty's Postmaster General and not situate upon the Company's railway or works connected therewith, the following provisions for the protection of Post Office telegraphs shall apply; (that is to say,)

(Notice to be given before interfering with telegraphs.)

Before the Company alter, remove, or interfere with any such telegraph poles, wires, or telegraph apparatus, the Company shall give to the Postmaster General one calendar month's previous notice in writing of such intended alteration, removal, or other interference, specifying all requisite and proper particulars relating thereto; and if the Postmaster General shall, before the expiration of one calendar month after the service upon him of the said notice from the Company, give the Company notice of his intention so to do, he may execute at the cost of the Company, and thereafter at his own expense maintain, the works specified in the Company's notice, and such other works, substituted wires, and conveniences as may be reasonably required for making good the telegraph poles, wires, or telegraph apparatus so required to be altered, removed, or interfered with, using all due despatch in the execution thereof, and not interfering with or obstructing the use of the railway. If at the expiration of one calendar month the Postmaster General shall not have commenced such works, then such alteration, removal, or interference may be carried out by the Company, but so as to cause no impediment or obstruction whatsoever to the due transmission of messages along such wires, or, if necessary, along substituted wires to be provided by the Company at their own expense to the satisfaction in all respects of the Postmaster General:

(Compensation by Company to Postmaster General, and penalty.)

Subject to the provisions of this section, the Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of any such alteration, removal, or other interference with any telegraph post, wire, apparatus, or work of the Postmaster General causing any interruption of or impediment to postal telegraphic communication; and the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Company:

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(Saving for Telegraph Act and agreements.)

Nothing in this Act relating to Her Majesty's Postmaster General shall take away, abridge, or prejudicially affect any right, power, estate, or interest of the Postmaster General or of the Company under or by virtue of the Telegraph Act, 1868, or any agreement between the Company and the Postmaster General.

For protection of the burgh of Old Aberdeen.

15. For the protection of the magistrates and council of the burgh of Old Aberdeen, acting as commissioners of police of that burgh (herein-after called "the council"), be it enacted as follows, viz.:

If the Company acquire the field or any part of the field in the parish of Old Machar numbered 28 on the deposited plans, they shall immediately from and after the time when they commence to execute any work therein or to interfere with the surface or soil thereof for any purpose connected with their undertaking, except for the purpose of enclosing the same (herein-after called "the time of commencement"), be subject to the following provisions, conditions, and restrictions, except in so far as the same may be otherwise agreed to by mutual consent in writing, viz.:

(1.) The Company shall, within three months from the time of commencement (till which time the whole property and rights of the council shall remain unaffected by this Act), acquire and convey to the council free of charge in perpetuity the ground in the said parish numbered 27 on the deposited plans on which the water tank at present used for the supply of water to the council for behoof of the community of Old Aberdeen and in the option of the council of the Spittal (herein-after called "the water tank") is erected, and the water tank and pertinents, and also a piece of ground measuring twenty feet beyond the margin of the water tank on the south and east sides thereof, and bounded on the west by the existing line of the Company's railway, and on the north by lands belonging to or claimed to belong to James Gordon Hay of Seaton; the water tank and said piece of ground shall be enclosed and kept free from dirt or rubbish by or at the expense of the Company in all time coming, and access thereto shall be afforded by the Company to the council, or to any person duly authorised by the council, at all reasonable times:

(2.) The Company shall immediately from and after the

time of commencement, and in all time thereafter (and that in full satisfaction of all claims competent to the council against the Company for and in respect of a supply of water), during each period of twenty-four hours, between the hour of twelve o'clock noon the one day and the hour of twelve o'clock noon the next succeeding day, of every day throughout the year, cause a continuous and uniform supply of water, or as nearly so as practicable, of not less than the respective quantities herein-after mentioned, to pass and flow into the water tank, or into any tank which may be built in substitution therefor, at or near the same site as the present water tank, the bottom of which substituted tank shall not be of a higher level than the bottom level of the existing water tank (with inflow, outflow, and overflow pipes having bottom levels not higher than the bottom level of the existing inflow, outflow, and overflow pipes respectively), for the supply and use of the community of Old Aberdeen, and in the option of the council of the Spittal, free of all charge; that is to say, viz.:

During each and every such period of twenty-four hours during the months of December, January, February, and March in every year, thirty thousand gallons;

During each and every such period of twenty-four hours during the months of April and November in every year, twenty-five thousand gallons; and

During each and every such period of twenty-four hours during the months of May, June, July, August, September, and October in every year, nineteen thousand gallons:

And the water so to be supplied shall be of equal purity with the water presently flowing into said water tank, or of equal purity with the water which may at the time be supplied to the inhabitants of the city of Aberdeen by the commissioners acting under the provisions of "The Aberdeen Police and Waterworks Act, 1862," and Acts explaining and amending the same:

(3.) Notwithstanding the provision herein-before contained with reference to the supply of water by the Company into the water tank, if the Company shall, for the purpose of making up the quantities of water

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to be supplied by them as herein-before specified, purchase water from the said last-mentioned commissioners, the Company may deliver the water so purchased to the council at the point where the said commissioners now supply, or at any convenient point at which they may hereafter supply, water to the council, and the water so delivered shall be computed as part of the total quantity of water which the Company is required to supply to the council from time to time under the provisions of this Act: Provided always, that the Company shall in that event primarily pay to the said last-mentioned commissioners their charges for the whole water delivered at said point or points, and then debit and recover from the council the price of so much thereof as shall (taken with the quantity which the Company may supply at the tank) be in excess of the quantity which the Company is hereby bound to supply to the council, it being understood that any water obtained from said last-mentioned commissioners shall in the first instance be applied for the purpose of enabling the Company to fulfil their obligations under this Act, the surplus water only being available to the council for any other purpose:

(4.) The Company shall from the time of commencement erect, and in all time thereafter maintain, a meter or measuring gauge of the most approved quality and description in use for similar purposes at the point at which the water to be supplied by the Company under the provisions of this Act shall enter the water tank, and also, if and when necessary, at the point where any water may be delivered to the council under the immediately preceding sub-section hereof, and access shall be afforded to such meters respectively by the Company to the council, or to any person duly authorised by the council, at all reasonable times: Provided always, that if the head of water flowing into the water tank shall be found insufficient for the proper working of the first-mentioned meter or measuring gauge, then the measurement of said water shall be made in such other manner as may be mutually agreed to, or, failing agreement, as may be determined by arbitration:

(5.) Simultaneously with the execution of a conveyance by

the Company to the council of the water tank and piece of ground herein-before mentioned, the council shall, for the purpose of the aforesaid supply of water to the council, convey to the Company all their existing rights, if any, to water and to springs of water in the ground to the west of the line of railway, and in particular all their existing rights, if any, to water and to springs of water on both sides of the railway in the fields called the Tails, near to that place called the Mortar Holes in the said parish of Old Machar, under and by virtue of a contract between Thomas Buchan, of Auchmacoy, then Provost of Old Aberdeen, and others, on behalf of the community of Old Aberdeen, on the one part, and Thomas Gordon, Professor of Philosophy and then master of the mortifications belonging to the King's College of Aberdeen, with advice and consent as therein set forth, on the other part, dated the sixteenth day of September one thousand seven hundred and sixty-nine, and recorded in the sheriff court books of Aberdeenshire the seventh day of March one thousand seven hundred and seventy, or under and by virtue of a disposition and assignation granted by the Company in favour of the council, dated the ninth, and recorded in the said sheriff court books the twelfth day of November one thousand eight hundred and sixty-one, but under the express reservation and exception in favour of the council of their right and title to the existing well situate at the south-east corner of the field or fields called the Tails, known as the pumping well, but the council shall not be entitled to deepen the said well; provided that the Company shall use all reasonable means within their power to procure as much water as possible from the springs hereby conveyed, so as to reduce the supply of water which the Company may require to purchase from the said last-mentioned commissioners:

(6.) The council may at all times cause the water that may be obtained in or taken to the pumping well to be conveyed into the water tank as freely and effectually as it now is, and the Company shall not sink any well nor undertake any other work or operation within one hundred yards of the pumping well:

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(7.) The council may at any time carry a pipe or pipes under the railway and lands of the Company for the purpose of conveying water to the water tank, or the said piece of ground surrounding the same, or any tank or cistern that may be erected thereon, and thence to Old Aberdeen, from any source other than those herein mentioned, free of all charge, subject only to the reasonable approval of the engineer of the Company for the time being with respect to the manner in which such pipe or pipes shall be laid and maintained, and they may at any time, subject to such approval, convey water from the water tank, and the said piece of ground surrounding the same, and any cistern or tank that may be thereon, to Old Aberdeen by such pipe or pipes as the council may think fit; access shall be afforded by the Company to the council, or to any person duly authorised by the council, to any such pipe or pipes at all reasonable times; but the council shall not, except as herein provided, undertake any work or operation within the fields numbered 2304, 2305, 2306, 2318, 2319, and 2320 respectively, in said parish of Old Machar, on the existing Government survey plan of the county of Aberdeen (Sheet No. LXXV.–7), or any of said fields, or within one hundred yards westward of the public road leading from Aberdeen to Inverurie, so far as said road lies ex adverso of any of said fields:

(8.) If the Company fail to provide the supply of water herein-before specified to the council for the use of the community of Old Aberdeen and the Spittal, or to fulfil any of the provisions herein-before contained for the protection of the council, the Company shall be liable for every day or part of a day during which such default continues to a penalty of ten pounds sterling, to be recovered, along with the costs of the proceedings for recovery thereof, in the Sheriff Court of Aberdeen and Kincardine, or in any other court of competent jurisdiction, by the council, as and for liquidated damages in respect of every such default; and if such default shall arise in respect of the supply of water to the council as herein-before specified, the council shall be entitled to obtain at the expense of the Company such a supply of water for the use of

the community as may be requisite to make up the deficiency of supply by the Company: Provided always, that if the council propose to construct works of a permanent character they shall give not less than one month's previous notice thereof to the Company, and the plans of any works or operations to be gone on with for such permament works shall first be submitted to and approved of by the Company, and failing the Company agreeing thereto within one month after the plans are submitted to them, the said plans and the mode of carrying out the same shall then be submitted to arbitration in the manner after mentioned, and the council shall also be entitled to charge and recover from the Company the cost of such supply and of bringing the same into the town of Old Aberdeen, along with all the expenses of the council incurred in connexion therewith, in addition to any penalties payable by the Company, the amount of which costs and expenses shall, failing agreement, be also referred to arbitration in the manner after provided; declaring that should the council exercise the power thus conferred upon them of obtaining a permanent supply of water for themselves sufficient to make up the respective guaranteed quantities of water herein-before specified, then the obligations on the Company to procure such supply shall from and after the time when such permanent supply is enjoyed by the council cease and determine; declaring further that the foresaid penalty shall not be exigible, nor shall the same be incurred, in the event of the Company being prevented by any unavoidable accident from supplying at any time the aforesaid respective quantities of water.

Company to pay costs incurred by the council.

16. The costs, charges, and expenses incurred by the council in relation to the Bill for this Act, and all proceedings following thereon for the purpose of carrying out the provisions hereof, shall be paid by the Company.

Disputes to be settled by arbitration.

17. If any dispute or difference shall arise between the Company and the council as to any of the matters aforesaid, the same shall be settled, unless otherwise agreed, by arbitration in manner provided by "The Railway Companies Arbitration Act, 1859," for the settlement of disputes by arbitration.

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Power to raise additional capital.

18. The Company may from time to time, for the purposes of this Act and for the general purposes of their undertaking, raise by the creation and issue of shares or stock such sums of money as they shall think necessary, not exceeding in the whole one hundred thousand pounds, and the Company may create and issue such shares or stock either wholly or partially as ordinary or wholly or partially as preferential shares or stock, as they may think fit.

Shares or stock not to be issued until one-fifth part thereof shall have been paid up.

19. The Company shall not issue any share or stock created under the authority of this Act, nor shall any such share or stock vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share or stock shall have been paid in respect thereof.

Qualifications of new shares or stock.

20. Except as by or under the powers of this Act otherwise provided, the new shares or stock issued under the powers of this Act shall, in proportion to the aggregate amount thereof from time to time held by the same person at the same time, entitle the respective holders thereof to the same dividends and profits, and confer on them the like qualifications and the like right of voting, as the like amount of existing ordinary shares or stock of the Company.

Extent of preferential dividends.

21. The shares or stock to be created under the powers of this Act shall be entitled to the preferential dividend (if any) which may have been attached thereto as aforesaid by the Company, and such preferential dividend shall be payable half yearly whenever there are profits enough declared at any half-yearly ordinary general meeting to be applicable to pay such preferential dividends, after satisfying the dividend and arrears of dividend (if any) then due upon any preference shares or stock of the Company previously created or issued; but if the profits divided in respect of any half year between the thirty-first day of July and the thirty-first day of January be insufficient to pay such half year's dividend in full, the deficiency shall be made up out of the profits of the second half year applicable to such dividend, but no deficiency of dividend on the preferential shares or stock to be created under the powers of this Act for any year shall be made up out of the profits of any subsequent year or out of any other funds of the Company: Provided also, that if in the first half of any year there be profits applicable to the purposes of dividend upon the original shares or stock of the Company, after satisfying the dividend and arrears of dividend (if any) due upon any other preference shares or stock of the Company previously created and issued, and also the dividend for such half year upon the prefer-

ence shares or stock to be created under the powers of this Act, it shall be lawful for the Company to declare a dividend for such half year on such original shares or stock.

Power to borrow.

22. The Company may, in respect of the additional capital of one hundred thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage any sum not exceeding in the whole thirty-three thousand pounds, but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are 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 shares for the whole of such capital have 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 until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up, and the Company have proved to such sheriff as aforesaid, before he so certifies, that such shares or stock (as the case may be) were or was issued and accepted and paid up bonâ fide, and are or is held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, if the said capital is raised by means of shares, that such persons or corporations, or 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 in reference to such capital has been given, which certificate shall be sufficient evidence thereof.

Provision of former Acts of Company as to appointment of a receiver or judicial factor repealed.

23. The provisions of any former Act of the Company 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.

Arrears may be enforced by appointment of a receiver or judicial factor.

24. 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 mort-

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gagees by whom the application for a receiver or judicial factor is made shall not be less than ten thousand pounds in the whole.

Saving priority of existing mortgages.

25. 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.

Debenture stock.

26. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863;" but, notwithstanding anything therein contained, the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Power to apply corporate funds to purposes of Act.

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

Application of moneys.

28. All moneys raised by the Company under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied for the purposes of this Act and for the general purposes of the Company.

Receipt clause in case of persons not sui juris.

29. If any money is payable to a holder of shares or stock in the Company being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Interest not to be paid on calls paid up.

30. 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."

Deposits for future Bills not to be

31. 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.

paid out of capital.

Railways not exempt from provisions of present and future general Acts.

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

Expenses of Act.

33. 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.

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