ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. lxxxiii.

An Act to vest the *Carmyllie* private Railway in the *Scottish North-eastern* Railway Company; Powers to that Company to take Tolls; raise additional Capital; and for other Purposes.

[19th *June* 1865.]

WHEREAS the *Dundee and Arbroath* Railway now forms Part of the Undertaking of the *Scottish North-eastern* Railway Company (in this Act called the Company): And whereas there is a private Mineral Railway commencing out of the *Dundee and Arbroath* Railway at a Point thereon at or near to the *Elliot* Station of the said last-named Railway, and extending thence upon and through Lands belonging exclusively to the Owners of the said private Railway, and terminating at certain Quarries belonging to them called the *Carmyllie* Quarries in the Parish of *Carmyllie* in the County of *Forfar*, which said Railway and the Stations, Sidings, and Works now connected therewith are in this Act called the *Carmyllie* Railway: And whereas the Tolls and Rates demanded and taken by the Owners of the *Carmyllie* Railway in respect of the Mineral and other Traffic thereon are set forth in the Schedule to this Act annexed: And whereas the *Carmyllie* Railway was opened for Traffic in the Year 1854, and has been of great local Advantage: And whereas the Right Honourable *Fox Maule* Earl

of *Dalhousie*, Baron *Panmure* of *Brechin* and *Navar*, Heir of Entail in possession of the entailed Lands and Estates of *Panmure* and *Brechin*, under a Deed of Entail executed by his Lordship in favour of himself and others, dated the 16th and recorded in the Register of Tailzies the 20th Day of *July* 1853, *William Maule Ramsay*, late Colonel in the 62nd Regiment of *Bengal* Native Infantry, the Heir of Entail next entitled under the said Deed to succeed to the said entailed Lands and Estate after the said Earl of *Dalhousie* and his Heirs of Entail, and the several other Persons designated in the said Deed of Entail to succeed to the said Lands and Estates after the said *William Maule Ramsay* and his Heirs of Entail, are the Owners of the Lands upon and through which the *Carmyllie* Railway has been constructed by the said Earl of *Dalhousie*, and the said Earl of *Dalhousie* is the Owner of the Rails, Chairs, Sleepers, and other Moveables laid down on the said Lands, and also of the Engines, Carriages, Waggons, Trucks, and other Plant used on the said Railway, and the said several Persons are in this Act referred to as the Owners of the *Carmyllie* Railway: And whereas under the Provisions of the said Deed of Entail the said *Fox Maule* Earl of *Dalhousie*, Baron *Panmure*, with the Consent of the said *William Maule Ramsay*, has Power to sell or feu the Lands on which the said Railway has been constructed in consideration of an annual Sum of Money by way of Feu Duty: And whereas, under an Agreement between the said Earl and the said *William Maule Ramsay* and the Company, the *Carmyllie* Railway has, since the 1st Day of *February* 1864, been in possession of and is now worked by the Company: And whereas the said Earl, with the Consent of the said *William Maule Ramsay*, has agreed with the Company for the Sale to them of the said Railway upon the Terms and Conditions in this Act expressed, and the Company are willing to purchase the same upon those Terms, if authorized by Parliament so to do: And whereas it is expedient that the Company should be authorized to raise additional Capital for the Purpose of effecting such Purchase and connected therewith, and that some of the Powers of the existing Acts of Parliament relating to the Company should be amended and extended, and additional Powers granted: 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. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Scottish North-eastern* (Purchase of *Carmyllie* Railway) Act, 1865."

2. All

Certain Provisions of 8 & 9 Vict. c. 17. extended to this Act.

2. All the Clauses and Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the following Matters, (that is to say,)

With respect to the Construction of the Act and of other Acts to be incorporated therewith;

With respect to the Distribution of the Capital of the Company into Shares;

With respect to the Transfer or Transmission of Shares;

With respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls;

With respect to the Forfeiture of Shares for Nonpayment of Calls;

With respect to the Remedies of Creditors of the Company against the Shareholders;

With respect to the borrowing of Money by the Company on Mortgage or Bond;

With respect to the Conversion of borrowed Money into Capital;

With respect to the Consolidation of the Shares into Stock;

With respect to the Powers of the Directors and the Powers of the Company to be exercised only in General Meeting;

With respect to the giving of Notices; and

With respect to the Provision to be made for affording Access to the Special Act by all Parties interested,

shall, so far as the same are not varied by the Provisions of this Act, be incorporated with and form Part of this Act.

Certain Parts of 26 & 27 Vict. c. 118. extended to this Act.

3. The following Parts of "The Companies Clauses Act, 1863, *viz.*,

Part I., relating to Surrender and Cancellation of Shares;

Part II., relating to additional Capital; and

Part III., relating to Debenture Stock,

shall, so far as the same are not varied by the Provisions of this Act, be incorporated with and form Part of this Act.

Incorporated Provisions to apply to Capital, &c., authorized by this Act.

4. The several Clauses and Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," and Parts of "The Companies Clauses Act, 1863," incorporated with this Act, shall apply to the Company and the Shareholders thereof, and to the Share Capital, Mortgages, and Debenture Stock to be created by the Company, and to the Notices required by this Act, and to the several other Matters and Things relating thereto respectively provided for by such Clauses, Provisions, and Parts of Acts respectively.

Certain Provisions of 8 & 9 Vict. c. 33. incorporated.

5. All the Clauses and Provisions of "The Railways Clauses Consolidation (*Scotland*) Act, 1845," with respect to the following Matters, that is to say,

With respect to the Construction of the Act, and of other Acts to be incorporated therewith;

With

With respect to the crossing of Roads, or other Interference therewith;

With respect to Works for the Accommodation of Lands adjoining the Railway;

With respect to Mines lying under or near the Railway;

With respect to the carrying of Passengers and Goods upon the Railway, and the Tolls to be taken thereon;

With respect to the Regulation of the Use of the Railway;

With respect to the Engines and Carriages to be brought on the Railway;

With respect to the Settlement of Disputes by Arbitration;

With respect to the Recovery of Damages not specially provided for, and to the Determination of any other Matter referred to the Sheriff; and Part I., relating to Construction of a Railway, of "The Railways Clauses Act, 1863,"

shall, so far as the same respectively are not varied by the Provisions of this Act, and are applicable to a Railway already constructed, be incorporated with and form Part of this Act, and in those Clauses and Provisions the Expression "the Railway" means the *Carmyllie* Railway, and the Expression "the Company" means the *Scottish North-eastern* Railway Company.

Interpretation of Terms.

6. In this Act the Expression "the *Carmyllie* Railway" or "the Railway" means the private Mineral Railway from the *Dundee and Arbroath* Railway to the *Carmyllie* Stone Quarries, and the Lands now used for the said Railway, and other Lands now appropriated and intended to be used for the Improvement of the Railway, and the Sidings, Stations, Buildings, and Works connected therewith, and the Rails, Chairs, Sleepers, and other Moveables, and the Engines, Carriages, Waggons, Trucks, and other Rolling Stock and Plant belonging to or used for the Purposes of the said Railway, and all the Estate and Interest therein of the Owners of the said Railway, or any Part thereof; the Expression "the Owners of the *Carmyllie* Railway," or the Expression "the Owners," means the said Right Honourable *Fox Maule* Earl of *Dalhousie*, Baron *Panmure* of *Brechin* and *Navar*, *William Maule Ramsay*, and the other Heirs of Entail in possession of or entitled in succession to the entailed Lands and Estates of *Panmure* and *Brechin* under the said Deed of Entail of the Sixteenth and recorded the Twentieth Day of *July* One thousand eight hundred and fifty-three, who are the Owners of the Lands upon and through which the *Carmyllie* Railway has been constructed; and the Expression "the Company" means the *Scottish North-eastern* Railway Company; unless in any of the Cases aforesaid there be something in the Subject or Context repugnant to such Construction.

7. The

Same Meanings to Words in incorporated Acts as in this Act.

7. The several Words and Expressions to which by the Acts and Parts of Act incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction, or other Meanings be expressly assigned to them by this Act.

Powers to apply Monies raised under other Acts to Purposes of this Act.

8. It shall be lawful for the Company to appropriate and apply for or towards the Purposes of this Act any of the Monies which, under or by virtue of their existing Acts or any of them, or of any other Act of the present Session of Parliament, they have raised or are or may be authorized to raise by Shares or by borrowing, and which shall not be wanted for the Purposes of those Acts.

Power to raise additional Capital by new Shares.

9. For the Purposes of this Act it shall be lawful for the Company, in addition to the Monies already raised or which they are or shall be authorized to raise by any of their former Acts, or by any Acts or Act which have been or shall be passed in the present Session of Parliament, to raise by Contribution amongst themselves, or by the Admission of other Persons as Subscribers to their Undertaking, or in part by each of those Means, the Sum of Twenty-five thousand Pounds, which Sum may be raised by the Creation and Issue of new Preference Shares, or, in the Option of the Company, by new Preference Stock.

Additional Capital how to be divided.

10. The Capital so to be raised by new Preference Shares or Stock may, if raised by Shares, be divided into Shares of any nominal Value, and such new Shares or Stock shall be issued and disposed of or distributed either alone or together with any other Shares or Stock which the Company may be then authorized to raise and create by any other Act or Acts passed in the last Session of Parliament, or which have been or may be passed in the present Session of Parliament, and as Part of an aggregate Amount thereof, in such Manner, and (subject to the Provisions of this Act) upon such Terms, not being less than the nominal Amount of such Shares or Stock, and subject to such Provisions and Restrictions, and with such Rights, in addition to the Preference Dividend attached thereto, as any General Meeting of the Company shall from Time to Time direct or authorize or attach thereto, and shall be considered as Part of the general Capital of the Company.

Shares not to issue until One Fifth paid up.

11. It shall not be lawful for the Company to issue any Share, nor shall any Share vest in the Person accepting the same, unless and until a Sum not less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Rights of new Share-holders to be

12. Subject to the Provisions of this Act and to the Terms of Issue of the said new Preference Shares or Stock, every Person who shall

in proportion to the Value of new Shares or Stock.

shall accept or become entitled to any of such Shares or Stock shall in respect thereof be a Shareholder of the Company, and be considered to have subscribed towards the Capital thereof and of the Undertaking to the Extent of the nominal Amount of the Shares or Stock so accepted by him in the Undertaking; and such Shares or Stock shall, unless otherwise provided by the prescribed Terms of Issue or Creation, confer on the respective Holders or Proprietors thereof Rights of voting and Qualifications in proportion to the aggregate nominal Value of such Share or Amount of such Stock, and not in proportion to the Number of such Shares, and for such Purposes every entire Sum of Fifty Pounds of such nominal Value shall be equivalent to One Share of Fifty Pounds in the original Capital of the Company; and no Shareholder shall vote in respect of any Number of such new Shares which shall constitute a less Interest in the Capital of the Company than Fifty Pounds, and the Holders of such new Shares or Stock shall be entitled to vote in the Election of both the Auditors of the Company.

As to preferential Dividend on new Shares or Stock.

13. The preferential Dividend payable in respect of the new preferential Shares or Stock created by the Company under this Act shall rank *pari passu* with the Dividends of any other Preference Shares or Stock to be created by the Company under any other Act or Acts relating to the Company passed in the last Session of Parliament or to be passed in the present Session of Parliament, but after all Dividends payable in respect of any Preference Shares or Stock already issued by the Company under the Authority of any existing Act or Acts, whether payable out of the Revenue of the Company or out of the Proportions of the Revenue thereof appropriated to any of the several Classes of Stock of which the Capital of the Company now consists.

Power to borrow on Mortgage.

14. When and so soon as the said additional Capital of Twenty-five thousand Pounds shall have been *bonâ fide* subscribed and issued, and One Half thereof paid up, it shall be lawful for the Company from Time to Time to borrow and reborrow on Mortgage any further Sum or Sums of Money not exceeding in the whole the Sum of Four thousand five hundred and fifty Pounds, in addition to the Sums which they are authorized to borrow by any other Act or Acts of Parliament relating to the Company; but no Part of such Sum shall be borrowed until the Company shall have proved to the Sheriff who is to certify under the Provisions of the 42nd Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," before he so certifies, that the whole of the said Capital of Twenty-five thousand Pounds has been subscribed for *bonâ fide* and issued, and One Half thereof has been paid up, and that not less than One Fifth of the Amount of each Share or Portion of Stock has been paid on Issue of the same, and that all Shares or Portions of Stock are held by Subscribers

scribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, of which Proof having been given the Certificate of the Sheriff under that Section shall be sufficient Evidence.

Application of Money.

15. Every Part of the Monies to be raised under this Act by the Creation of Shares or by borrowing shall be applied only in carrying into execution the Powers of this Act vested in the Company.

Saving Rights of existing Mortgagees.

16. All Mortgages created by the Company under the Powers of any of the existing Acts of Parliament relating to the Company, and which shall be subsisting at the passing of this Act, shall have Priority over all Mortgages to be created by the Company under the Powers of this Act.

Power to raise Money by Debenture Stock instead of borrowing.

17. The Company may raise the Sum of Four thousand five hundred and fifty Pounds which they are by this Act authorized to borrow by the Creation and Issue of Debenture Stock, bearing the same Rate of Interest as the other Debenture Stock which the Company may then have Power to create and issue: Provided that the Company shall not be entitled to create any such Debenture Stock until they shall be entitled to exercise the Power to borrow the Money in respect of which such Stock is to be created.

Railway vested in the Company.

18. The *Carmyllie* Railway shall, from and after the passing of this Act, and upon the Execution of a Deed of Grant or Conveyance by way of Feu to the Company, in which the Consideration Money shall be truly stated and set forth, be vested in the Company upon the Terms herein-after mentioned, and the Company shall be entitled to the said Railway and the free Use thereof, and to all the Rights of the Owners therein, and to all the Powers and Privileges over or in respect of the same, which heretofore have been or which can be exercised and enjoyed by the Owners thereof, their Officers or Servants.

Company to maintain Railway in good working Order.

19. The Company shall for ever hereafter uphold and maintain the Railway in good and efficient Repair and working Condition, and shall, as from the passing of this Act and for ever thereafter, pay and discharge all Rates, Taxes, and Outgoings of every Description which may be payable in respect of the Railway, or the Rent payable by the Company in respect thereof (except Income or Property Tax on such Rent), and the Company shall also for ever hereafter perform all the Duties and Obligations imposed upon, or which the Owners at the passing of this Act were, are, or at any Time hereafter may by Law become subject to with respect to the Railway, or any Lands taken or used for the Purposes thereof, or any adjoining Lands, or any Works connected with such Railway or Lands.

20. At

Gross Sums payable by Company to to Earl of Dalhousie.

20. At the Expiration of Three Months from the passing of this Act the Company shall pay to the said *Fox Maule* Earl of *Dalhousie*, his Executors or Administrators, the following Sums; namely,

The Sum of Twelve thousand Pounds Sterling, being the Purchase Money for the Rails, Chairs, Sleepers, and other Moveables forming Part of the *Carmyllie* Railway now belonging to the said Earl;

The Sum of Nine hundred and forty-one Pounds, being the ascertained Value of the Engines, Carriages, Waggons, Trucks, and other Rolling Stock, also belonging to the said Earl, and used upon the said Railway;

but the Company may retain out of the said Sums so payable to the said Earl, his Executors or Administrators, the Sum of Two thousand two hundred and forty-seven Pounds Six Shillings which is now due and owing by him to them in respect of certain Furnishings made for the Purposes of the said *Carmyllie* Railway, and the Sums so payable to the said Earl under this Enactment, at the Expiration of Three Months from the passing of this Act, shall, subject to Deduction as aforesaid, be duly paid by the Company, with Interest thereon at the Rate of Five Pounds *per Centum per Annum* from the passing of this Act until Payment of such Principal Sum.

Annual Sum to be paid by Company to Owners of Lands forming Site of Railway and Works.

21. The Company shall pay to the Owners for the Time being in possession of the entailed Lands and Estates of *Panmure* and *Brechin*, under the before-mentioned Deed of Entail, and who, if this Act had not been passed, would have been entitled to the Lands upon which the said Railway and Works have been constructed, and to the other Lands now appropriated and intended to be used for the Improvement of the Railway, the yearly Rent or Feu Duty of Thirty-seven Pounds Ten Shillings, and such Rent or Feu Duty shall be paid to them in full of their Rights in such Lands and the Railway thereon, clear of all Deductions whatsoever (except Income or Property Tax), by yearly Payments on the Eleventh Day of *November* in every Year, the First Payment under this Act to be made on the Eleventh Day of *November* One thousand eight hundred and sixty-five.

Security for Rent.

22. The said Rent shall be in the Nature of a Rentcharge, and shall be leviable and recoverable as such out of the Tolls and Revenue of the *Carmyllie* Railway, and in the event of a Deficiency it shall also be a Charge upon the Undertaking of the Company and the Revenues thereof, and shall have a Preference or Priority over all Dividends on Ordinary Shares or Stock payable to the Shareholders of the Company, and also over any Preference Shares or Stock hereafter to be created, but the said Rent shall not prejudice or affect any of the existing or subsequent Mortgages or Bonds or any existing Preference Shares or Stock of the Company.

23. If

Rent or Feu Duty in arrear to bear Interest.

23. If and whenever any yearly Payment of the Rent or Feu Duty by this Act made payable by the Company to the Owners, or any Part thereof, shall be in arrear or unpaid for Twenty-one Days after the Day or Time herein-before appointed for Payment thereof, then the Sum so from Time to Time in arrear and unpaid shall bear Interest at the Rate of Five Pounds *per Centum per Annum* from the Day on which it became due until Payment thereof, and there shall be paid therewith and in addition thereto by way of liquidate Penalty a Sum equal to One Fifth of the Sum so in arrear and unpaid.

Certain Provisions of 8 & 9 Vict. c. 17. for Recovery of Rent extended to this Act.

24. The Powers and Provisions contained in Sections 56 and 57 of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Recovery of Interest or of Arrears of Interest due on Mortgages or Bonds, and to the Appointment of a Judicial Factor, shall be applicable, so far as may be, to the Recovery of any yearly Payment or Payments of the before-mentioned Rent, and of any Interest or Penalty for Nonpayment thereof, and it shall be lawful for the Owners to whom such Rent is due to enforce the Payment of such Rent, Interest, and Penalty, and of any subsequent Payments of such Rent, Interest, and Penalty.

Actions not to abate &c

25. Notwithstanding such vesting as aforesaid of the Railway in the Company, any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Owners for or in respect of the Railway before the passing of this Act shall not abate or be discontinued or prejudicially affected by this Act, but on the contrary shall continue and take effect, both in favour of and against the Owners, in the same Manner to all Intents as if this Act were not passed.

Debts to Owners to be paid to them and Liabilities settled.

26. Notwithstanding such vesting as aforesaid, and except only as is by this Act otherwise expressly provided, all Persons who immediately before the First Day of *February* One thousand eight hundred and sixty-four owed any Money to the Owners in respect of the Railway or the Use thereof, or the Conveyance of any Traffic thereon or in relation thereto, or to any Person on their Behalf, shall pay the same, with all the Interest (if any) due and payable or accruing for the same, to the Owners; and all Persons who on and since the First Day of *February* One thousand eight hundred and sixty-four have become indebted to the Owners in respect of the said Railway shall pay the same, with all Interest due or to become due thereon, to the Company; and all Monies which on the First Day of *February* One thousand eight hundred and sixty-four were owing or recoverable from the Owners in respect of the Railway, or for the Payment or Satisfaction of which they were and but for this Act would be liable, shall be repaid and satisfied, with all Interest (if any) due

due and payable or accruing for the same, by or be recoverable from the Owners: Provided always, that the Company shall repay to the Owners any Monies paid by them under this Enactment in respect of any Matters arising on or since the First Day of *February* One thousand eight hundred and sixty-four for which the Company are by this Act liable.

As to Bye-laws of Company.

27. After the passing of this Act the Byelaws of the Company for the Time being relating to their *Dundee and Arbroath* Railway, and all Penalties thereby imposed, shall apply to the *Carmyllie* Railway and every Part thereof and to the Traffic thereon: Provided, that any of such Byelaws relating to Passengers shall not be applicable to the Railway until the opening of the Railway for Passenger Traffic shall be duly authorized.

Owners to indemnify Company from Claims to be borne by Owners.

28. The Owners shall indemnify and keep harmless the Company from and against all Debts and Sums of Money owing by the Owners on the First Day of *February* One thousand eight hundred and sixty-four, and from all Actions, Suits, Claims, or Demands affecting the Company or their Undertaking in respect thereof, or whereby the Owners or their Undertaking, or the Property and Effects of the Owners, may become subject to any Payment or to any legal Proceedings for enforcing or recovering any such Debts or Sums of Money; and if at any Time the Company shall be compelled to pay or satisfy, and shall pay or satisfy, any of such Debts or Sums of Money in order to protect the said Railway or the said Property or Effects, it shall be lawful for the Company in each and every such Case to retain and deduct from and out of the Rent so payable by them as aforesaid such Sum or Sums of Money as may have been so paid by them, and all Costs, Charges, and Expenses which they may have incurred or been put to in respect thereof.

Indemnity to Owners.

29. The Company shall indemnify and keep harmless the Owners from and against all Actions, Suits, Claims, and Demands whatsoever in respect of any Act, Matter, or Thing relating to the Railway which has arisen or may arise since the said First Day of *February* One thousand eight hundred and sixty-four.

Tolls.

30. After the passing of this Act the maximum Rate of Tolls and Duties which the Company may demand and receive for the Conveyance of the several Kinds of Traffic mentioned in the Schedule to this Act carried or conveyed upon the whole or any Part of the Railway, including the Use of the Railway, and Charges for Carriages, Waggons, or Trucks, and locomotive Power, and all other Charges incidental to such Conveyance, shall not exceed the Rates of Charge presently levied on the said Railway, and mentioned in the same Schedule.

31. If

Maximum Rate of Charge for Passengers.

31. If the Railway shall become a Passenger Railway, then the maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the Railway, including the Use of the Railway and Carriages and locomotive Power, and every other Expense incidental thereto, shall not exceed the following Sums; that is to say,

For every Passenger conveyed in a First-class Carriage, Threepence *per* Mile;

For every Passenger conveyed in a Second-class Carriage, Twopence *per* Mile; and

For every Passenger conveyed in a Third-class Carriage, One Penny Halfpenny *per* Mile.

Passengers Luggage.

32. Every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twenty Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Lands for extraordinary Purposes.

33. And whereas it is expedient that the Company should be enabled to purchase additional Lands adjoining or near the *Carmyllie* Railway for the Purpose of laying down additional Lines of Rails and Sidings, and for the Formation of Stations and other Works, and for other Purposes which may be required for the convenient working of the Railway or the Accommodation of the Traffic thereon: Therefore it shall be lawful for the Company, by Agreement with the Owners, Lessees, and Occupiers thereof, to purchase for all or any of the Purposes aforesaid, or for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," any additional Lands not exceeding in the whole Ten Acres, and for the Purpose of effecting any such Purchase as aforesaid "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," are incorporated with this Act; and in construing those Acts the Expression "the Special Act" means this Act, and the Expression "the Railway" means the *Carmyllie* Railway.

Interest not to be paid on Calls paid up.

34. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay to any Shareholder Interest or Dividend on the Amount of Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as

shall

shall be in conformity with the Provisions in that Behalf of "The Companies Clauses Consolidation (*Scotland*) Act, 1845."

Deposits for future Bills not to be paid out of Company's Capital.

35. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised for the Purposes of such Act, 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 Purposes of obtaining an Act authorizing the Company to construct any Railway, or execute any other Work or Undertaking.

Railway not exempt from Provisions of present and future General Acts.

36. Nothing in this Act contained shall be deemed or construed to exempt the Railway by this Act vested in the Company from the Provisions of any General Act relating to Railways, or to 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, and of the Rates for small Parcels.

Expenses of Act.

37. All the Costs, Charges, and Expenses of applying for and obtaining this Act or incidental thereto shall be paid by the Company.

SCHEDULE to which the foregoing Act refers.

Table of Rates or Tolls now taken on the Carmyllie Railway.

	s.	*d.*	
1. Dressed Stone and Pavement - - - - -	1	11½	per Ton.
2. Rubble - - - - - - -	0	10	„
3. Potatoes, Grain, and such like agricultural Produce -	1	6	„
4. Coal, Lime, Bricks - - - - - -	1	6	„
5. Manure - - - - - - -	1	0	„
6. Linens and Yarns - - - - - -	2	0	„

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