



ANNO VICESIMO SEXTO & VICESIMO SEPTIMO
VICTORIÆ REGINÆ.

Cap. clxiv.

An Act to authorize the *Great North of Scotland Railway Company* to construct a Railway to connect their Railway with the *Scottish North-eastern Railway* at *Aberdeen*. [21st July 1863.]

WHEREAS an Act called "The *Scottish Northern Junction Railway Act, 1862*," was passed in the last Session of Parliament for making a Railway from the *Scottish North-eastern Railway* near *Limpet Mill* to the *Great North of Scotland Railway* at *Kintore*, with Branches to the *Deeside Railway* at *Peterculter*, and for other Purposes, and by such Act it is enacted (Section Forty) that the Railways by such Act authorized shall not be constructed, nor the Powers thereby conferred be exercised, if on the Application of the *Great North of Scotland Railway Company* an Act shall be passed before the First Day of *September* One thousand eight hundred and sixty-three for constructing and completing within Three Years, at their own Expense, a Junction Railway between their Railway, at a Point not more than Two hundred Yards from the *Kittybrewster Station*, and a Point not more than Seven hundred Yards South of the South End of the Passenger Station at *Guild Street* on the *Scottish North-eastern Railway*, through or in the Vicinity of *Aberdeen*: And whereas the *Great North of Scotland*

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Railway Company (who are herein-after referred to as "the Company") have given the proper Notices and caused Plans to be prepared for such a Junction Railway, and it is expedient that such Railway should be made instead of the said *Scottish Northern Junction Railway*: And whereas a Plan and Section of the Railway showing the Line and Levels thereof, with a Book of Reference to the Plan containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands through which the said Railway will pass, and which may be required for the Purposes of the said Railway and the Works connected therewith, have been deposited with the Principal Sheriff Clerk for the County of *Aberdeen*: And whereas the Objects aforesaid cannot be accomplished 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:

8 & 9 Vict.
cc. 19. & 33.
and
23 & 24 Vict.
c. 106. in-
corporated.

1. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Railways Clauses Consolidation (*Scotland*) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be incorporated with and form Part of this Act.

Interpreta-
tion of
Terms.

2. In this Act the Words "the Undertaking" or "the Railway" shall mean the Railway and the Works connected therewith by this Act authorized to be constructed.

Power to
take Lands.

3. Subject to the Provisions of this Act, the Company may from Time to Time enter upon, take, and use and appropriate all or any of the Lands defined on the said deposited Plan, and described in the said deposited Book of Reference.

Power to
make Rail-
way accord-
ing to
deposited
Plan.

4. It shall be lawful for the Company, subject to the Provisions in this and the incorporated Acts contained, to make and maintain the Railway herein-after described, with all proper Works, Approaches, and Stations, in the Line and according to the Levels shown on the said Plan and Section, and in and upon the Lands which the Company are by this Act authorized to enter upon, take, and use.

Describing
Line of
Railway.

5. The Railway (which will be wholly situate in the County of *Aberdeen*) shall commence by a Junction with the *Great North of Scotland Railway* at or near a Point about One hundred Yards Northward from the Booking Office of the *Kittybrewster Station* of that Railway, and shall terminate by a Junction with the *Scottish North-eastern Railway* at or near a Point on that Railway about Two hundred Yards Southwards of the South End of the Passenger Shed of the *Scottish North-eastern Station* at *Guild Street*.

6. Not-

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6. Notwithstanding anything contained in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," to the contrary, it shall be lawful for the Company in making any Part of the Railway between the Commencement and Termination thereof to deviate from the Line delineated on the said Plan to any Extent within the Limits of Deviation defined upon the said Plan. Power to make lateral Deviations within Limits shown on Plan.

7. Notwithstanding anything in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," contained, the Company in the Construction of the Railway may deviate from the Line and Levels of any Arches or Viaducts described on the said Plan or Section, so as the Deviations be made within the Limits of Deviation shown on the said Plan, and subject to the Limitations contained in the Eleventh, Twelfth, and Fifteenth Sections of that Act, and so as the Nature of the Work as described be not altered, and they may also substitute any other Engineering Work not shown on the said Plan or Section instead of a Viaduct, Arch or Arches, as shown thereon, provided that every such Substitution be authorized by a Certificate of the Board of Trade; and the said Board is hereby empowered to grant such Certificates, provided it shall appear to the Board upon due Inquiry that the Company has acted in the Matter with good Faith, and that the Owners, Lessees, and Occupiers of the Land in which the Substitution is intended to be made consent thereto, and also that the Safety and Convenience of the Public will not be diminished thereby: Provided that nothing herein contained shall take away or affect any of the Powers given to the Company or to the Board of Trade by the Eleventh, Twelfth, Fourteenth, or Fifteenth Sections of "The Railways Clauses Consolidation (*Scotland*) Act, 1845." Power to alter Engineering Works.

8. In carrying the following Roads in the Parish of *Old Machar* over or under the Railway the Company may alter the Levels of such Roads respectively to such Extent as they may think fit, but so as not to exceed the respective Rates of Inclination herein-after specified; (that is to say,) Regulating Inclination of certain Roads.

Description of Road.	No. on Plan.	Rate of Inclination.
Commutation Road - - -	208	1 in 16 on one Side and level on the other.
The Wellington Suspension Bridge and Turnpike Road - -	499	1 in 26.
Commutation Road and Part of the Wellington Suspension Bridge and Turnpike Road - - -	550	1 in 25.

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Regulating
Dimensions
of certain
Bridge.

9. Notwithstanding anything in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," contained to the contrary, the Company may make the Arch of the Bridge for carrying the Railway in the said Parish of *Old Machar* over the Road numbered as follows on the said deposited Plan of such Dimensions as they think fit, not being less than the following; (that is to say,)

Description of Road.	No. on Plan.	Height of Arch.	Span of Arch.
Commutation Road - -	64	9 Feet	12 Feet.

Certain Road
may be
stopped up.

10. It shall be lawful for the Company permanently to stop up the public Accommodation Road numbered on the said Plan 311 in the said Parish of *Old Machar*.

Communica-
tion with
Scottish
North-
eastern
Railway to
be made
under the
Direction of
the Engineer
of that
Railway.

11. The Communication between the Railway hereby authorized and the *Scottish North-eastern* Railway, and all such Interferences with the Works of the said Railway as may be necessary or convenient for effecting such Communication, shall be made under the Direction and Superintendence of the Engineer for the Time being of the *Scottish North-eastern* Railway Company, and in case of any Difference arising as to the Mode of effecting the Communication the same shall be determined by a Referee to be appointed at the Cost of the Company by the Board of Trade on the Application of either Company.

Not to take
Lands of
Scottish
North-
eastern Rail-
way Com-
pany without
Consent.

12. Excepting as is by this Act specially provided, nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company to take or enter upon any of the Lands belonging to the *Scottish North-eastern* Railway Company further or otherwise than is necessary for the Formation of a convenient Junction between their said Railway and the Railway hereby authorized, without the Consent in Writing of the *Scottish North-eastern* Railway Company in every Instance for that Purpose first had and obtained.

As to Ex-
pense of
Signals,
Watchmen,
&c.

13. The *Scottish North-eastern* Railway Company may from Time to Time erect such Signals and Conveniences incident to the Junction, and appoint and remove such Watchmen, Switchmen, or other Persons, as may be necessary for the Prevention of Danger to or Interference with the Traffic at and near the said Junction; and the Working and Management of such Signals and Conveniences, whether on the Land of the *Scottish North-eastern* Railway Company, or on Land of the Company, shall be under the exclusive Management and Regulation of the *Scottish North-eastern* Railway Company; and all the Expense of erecting and maintaining such Signals and Conveniences, and of the Wages of such Watchmen, Switchmen, and other Persons, and all incidental current Expenses, shall at the

End

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End of every Half Year be repaid by the Company, and in default of such Repayment the Amount of such Expenses and Wages may be recovered from the Company in any Court of competent Jurisdiction.

14. The Company may demand and receive for and in respect of the Railway the same Tolls and Charges as they are now authorized to receive in respect of their existing Undertaking, and the Railway shall for the Purposes of Tolls and in all other respects be deemed Part of the *Great North of Scotland Railway*.

Railway as to Tolls and otherwise to form Part of Company's Undertaking.

15. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years from the Period when the Powers for making the Railway shall come into operation.

Period for compulsory Purchases limited.

16. The Railway shall be completed within Three Years from the Period lastly referred to in the preceding Enactment, and on the Expiration of such Three Years the Powers by this Act granted to the Company for making the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

Period for Completion of Works.

17. It shall be lawful for the Company to take by Agreement for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," any Quantity of Land not exceeding Three Acres, in addition to the Land which they are already authorized to acquire for such Purposes.

Lands for extraordinary Purposes.

18. If the Railway shall not be completed and opened for public Traffic at the Period herein-before prescribed the Company shall be liable to a Penalty at the Rate of Fifty Pounds for every Day after the said Period until such Line shall be so completed and opened, and the said Penalty shall be deemed a Debt due to Her Majesty in right of Her Crown, and may be recovered accordingly: Provided always, that if the Company has been prevented from completing or opening the Railway by unforeseen Accident, or by Circumstances beyond their Control, (of which Fact a Certificate under the Hand of the Secretary of the Board of Trade shall be the sole and conclusive Evidence,) the Company shall not be liable to the Payment of the said Penalty in respect of the Period during which it shall be certified that they have been so prevented as aforesaid, but the Want of sufficient Funds shall not be held to be a Circumstance beyond their Control.

Penalty if Line not completed.

19. After the Construction of the Railway the whole of the Passenger Traffic of the Company and of the *Scottish North-eastern Railway*
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A Joint Passenger Station to be

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made at
Guild Street.

Company at *Aberdeen* shall be carried on and conducted at a Joint Passenger Station to be constructed on the West Side of and adjoining the existing Passenger Station of the *Scottish North-eastern Railway Company* at *Guild Street* in *Aberdeen*, and within the Boundaries defined on a certain Plan signed on the Fifteenth Day of *May* One thousand eight hundred and sixty-three by *Michael Dobbyn Hassard* Esquire, Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred, and the Lands coloured Red within the said Boundaries, or such Portions thereof as may be required for the Joint Station and Accesses, shall be purchased and held by the Company for the Purpose of the said Joint Station, and for the joint Benefit of the Company and of the *Scottish North-eastern Railway Company*.

Station to be
constructed
by Joint
Committee.

20. The Site of the said Joint Station and of the Accesses thereto shall be determined by the Joint Committee herein-after mentioned or their Arbitrator, and the said Joint Station shall be constructed and completed by the Company, and shall be of such Extent within the before-mentioned Limits, and made according to such Plan and with such Accommodation for the joint and separate Passenger Traffic of each of the said Companies, and with such Sidings, Works, and Conveniences, as the said Joint Committee shall determine, and if the Joint Committee cannot agree thereon then as shall be determined by their Arbitrator to be appointed as herein-after provided.

How the
Costs of
Joint Station
to be ascer-
tained and
paid.

21. The Costs and Expenses of purchasing the Land for and constructing the said Joint Passenger Station and Accesses, as determined by the Joint Committee or by their Arbitrator as aforesaid, shall be paid by the said Companies in such Proportions, and at such Times, and in such Manner as shall be determined by the said Joint Committee, or in case of Difference by their Arbitrator.

Both Com-
panies to
have the free
Use of the
Station.

22. The said Joint Station shall, as regards both Through and Local Passenger Traffic, be free to the Company and to the *Scottish North-eastern Railway Company* respectively, without Payment of Tolls, Rates, Duties, or other Charges for the Use thereof, or of any of the Lines of Railway and Sidings leading into or out of the same within the Distance of Four hundred Yards from the South End of the present Passenger Shed of the said existing Station at *Guild Street*, and the said Companies respectively shall in the said Joint Station be entitled to equal Accommodation and Facilities corresponding to their Traffic without Preference or Partiality, and shall be subject to such Regulations as to the Use of the said Station as may be determined by the Joint Committee, or in case of Difference by their Arbitrator.

Period for
Completion
of Station.

23. The said Joint Station shall be proceeded with and be completed for Use within the Period limited by this Act for the Construction of the
Railway,

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Railway, and, subject to the Provisions of this Act, the Maintenance, Management, Regulation, and Control of the Joint Station and the Appropriation thereof, and of the Sidings, Sheds, Offices, and Buildings therein, and all other Matters incident to the said Station, including the Power to appoint, suspend, and dismiss the Superintendents and other Officers and Servants required for the said Station, and the making, Alteration, and enforcing of Byelaws, Rules, and Regulations for the Management of the said Station, and the Government of the said Officers and Servants, shall be vested in a Joint Committee of Six Persons, to be called "the Joint Committee," which Committee shall be constituted and shall act in the Manner herein-after mentioned; (that is to say,)

and Appointment of Station Master.

Within Three Months after the passing of this Act the Board of Directors of the Company shall nominate and appoint Three Directors of that Company, and the Board of Directors of the *Scottish North-eastern* Railway Company shall nominate and appoint Three Directors of that Company, and the Six Persons so appointed shall be the Members forming the said Committee:

The said Members so nominated and appointed shall remain in Office until the First Day of *April* in the following Year, and thereafter until the Appointment of their Successors as next herein-after provided:

At a Meeting to be held in the said Month of *April*, and in the same Month in each successive Year, the Board of Directors of each of the said Companies shall nominate and appoint a like Number of Directors of each Company to succeed the Members of the Joint Committee then in Office, but the retiring Members, if and so long as they shall respectively continue to be Directors, shall be re-eligible:

The Nomination and Appointment shall be made at a Board Meeting specially convened for the Purpose, and by the Majority of the Directors present at such Meeting, and the Members of the Joint Committee for the Time being shall remain in Office until the Appointment of their Successors:

If during the Period for which any Member of the Joint Committee shall have been appointed he shall die, resign, or cease to be a Director of the Company for which he was appointed, or by reason of Ill-health or Absence from *Great Britain*, or from any other Cause, shall become and continue to be unable or unwilling to act, the Board of Directors by whom such Person shall have been appointed shall thereupon appoint another Person in his Place, but the Acts and Proceedings of the Joint Committee shall be valid notwithstanding any Delay in making such Appointment:

Immediately after the first and each successive annual Appointment of the Members of the Joint Committee, and ultimately in the Case of
a. Vacancy

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a Vacancy in the Office of Chairman of such Committee, the said Committee shall nominate One of their Members to be Chairman :
Provided always, that the Chairman shall be elected alternately from the Members representing each of the said Companies, but the First Chairman of the Committee shall be a Director of the Company :

The Meetings of the Joint Committee shall be held in *Aberdeen*, and the first and each successive Joint Committee shall at its First Meeting after its Appointment determine the Times and Places of Meeting during the Period for which it shall have been appointed ; but a Special Meeting may at any Time be called upon the Requisition of any Two Members, and all Special Meetings, whether upon such Requisition or without such Requisition, in the Cases provided by "The Companies Clauses Consolidation (*Scotland*) Act, 1845," shall be called by the Secretary or Clerk by Circular, which may be despatched by Post to the Address of the several Members at least Forty-eight Hours before the Time of meeting :

The Chairman when present shall preside at all Meetings of the Joint Committee, and in case of his Absence at the Time appointed for meeting the Members present may and shall appoint One of their Body to be Chairman for that Occasion, but no Chairman shall have a Casting Vote :

Three shall be a Quorum of the Joint Committee, and all Questions brought before such Committee shall be determined by a Majority of Votes reckoned as herein-after mentioned :

Every Member of the Joint Committee appointed by the Boards of Directors of the said Two Companies respectively shall be entitled at each Meeting of the Joint Committee to One Vote :

If the Board of Directors of either of the said Two Companies shall consider such Company aggrieved by any Resolution of any Meeting of the Joint Committee to which the Members or Member appointed by such Board of Directors and attending such Meeting shall not have assented, or if such Board of Directors shall be of opinion that such Company is not afforded the like Accommodation and Facilities corresponding to its Traffic as the other Company, it shall be lawful for such Board of Directors to require such Matter to be submitted to an Arbitrator to be appointed as herein-after mentioned, and it shall be lawful for such Arbitrator to determine the same, and to give such Directions in respect thereto, and to require the said Directions to be observed and fulfilled within such reasonable Time, and subject to such Penalties, as he shall appoint :

The Joint Committee may annually at their First Meeting, by the unanimous Vote of the Members present thereat, appoint an Arbitrator, to whom shall be referred all Questions during the ensuing Year which are by this Section directed to be referred to Arbitration,

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Arbitration, and failing such Appointment the said Arbitrator shall, on the Requisition of either of the said Two Companies, be from Time to Time appointed by the Board of Trade :

There shall be a Secretary or Clerk of the Joint Committee, who shall be appointed by the Members of the Joint Committee at their First Meeting, and shall be removeable at the Pleasure of the Joint Committee acting for the Time being :

In case of the Death, Resignation, or Removal of the Secretary or Clerk, the Joint Committee for the Time being shall immediately thereupon appoint some other Secretary or Clerk in the Place of the One so dying, resigning, or being removed :

Minutes of the Proceedings of the Joint Committee shall be entered by the Secretary or Clerk in a Book to be provided for that Purpose, and shall be signed by the Chairman, and the Minutes so signed shall be Evidence for all Purposes of such Proceedings, and the Book in which the same shall be so entered shall be open to the Inspection of, and may be called for and inspected by, the Boards of Directors of the Two Companies respectively :

For the Purposes of this Act, and in any Matter connected with or arising out of the same, the Joint Committee may sue and be sued in the Name of their Secretary or Clerk.

24. The Expenses attending the Maintenance of the said Joint Station, and attending the general Management, Regulation, and Control of the said Station as aforesaid, shall be apportioned annually between the Two Companies according and in proportion to the Use made of the same by those Companies respectively; and any Question which may arise as to the Extent of such User by either of the said Companies, or as to the Amount of such Expenses and the Proportion thereof to be paid by the said Companies respectively, shall be from Time to Time determined by the Joint Committee or their Arbitrator.

Apportionment of future Expenses of Maintenance and Management.

25. Nothing in this Act contained shall operate to interfere with the existing Agreement between the *Aberdeen* Railway Company and the *Deeside* Railway Company; and if the *Deeside* Railway Company, after the Construction of the said Joint Passenger Station, shall elect to use the same instead of the existing *Guild Street* Passenger Station of the *Scottish North-eastern* Railway Company, they shall be at liberty to do so, and the annual Sum for the Time being payable by them for Station Accommodation in the Joint Passenger Station shall be paid to the *Great North of Scotland* Railway Company and the *Scottish North-eastern* Railway Company in such Proportions as shall be agreed to by them, or, in the event of Difference, as shall be determined by the Joint Committee or their Arbitrator.

Saving Rights of *Deeside* Railway Company to use any new Passenger Station.

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The Com-
pany and the
Scottish
North-
eastern
Company
to book
through, and
afford mutual
Facilities.

26. Whether the Railway by this Act authorized or the *Denburn Valley* Railway shall be made, the *Great North of Scotland* Railway Company shall and they are hereby required to book through, receive, and forward over such Railway or any Part thereof all Passengers, Goods, Animals, and other Traffic from and to the *Scottish North-eastern* Railway, and to afford all necessary Facilities for the Passage and Transmission of such Traffic upon, over, along, and from the said Railway or any Part thereof; and the Lines of Railway of the *Great North of Scotland* Railway Company connected therewith, and in like Manner the *Scottish North-eastern* Railway Company shall and they are hereby required to book through, receive, and forward over their Railway or any Part thereof all Passengers, Goods, Animals, and other Traffic to and from the Railway by this Act authorized, or the *Denburn Valley* Railway, and the Railways of the *Great North of Scotland* Railway Company, and to afford all necessary Facilities for the Passage and Transmission of such Traffic upon, over, along, and from the *Scottish North-eastern* Railway, or any Part thereof.

Company
may apply
their Funds
towards
Purposes of
Act.

27. It shall be lawful for the Company to apply towards the Purposes authorized by this Act any of the Monies which they are already authorized to raise, and which may not be required by them for the Purposes of their Undertakings.

Power to
Company
to raise
additional
Capital.

28. The Company may from Time to Time raise (in addition to the Sums of Money which they are already authorized to raise) any further Sums not exceeding in the whole One hundred and thirty-five thousand Pounds by the Creation of new Shares in their Undertaking, which Shares shall form Part of the general Capital of the Company, and shall be of such Amounts as will allow the same to be conveniently apportioned or disposed of according to the Resolution of any Ordinary or Extraordinary Meeting of the Company; and the Company may from Time to Time, but subject to the Provisions of this Act, fix the Amount and Times of Payment of the Calls on Shares created under the Powers of this Act, and dispose of such Shares on such Terms and Conditions, not being less than the nominal Amount of the Shares, as may be so resolved upon.

If original
Shares at a
Premium,
new Shares
to be offered
to existing
Share-
holders.
Offer by
Letter.

29. Provided always, That if at the Time of issuing any new Shares under this Act the original Shares of the Company are at a Premium, the new Shares issued shall be offered to the then Holders of the original Shares in proportion to the original Shares held by them respectively; and every such Offer shall be made by Letter under the Hand of the Treasurer or Secretary of the Company given to every such Shareholder, or sent by Post addressed to him according to his Address in the Company's Register, or left for him at his usual or last Place of Abode; and every

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every such Offer made by Letter sent by Post shall be considered as made on the Day on which the Letter in due Course of the Post ought to be delivered at the Place to which it is addressed.

30. If any such Shareholder shall fail for One Month after the Offer of such new Shares to accept them the Company may dispose of the unaccepted new Shares to any other Person. Disposal of unaccepted new Shares to others.

31. Provided always, That where any such Shareholder, from Absence abroad or other Cause satisfactory to the Directors, omits to signify within the Time by this Act limited his Acceptance of the Shares offered to him, the Directors, if they think fit, but not otherwise, may permit him to accept the Shares notwithstanding the Time has elapsed. Directors may enlarge Time for accepting new Shares.

32. The Company may, with the Consent of Three Fifths at least of the Votes of their Shareholders present, personally or by proxy, at any Extraordinary Meeting convened with due Notice of the Object, attach to all or any of the Shares to be created under the Powers of this Act any preferential Dividend, with or without other Privileges, which the Company may think fit, and to be notified on the Certificates of such Shares: Provided that any fixed or preferential Dividend to be granted by the Authority of this Act shall not exceed the Rate of Five Pounds *per Centum per Annum* on the Amount for the Time being paid up on such Shares. Privileges may be attached to new Shares.

33. The Shares to be created under the Powers of this Act shall be entitled to the preferential Dividend (if any) which may have been attached thereto by the Company as aforesaid; 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 Dividend, 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 the First Half of any Year, namely, between the Thirty-first Day of *January* and the Thirty-first Day of *July*, 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 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 Extent of preferential Dividends.

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on the Preference Shares 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.

Saving
existing
Preference
Shares.

34. Provided always, That any Preference or Priority in the Payment of Interest or Dividend which may be granted in respect of any new Shares created in pursuance of this Act shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares or Stock which may have been previously granted by the Company by or in pursuance of or which may have been confirmed by any Act of Parliament passed prior to this Act, or which may otherwise be lawfully subsisting.

Limit of
Amount and
Number of
Calls.

35. The Amount of any One Call to be made upon the Shares created under the Powers of this Act shall not exceed One Fourth of the Amount of such Shares, and there shall be an Interval of Two Months at least between every Two successive Calls, and not more than Three Fourths of the Amount of each Share shall be called up in any One Year.

Dividends of
Holders.

36. Every Person who becomes entitled to any Share created under the Powers of this Act shall in respect of the same be a Shareholder in the Company, and (except as otherwise provided by or under the Powers of this Act) shall be entitled to a Dividend with the other Shareholders proportioned to the Amount for the Time being paid up on such Shares.

As to Votes
of Pro-
prieters of
new Shares.

37. The Proprietors of any Shares to be issued under the Authority of this Act shall, if no Preference or Priority of Dividend be attached thereto, be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if the same had been original Shares of the Company, but if any Preference or Priority of Dividend be attached to the same Shares then the Proprietors thereof shall be entitled to such Votes in respect thereof as shall be determined by the General Meeting in pursuance of whose Vote the same Shares shall be issued.

Power to
borrow on
Mortgage.

38. The Company may from Time to Time under the Powers of this Act borrow on Mortgage any additional Sum of Money not exceeding Forty-five thousand Pounds, but no Part of such additional Sum shall be borrowed until the whole of the additional Capital which the Company are by this Act authorized to raise by Shares is *bonâ fide* subscribed for or taken, and One Half thereof is paid up, and until the Company shall prove to the Sheriff who is to certify under the Forty-second Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," before he so certifies, that all such additional Capital has been subscribed for or taken *bonâ fide*, and is held by the Subscribers or their Executors or
Assigns,

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

39. Provided always, That all Mortgages granted by the Company before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such Mortgages have Priority over any Mortgages to be created by virtue of this Act.

Existing
Mortgages
to have
Priority.

40. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Judicial Factor; and in order to authorize the Appointment of such Judicial Factor, in the event of the Principal Monies due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Judicial Factor shall be made shall not be less than Four thousand Pounds in the whole.

Arrears may
be enforced
by Appoint-
ment of a
Judicial
Factor.

41. The Clauses and Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," "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 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;" "with respect to the Conversion of the borrowed Money into Capital;" "with respect to the Consolidation of Shares into Stock;" and "with respect to the affording Access to the Special Act," shall be incorporated with this Act, and shall apply to all Shares created, and to Mortgages granted, and Money borrowed, under the Powers of this Act.

Parts of
8 & 9 Vict.
c. 17. incor-
porated.

42. All and every Part of the Monies which the Company are by this Act authorized to raise by new Shares or on Mortgage shall be applied only to the Purposes by this Act authorized.

Application
of Sums
raised under
this Act.

43. It shall not be lawful for the Company, out of any Money by this Act or by 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 Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing hereinbefore contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation (*Scotland*) Act, 1845," in that Behalf contained.

Interest not
to be paid on
Calls paid
up.

[*Local.*]

27 Z

44. It

*The Great North of Scotland Railway (Aberdeen Junction)
Act, 1863.*

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

44. It shall not be lawful for the Company, out of any Money by this Act 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 Purpose of obtaining an Act authorizing the Company to construct any other Railway, or to execute any other Work or Undertaking.

The Construction of the Railway hereby authorized in certain Cases to be suspended.

45. The Construction of the Railway hereby authorized shall be suspended until the First Day of *January* next, and if the *Scottish North-eastern* Railway Company shall then have given the proper Notices, and deposited Plans, Sections, and Books of Reference for and also a Bill for the Construction and Completion within Three Years from the passing thereof, but subject to the Conditions contained in the Schedule to this Act, of a Junction Railway commencing from and out of the *Scottish North-eastern* Railway at a Point thereon not more than Seven hundred Yards from the South End of the present Passenger Shed of the said existing Station at *Guild Street*, and terminating by a Junction with the *Great North of Scotland* Railway at a Point thereon not more than Two hundred Yards to the Northward from the North End of the Passenger Shed of the *Kittybrewster* Station, nor more than One hundred Yards South of the South End of the said Passenger Shed, and in its Course passing up Part of the *Denburn Valley*, and beyond, within the Space shown by the broad Blue Line drawn upon a Plan of the City of *Aberdeen*, signed on the Fifteenth Day of *May* One thousand eight hundred and sixty-three by *Michael Dobbyn Hassard* Esquire, Chairman of the Committee of the House of Commons to which this Act was referred, with a Joint Passenger Station on the said Railway to be constructed, with its Approaches, from *Union Street*, *Guild Street*, *Wellington Road*, and other Streets, on the Site and substantially according to the Plan of Messieurs *Gibb* and *Willet* made in One thousand eight hundred and sixty-one, and a Copy of which Plan has also been signed by the said *Michael Dobbyn Hassard*, and is referred to in the Schedule as the Station Plan, then the Construction of the Railway by this Act authorized shall be further suspended until such Bill is either passed, rejected, or withdrawn, and the Company shall not directly or indirectly oppose such Bill so far as the same relates to the Construction of the said Railway, excepting so far as it may not be in accordance with the Provisions of this Act, but the Company shall be at liberty to oppose any of the Clauses of the Bill so far as the same differ from or are inconsistent with this Act, or the Conditions contained in the Schedule thereto, and to propose any Clauses for the Protection of their Undertaking, and the Accommodation of their Traffic and of the Public, so far as the same shall not be inconsistent with the said Conditions; and in case such Bill shall be passed into a Law during the Year One thousand eight hundred and sixty-four, then
from

*The Great North of Scotland Railway (Aberdeen Junction)
Act, 1863.*

from and after the passing thereof all the Powers of this Act for the Construction of the Railway hereby authorized shall absolutely cease and determine, and such Railway shall not be constructed, and the Company shall not be subject to any of the Penalties by this Act imposed for the Noncompletion of the said Railway within the Period by this Act limited for the Construction thereof: Provided always, that all the Provisions of this Act for raising additional Capital shall remain in force and be exercised by the Company to the Extent necessary for raising the Sum of One hundred and twenty-five thousand Pounds which the Company are by this Act required to contribute to the said substituted Line of Railway, which Line of Railway is herein-after referred to as the *Denburn Valley Railway*, and such Sums shall be paid and applied in the Manner directed in the Schedule to this Act.

46. The Plans before referred to as signed by *Michael Dobbyn Hassard* Esquire shall be deposited with the Principal Sheriff Clerk for the County of *Aberdeen*, and shall be retained and dealt with by him as though they had been deposited with him under the Act of the First *Victoria*, Chapter Eighty-three.

As to Deposit
of signed
Plans.

47. If the *Scottish North-eastern Railway Company* shall not bring in and pass during the Year One thousand eight hundred and sixty-four an Act authorizing the Construction of the *Denburn Valley Railway*, subject to the Terms and Conditions contained in this Act, then they shall, on or before the First Day of *January* One thousand eight hundred and sixty-five, pay to the Company the Sum of Five thousand Pounds by way of Compensation in the Nature of ascertained and liquidated Damages: Provided always, that if the Act for the *Denburn Valley Railway* shall not be passed in consequence of any Act or Omission of the Company, then the said Sum of Five thousand Pounds shall not become payable to them by the *Scottish North-eastern Railway Company*.

If Scottish
North-
eastern Com-
pany do not
obtain Act
for Denburn
Valley Rail-
way, then
they are to
pay 5,000*l.*
to Great
North of
Scotland
Railway
Company.

48. Nothing herein contained shall be deemed or construed to exempt the Railway or 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 authorized to be taken by the Company, or of the Rates for small Parcels.

Railway not
exempt from
Provisions of
present and
future Gene-
ral Acts.

49. On the passing of this Act "The *Scottish Northern Junction Railway Act, 1862*," shall be and the same is hereby repealed, except such of the Provisions thereof as relate to the Repayment of the parliamentary Deposit of Twelve thousand Pounds referred to in

On passing
of this Act
25 & 26 Vict.
c. lxxix.
repealed.

Section

*The Great North of Scotland Railway (Aberdeen Junction)
Act, 1863.*

Section Thirty-nine of the said Act, which Provisions shall remain in force for the Purpose of enabling the *Scottish Northern Junction Railway Company*, or the Person or Persons or the Majority of the Persons named in the Warrant or Order in pursuance of which such Sum was deposited in the *British Linen Company Bank* in the Name and with the Privity of the Queen's Remembrancer of the Court of Exchequer in *Scotland* in respect of the Application to Parliament for the said Act, to obtain Repayment of such Deposit in the same Manner as if the Bill upon which the said Act was founded had been withdrawn or not allowed to proceed, and except also as to the Provision contained in Section Forty of the said Act for Payment of the Expenses of the said Act and other Expenses therein mentioned, which Expenses shall be paid by the *Scottish North-eastern Railway Company* as by that Section provided.

Short Title.
Expenses of
Act.

50. This Act may be cited as "*The Great North of Scotland Railway (Aberdeen Junction) Act, 1863*;" and all the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company.

*The Great North of Scotland Railway (Aberdeen Junction)
Act, 1863.*

SCHEDULE referred to in this Act.

CONDITIONS on which the DENBURN VALLEY RAILWAY is to be applied for by the SCOTTISH NORTH-EASTERN RAILWAY COMPANY in the next Session of Parliament.

The Denburn Valley Railway shall be made by the Scottish North-eastern Railway Company as a double Line of Railway within the Limits delineated on the Plan of the City of Aberdeen before referred to, and the Joint Passenger Station and its Approaches shall also, unless otherwise agreed by both Companies, be made on the Site and substantially according to the Station Plan before referred to.

The Line, as to Gradients and Curves, shall not be inferior to those of the Railway authorized by this Act, and the whole Works of the Line and Station shall be of a substantial and permanent Character.

The Plan of the Joint Passenger Station shall be determined by a Joint Committee of Six, to be appointed by the Directors of the Two Companies, or by the Arbitrator of such Joint Committee, to be appointed in the same Manner as in this Act provided with respect to the Joint Committee in relation to the Joint Passenger Station to be constructed on the Railway authorized by this Act.

The Railway and Station shall be constructed by the Scottish North-eastern Railway Company to the Satisfaction of the Joint Committee or their Arbitrator.

The Joint Passenger Station shall be jointly and equally the Property of the Scottish North-eastern Railway Company and of the Company.

The Portion of the Denburn Valley Railway from the North End of the Joint Passenger Station to the Junction of the said Railway with the Great North of Scotland Railway at or near Kittybrewster shall be the Property of the Company, and the Portion of the Denburn Valley Railway from the South End of the Joint Passenger Station to the Junction of the said Railway with the Scottish North-eastern Railway shall be the Property of the Scottish North-eastern Railway Company.

The Lines from the Centre of the Station to the Junction with the Great North of Scotland Railway shall, for the Purposes of Tolls, be deemed Part of the Great North of Scotland Railway, and shall be maintained by the Great North of Scotland Railway Company, and the Lines from the Centre of the Station to the Scottish North-eastern Railway shall, for the Purposes of Tolls, be deemed Part of the Scottish North-eastern Railway, and shall be maintained by the Scottish North-eastern Railway Company.

Neither Company shall have the Use of the Joint Passenger Station, or of any Part of the Railway, until the whole of the said Railway and Joint Passenger Station shall have been completed and be open for the Use of both the said Companies.

*The Great North of Scotland Railway (Aberdeen Junction)
Act, 1863.*

The Land and Property required for the Denburn Valley Railway and the Joint Passenger Station thereon and the Accesses thereto shall be purchased by and be vested in the Scottish North-eastern Railway Company in trust for the Purposes aforesaid; and any Portions of Land and Property acquired by them and not required for the Purposes of the Railway and Joint Passenger Station as actually constructed shall belong to that Company.

The Company shall contribute and pay to the Scottish North-eastern Railway Company the Sum of One hundred and twenty-five thousand Pounds towards the Purchase of Lands for and the Construction and Completion of the said Railway and of the Joint Passenger Station thereon; and if the Consent of a Wharncliffe Meeting of the Company to the said Bill be necessary they shall use their best Endeavours to obtain the same, and do every other Act necessary on their Part for passing the said Bill.

The Joint Passenger Station when made shall be under the Control and Management of the Joint Committee.

Each of the said Companies shall be entitled to the free Use of the Joint Passenger Station for Through and Local Passenger Traffic, and in proportion to their Traffic to an equal Amount of Accommodation therein, and the said Companies shall abandon the Use of their Waterloo and Guild Street Stations for all Through and Local Passenger Traffic, except as to the Guild Street Passenger Station, so far and so long as the Deeside Railway Company may be entitled to use the same Station under their existing Agreement for that Purpose, but with full Liberty for that Company to go into and use the said Joint Passenger Station upon such Terms as may be settled by the Joint Committee or their Arbitrator.

If the Deeside Railway Company elect to use the said Joint Passenger Station, the yearly Sum payable by them for Passenger Station Accommodation shall be divided or applied as the Joint Committee or their Arbitrator, in case of Difference between the Companies as to the Division thereof, shall direct.

The Scottish North-eastern Railway Company shall not be entitled to run over or use any Portion of the Railway between the Joint Passenger Station and the Great North of Scotland Railway at Kittybrewster, and in like Manner the Company shall not be entitled to run over or use any Portion of the said Railway between the Joint Passenger Station and the Junction of the said Railway with the Scottish North-eastern Railway.

The Tolls and Rates charged by the said Companies respectively for the Use of their respective Portions of the Denburn Valley Railway and for the Use of the said Joint Passenger Station, and other Revenue arising therefrom, shall be paid over to the Joint Committee monthly, subject to a Deduction of 40 per Cent. for Working Expenses.

The Sums so paid to the Joint Committee shall be deemed Profits, and shall be divided into Four equal Parts, and Three of such Four Parts shall be paid to the Company, and the remaining Fourth Part thereof to the Scottish North-eastern Railway Company.

The Sum of One hundred and twenty-five thousand Pounds payable by the Company to the Scottish North-eastern Railway Company shall be paid as follows:

When the Scottish North-eastern Railway Company shall have paid any Monies on account of the Expenses of making the said Denburn Valley
Railway

*The Great North of Scotland Railway (Aberdeen Junction)
Act, 1863.*

Railway and Joint Passenger Station, the Payments from the Company shall commence, and they shall thereafter on Demand pay to the said Scottish North-eastern Railway Company Two equal Third Parts of the Sum which they shall then have paid on account of such Expenses, the Amount thereof to be certified by the Secretary of the Joint Committee or their Arbitrator, and after such First Payment the Company shall on the First Day of every Month thereafter pay to the Scottish North-eastern Railway Company Two equal Third Parts of the additional Sums actually paid by the Scottish North-eastern Railway Company during the preceding Month on account of such Expenses on such Certificate as aforesaid, which Certificate shall in every Case be conclusive Evidence of the Matters therein contained, and such monthly Payments shall be continued until the Company shall thereby or otherwise have paid the whole of the said Sum of One hundred and twenty-five thousand Pounds, when such Payments shall cease.

When the said Railway and Joint Passenger Station shall have been completed, if the Sums then paid by the Company to the Scottish North-eastern Railway Company by such Payments as aforesaid shall not amount to One hundred and twenty-five thousand Pounds, then the Sum requisite to make up the said Sum of One hundred and twenty-five thousand Pounds shall be immediately paid by the Company to the Scottish North-eastern Railway Company.

If either of the said Companies fail to appoint Directors on their Part as Members of the Joint Committee, the Members of such Committee appointed by the other Company may exercise all the Powers for the Time being vested in the Joint Committee until the Appointment by the other Company shall be made.

The annual Expenses of the Joint Committee and Expenses attending the Maintenance, general Management, Regulation, and Control of the said Joint Passenger Station shall be paid by the said Companies as the Joint Committee or the Arbitrator shall from Time to Time direct, according and in proportion to the Use made of the same by those Companies respectively, and such Payments shall be made by the said Companies respectively at such Times as the said Committee or their Arbitrator may direct.

The Expression "Joint Passenger Station" or "Station" in this Schedule means the Joint Passenger Station, the Railway through the same, and the Sidings, Accesses, and Works extending for Two hundred Yards on each Side of the Passenger Shed of the Joint Passenger Station.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1863.

