



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cxv.

An Act to enable the *Scottish North-eastern Railway Company* to make a new Railway from *Newtyle* to the *Meigle Station* on the *Scottish North-eastern Railway*; and for other Purposes.

[23d June 1864.]

WHEREAS the existing Communication between *Blairgowrie* and *Dundee* is by means of the *Scottish North-eastern Railway* from *Blairgowrie* to *Ardler* or *Meigle Stations*, both on the *Scottish North-eastern Railway*, and then by the *Ardler Fork and Newtyle Branch* of that Railway to *Newtyle*, and thence by the *Dundee and Newtyle* and *Dundee and Perth and Aberdeen Junction* Railways, both now vested in the *Scottish Central Railway Company*, to *Dundee*: And whereas the *Alyth Railway* forms a Junction with the *Scottish North-eastern Railway* at the said *Meigle Station*, and is in effect a Branch of the *Scottish North-eastern Railway*, and the *Alyth Railway* has been agreed to be leased to the

[Local.]

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Scottish

The Scottish North-eastern Railway (Newtyle and Meigle Junction) Act, 1864.

Scottish North-eastern Railway Company: And whereas the existing Railway Communication between *Alyth* and *Dundee* is by means of the said *Alyth* Railway to *Meigle* on the *Scottish North-eastern Railway*, and by the *Ardler Fork and Newtyle Branch* of that Railway to *Newtyle*, and thence by the *Dundee and Newtyle* and the *Dundee and Perth and Aberdeen Junction* Railways, now held by the said *Scottish Central Railway Company*, to *Dundee*: And whereas the existing Route between *Meigle* Station and *Newtyle* is circuitous and inconvenient, and Part of the *Dundee and Newtyle* Railway at the *Newtyle* End consists of a steep Incline (called the *Hatton Incline*) worked by means of a Stationary Engine: And whereas it would be attended with local and public Advantage if an improved Line of Railway between *Meigle* Station aforesaid and a Point on the Line of the *Dundee and Newtyle* Railway near *Pitnappie* (herein-after called *Pitnappie Junction*) were constructed, and the *Scottish North-eastern Railway Company* are willing, if authorized so to do, to construct the Portion thereof herein-after described between *Meigle* Station aforesaid and a Point near the Schoolhouse in the Village of *Newtyle*; and the *Scottish Central Railway Company* are willing, if authorized so to do, to construct the Portion of the said improved Line of Railway between the last-mentioned Point and *Pitnappie Junction*; and the said Companies are also willing to construct a joint Station at the Point of Junction of their said Railways in the Village of *Newtyle* and to execute other Works in connexion therewith and with the existing Railways and Station at *Newtyle*, and have agreed to the Provisions herein-after contained with respect to the Use of the said improved Line of Railway, joint Station, and other Works, and the Interchange of Traffic by means thereof between their respective Undertakings: And whereas for the Purposes aforesaid the *Scottish Central Railway Company* are now promoting in Parliament an Act to improve and extend the *Dundee and Newtyle* Railway, and for other Purposes: And whereas it is expedient that the *Scottish North-eastern Railway Company* should be authorized to raise for the Purposes of this Act additional Capital by the Creation and Issue of new Preference Shares or Stock, and by borrowing, and by the Creation and Issue of Debenture Stock: And whereas it is expedient that some of the Powers and Provisions of the existing Acts relating to the *Scottish North-eastern Railway Company* should be repealed, altered, and amended: 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

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Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

1. This Act may be cited for all Purposes as “The *Scottish North-eastern Railway (Newtyle and Meigle Junction) Act, 1864.*” Short Title.

2. “The Lands Clauses Consolidation (*Scotland*) Act, 1845,” 8 & 9 Vict.
 “The Lands Clauses Consolidation Acts Amendment Act, 1860,” cc. 19. & 33.,
 “The Railways Clauses Consolidation (*Scotland*) Act, 1845,” and 23 & 24 Vict.
 Part I. of “The Railways Clauses Act, 1863,” so far as the same are c. 106., and
 not expressly altered or otherwise provided for by this Act, shall 26 & 27 Vict.
 apply to the Railways and Works by this Act authorized to be made, c. 92. incor-
 and shall be incorporated with and form Part of this Act. porated.

3. All the Clauses and Provisions of “The Companies Clauses Consolidation (*Scotland*) Act, 1845,” with respect to the following 8 & 9 Vict.
 Matters; (that is to say,) c. 17. in-
corporated.

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.

4. The

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Certain
Parts of
26 & 27 Vict.
c. 118. in-
corporated.

4. The following Parts of "The Companies Clauses Act, 1863," namely,

Part 1. Relating to Surrender and Cancellation of Shares ;

Part 2. Relating to additional Capital ; and

Part 3. 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.

5. The several Clauses and Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," and the Parts of "The Companies Clauses Act, 1863," incorporated with this Act, shall apply to the Company, and to the Shareholders thereof, and to the Share Capital, Mortgages, and Debenture Stock authorized, and 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.

Interpreta-
tion of
Words in
this Act.

6. In construing this Act, and the Acts or Acts or Parts of Acts incorporated herewith, the following Expressions shall bear the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction ; (that is to say,) the Expression "the Company" means the *Scottish North-eastern Railway Company* ; the Expression "the *Central Company*" means the *Scottish Central Railway Company* ; and the Expression "the Railway" in this Act and in the said incorporated Acts shall mean, apply to, and include the Railway and Works by this Act authorized.

Same Mean-
ings in in-
corporated
Acts as in
this Act.

7. The several Words and Expressions to which in the Acts and Parts of Acts incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Power to
make Rail-
way accord-
ing to depo-
sited Plans,
&c.

8. Whereas Plans and Sections of the Railway showing the Lines and Levels thereof, together with a Book of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands and Houses which may be required to be taken for the Purposes thereof, have been deposited for public Inspection at the Offices in *Dundee* and *Forfar* respectively of the Principal Sheriff Clerk for the Two Divisions of the County of *Forfar* : Therefore it shall be lawful for the Company, subject to the Provisions in this and the said incorporated Acts contained, to make and maintain the Railway and Works herein-after described, in the
Line

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Line and upon the Lands delineated on the said deposited Plans and described in the said deposited Book of Reference, and according to the Levels defined on the said deposited Sections respectively, with all proper Stations, Sidings, Works, and Conveniences connected therewith, and to enter upon, take, and use such of the said Lands as they may find necessary for those Purposes.

9. The following is the Railway and Works by this Act authorized, Line of
Railway.
namely :

1st. A Railway commencing out of and by a Junction with the improved Line of the *Dundee and Newtyle* Railway, to be authorized by the said Act promoted by the *Central* Company as aforesaid, at a Point about One hundred and sixty Yards North-west of the Parish Schoolhouse in the Village of *Newtyle*, in a Field on the Farm of *Burnmouth* occupied by *George Nicoll* Farmer, in the Parish of *Newtyle* in the County of *Forfar*, and terminating by a Junction with the Main Line of the *Scottish North-eastern* Railway, at a Point thereon about One hundred and sixty Yards East of the East Side of the Bridge over the said Railway, at the *Meigle* Station on the said Railway, which said Point of Junction will be in the Parish of *Newtyle* in the said County of *Forfar* :

2nd. The whole, or such Part as may be agreed on between the Company and the *Central* Company, of a Station to be used as a joint Station for the said Companies, such Station to be constructed at and over the Junction of the said Railways at *Newtyle* in the said Parish of *Newtyle*, with all necessary Approaches, Sidings, Booking Offices, and other Conveniences connected therewith and necessary for the Business of a joint Station :

And the said Railway by this Act authorized, and the Works connected therewith, and the Company's Interest in the said joint Station, shall, subject to the Provisions of this Act, become and be Part of the Undertaking of the Company, and shall, for the Purposes of Tolls, Rates, and Charges, and for all other Purposes connected therewith, be deemed to be Part of the *Scottish Midland Junction* Railway (now *Scottish North-eastern* Railway) in the same Manner and subject to the same Restrictions and Limitations as if the same had been comprised in and authorized by "The *Scottish Midland Junction* Railway Act, 1845," authorizing the Construction of that Railway.

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Lands for extraordinary Purposes.

10. The Quantity of Land which may be purchased by the Company by Agreement for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall not exceed One Acre and a Half.

Powers for compulsory Purchases limited.

11. The Powers for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Works to be completed within Four Years.

12. The Railway by this Act authorized to be made shall be completed within Three Years after the passing of this Act, and on the Expiration of that Period the Powers given by this Act and the Acts incorporated herewith for executing the said Railway, or otherwise in relation thereto, shall cease, except as to so much of the said Railway as shall then have been completed, and also except those Powers which are by the same Acts or any of them declared to be continued or which may lawfully be exercised for a longer Period.

If not so completed, Company liable to a Penalty of Fifty Pounds a Day.

13. If the Railway by this Act authorized shall not be completed and opened for public Traffic within Three Years after the passing of this Act, then the Company shall be liable to a Penalty of Fifty Pounds *per* Day, to be recoverable as a Debt due to the Crown, for every Day after the Expiration of the said Period of Three Years, until the said Railway shall be completed and opened for public Traffic, but no Penalty shall accrue in respect of any Time during which it shall appear, by a Certificate to be obtained from the Board of Trade, that the Company was prevented from completing or opening the said Railway by unforeseen Accident or Circumstances beyond their Control, but the Want of sufficient Funds shall not be held to be a Circumstance beyond their Control.

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

14. 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, and which shall not be wanted for the Purposes of those Acts.

Power to raise additional Capital.

15. And whereas the estimated Expense of the Railway and Works by this Act authorized is Eight thousand Pounds: Therefore 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

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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 Eight thousand Pounds, which Sum may be raised by the Creation and Issue of new Preference Shares, or, in the Option of the Company, new Preference Stock, to be called "*Scottish North-eastern Railway Preference Shares (or Stock), 1864.*"

16. The Capital so to be raised by 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 then be authorized to raise by any other Act or Acts 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.

Additional
Capital, how
to be di-
vided.

17. 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.

One Fifth
Part of each
Share to be
paid on Issue.

18. 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 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

Rights of
new Share-
holders to
be in pro-
portion to
the Value of
new Shares
or Stock.

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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 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.

19. The preferential Dividend payable in respect of the new Preference Shares or Stock created by the Company under this Act shall rank *pari passu* with the Dividends on any other Preference Shares or Stock to be created by the Company under any other Act or Acts relating to the Company passed 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 or hereafter to be 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.

20. When and so soon as the said additional Capital of Eight 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 Two thousand six hundred 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 Eight thousand Pounds has been subscribed for *bonâ fide* and issued, and that not less than One Fifth of the Amount of each Share has been paid on Issue of the same, and that such Shares are held by Subscribers 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.

21. 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.

22. All

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22. 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.

Saving Rights of existing Mortgagees.

23. In addition to the Sum of Eight hundred and eighty-one thousand nine hundred Pounds which the Company are by "The *Scottish North-eastern Railway Act, 1863,*" authorized to raise by the Creation and Issue of Debenture Stock, it shall be lawful for the Company to raise the Sum of Two thousand six hundred Pounds, which they are by this Act authorized to raise by borrowing, by the Creation and Issue of Debenture Stock of the like Description, and having the same Privileges and Incidents, and bearing a Dividend not exceeding the Rate prescribed by the said Act, and subject to the same Provisions as in the said Act contained with respect to the Application of Monies raised by the Creation and Issue of the said Stock.

Power to raise 2,600*l.* by Debenture Stock instead of borrowing the same.

24. The Railway by this Act authorized, and the said new Line of Railway from *Newtyle* to *Pitnappie* Junction to be constructed by the *Central* Company, shall be so constructed as to form One continuous Line of Railway between the existing Line of the *Dundee and Newtyle* Railway at *Pitnappie* Junction and the *Scottish North-eastern* Railway at *Meigle* Station, and the said Railway shall be proceeded with and completed by the Company and the *Central* Company respectively with all reasonable Despatch; and the joint Station to be constructed by the said Two Companies at the Junction of the said Railways at *Newtyle*, with all necessary Works connected therewith, and any Additions thereto or Alterations thereon which may at any Time hereafter become necessary, shall be constructed at the joint and equal Expense of the said Companies and for their joint Use; and each of the said Companies shall contribute and pay towards the Expense of working and maintaining the said joint Station in proportion to the Amount of their Traffic using the same, and no Terminals shall be charged by either of the said Companies against the Traffic of the other in respect of the said joint Station.

As to Construction of Railway at Junction.

25. If any Dispute shall arise between the said Companies as to the Mode of effecting the said Junction of the said Railways at *Newtyle*, or as to the exact Position of the said Junction, or as to the

Disputes as to Junction or Station to be referred.

[*Local.*]

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Extent

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Extent or Position or Construction of the said joint Station, or as to the Sum to be paid by the Company to the *Central Company* in respect of the *Central Company* furnishing the Stuff required by the Company to fill up the Embankments of the Railway by this Act authorized (which Stuff shall be furnished by the *Central Company* to the Company from the Cuttings on the said Railway from *Newtyle* to *Pitnappie Junction*), or as to the Place or Manner of supplying the same, every such Dispute shall be left to the Decision of *Benjamin Hall Blyth*, whom failing, *Edward Lawrence Ireland Blyth*, as the Engineer of the *Central Company*, and *John Willet*, whom failing, *Thomas Bouch* Civil Engineer, *Edinburgh*, as the Engineer of the Company, and in the Case of Difference between the Two Engineers for the Time being acting on behalf of the said Companies, then to some Third Engineer to be appointed by them before entering upon any such Reference.

Company to make a Junction with their existing *Newtyle Branch*.

26. The Company shall and they are hereby required, with all reasonable Despatch, to form a Junction between the Railway authorized by this Act and their existing Branch to *Newtyle Village* at or near the Point about Six Furlongs Six Chains, measured from the Commencement of the said Railway at *Meigle Station*, where the same is delineated on the deposited Plans thereof, as touching the said Branch, and shall maintain the said existing Branch to the South of the said Junction and up to the existing Station at *Newtyle* in good Order and Repair in all Time coming, and the *Central Company* shall have Right in all Time coming to run over and use with their Engines and Waggon, free of Toll, the Portions of the said Railway and Branch to the South of the said Point of Junction, and the Sidings, Watering Places, if any, (the *Central Company* paying a reasonable Sum for any Water they may use,) and Conveniences connected therewith, and also so much of the said Railway to the North of the said Point of Junction as will enable them to pass their Engines and Waggon between the Portions of the said Railway and of the said Branch to the South of the said Point of Junction, and that for the Purpose of taking and receiving Traffic to and from the Work at or near the said *Newtyle Station*, at present occupied by *Robert Thomas*.

Company and *Central Company* to concur in Through

27. The Company and the *Central Company* shall, when the said new Line of Railway from *Pitnappie Junction* to *Meigle Station* is opened, concur in Through Booking and forwarding *via Newtyle*, with all due Despatch by all their Trains stopping at the Stations after mentioned,

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mentioned, Passengers of the Class or Classes carried by such Trains and Coaching Traffic from and to *Forfar* and all other Stations on the *Scottish North-eastern Railway* and its Branches between *Forfar* and *Perth*, including *Kirriemuir*, *Alyth*, and *Blairgowrie*, to and from *Dundee* and all Stations on the *Dundee and Newtyle Railway* between *Dundee* and *Newtyle*, on Payment of such Through Rates and on such Terms and Conditions as may from Time to Time be fixed by the said Companies, or, in the event of their differing, by an Arbitrator to be appointed by the Board of Trade on the Application of either of the said Companies: Provided always, that in the event of the Company not providing Passenger Trains for such Traffic between *Newtyle* and *Meigle* in connexion with any of the Trains on their Main Line to or from any of the Places aforesaid, the *Central Company* shall be entitled to provide such Trains, and for the Purpose of bringing such Passenger and Coaching Traffic from or taking it to *Meigle* Station in connexion with the said Trains on the Main Line of the *Scottish North-eastern Railway* stopping at *Meigle* Station, the *Central Company* shall be entitled to run over and use with their Engines and Carriages the Railway by this Act authorized, and the Sidings and Conveniences connected therewith, and also the said Station at *Meigle* and Watering Places, if any, and Sidings and other Conveniences connected therewith (the *Central Company* paying a reasonable Sum for any Water they may use), on such Terms and Conditions and on Payment of such Tolls as may from Time to Time be fixed by the said Companies, or, in the event of their differing, by an Arbitrator to be appointed as aforesaid.

Booking to certain Stations, and in certain Events *Central Company* to have running Powers.

28. The Company and the *Central Company* shall, when the said new Line of Railway is completed, concur in Through Booking, Through Invoicing, and forwarding *viâ Newtyle*, with all due Despatch, by a Train or Trains daily and each Day (*Sundays* excepted) all Goods and Mineral Traffic and Live Stock Traffic arising at or destined for *Glamis* and all other Stations on the *Scottish North-eastern Railway* and its Branches between *Glamis* and *Perth*, including *Alyth* and *Blairgowrie*, from and to these Stations to and from *Dundee* and all Places on the *Dundee and Newtyle Railway*, at such Through Rates and on such Terms and Conditions as may from Time to Time be fixed by the said Companies, or, in the event of their differing, by an Arbitrator to be appointed by the Board of Trade on the Application of either of the said Companies, and such Rates when once fixed by an Arbitrator shall not be altered except by the mutual Consent of the said Companies.

Company and *Central Company* to concur in Through Booking.

29. The

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Through Rates to be divided according to Mileage.

29. The Through Rates payable as aforesaid in respect of Goods and Mineral Traffic and Live Stock Traffic, after deducting therefrom such Terminal Charges as may have been or may be agreed upon between the Company and the *Central* Company, or, failing such Agreement, as shall be fixed by an Arbitrator to be appointed by the Board of Trade on the Application of either of the said Companies as herein-before provided, shall be divided between the said Companies in proportion to the Number of Miles that the Traffic in respect of which such Through Rates are leviable shall be conveyed along their respective Undertakings.

Rates viâ Newtyle not to exceed those charged by other Routes.

30. If and whenever the Company shall charge in respect of Goods or Mineral or Live Stock Traffic of any Description conveyed between *Glamis* or any Station on their Railway, or on any of its Branches between *Glamis* and *Perth*, including *Alyth* and *Blairgowrie* on the one hand and *Dundee* on the other hand, viâ *Arbroath* or viâ the Railway from *Dundee* to *Forfar*, for Power to construct which the Company have applied to Parliament in the present Session, or by any other Route belonging to or under the Control of the Company, lower Rates than the Through Rates which shall be charged at the Time under the Provisions herein-before contained in respect of Traffic of a similar Description conveyed between the same Places viâ *Newtyle*, then and in that Case the Through Rates charged by the last-mentioned Route in respect of such Traffic shall forthwith be reduced to the same Amount as the lower Rates before mentioned, any such Agreement or Arbitration as aforesaid to the contrary notwithstanding.

Company to concur with *Central* Company in fixing equal Through Rates between certain Stations.

31. The *Central* Company shall from Time to Time, if required by the Company, concur in fixing Through Rates in respect of all Descriptions of Goods, Mineral, and Live Stock Traffic conveyed viâ the Company's Railway between *Glamis* and all Stations on that Railway between *Glamis* and *Perth* on the one hand and all Places South of *Perth*, whether upon the *Central* Company's own Railway or upon any Railway communicating therewith, on the other hand, of the same Amount as the Through Rates which may at the Time be charged in respect of similar Descriptions of Traffic conveyed between the Places last-mentioned and the said joint Station at *Newtyle* viâ the *Dundee and Newtyle* Railway.

Diverted Roads to be

32. Any new Portion of Road or Footpath made by the Company in lieu of any Portion of public Road or Footpath either abandoned or

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or the Site whereof has been taken by the Company for Railway Purposes shall be a public Road or Footpath of the same Character as the former Road or Footpath so abandoned or used by the Company, and shall be repairable and repaired by the Persons, Parishes, or Districts by which the former Road or Footpath so abandoned or used was repairable at the Time of such Abandonment or Appropriation for Railway Purposes: Provided always, that nothing herein contained shall affect the Liability of the Company to maintain any Bridge for carrying the substituted Road over or under the Railway, with the immediate Approaches and all other necessary Works connected therewith, under the Provisions of "The Railways Clauses Consolidation (*Scotland*) Act, 1845."

repaired by Persons, &c. liable to Repair of former Roads.

33. It shall not be lawful for the Company, out of any Money by any 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 any 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 any Act relating to the Company authorized to be raised: Provided always, that nothing herein 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.

34. It shall not be lawful for the Company, out of any Money by this Act or any other Acts relating to the Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament in force for the Time being, 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 Railway or execute any other Work or Undertaking.

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

35. Nothing in this Act contained shall be deemed or construed to exempt the Railway by this Act authorized to be made, 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

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

[*Local.*]

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Rates

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Rates of Fares and Charges or of the Rates for small Parcels authorized by this Act.

Expenses of Act.

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

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