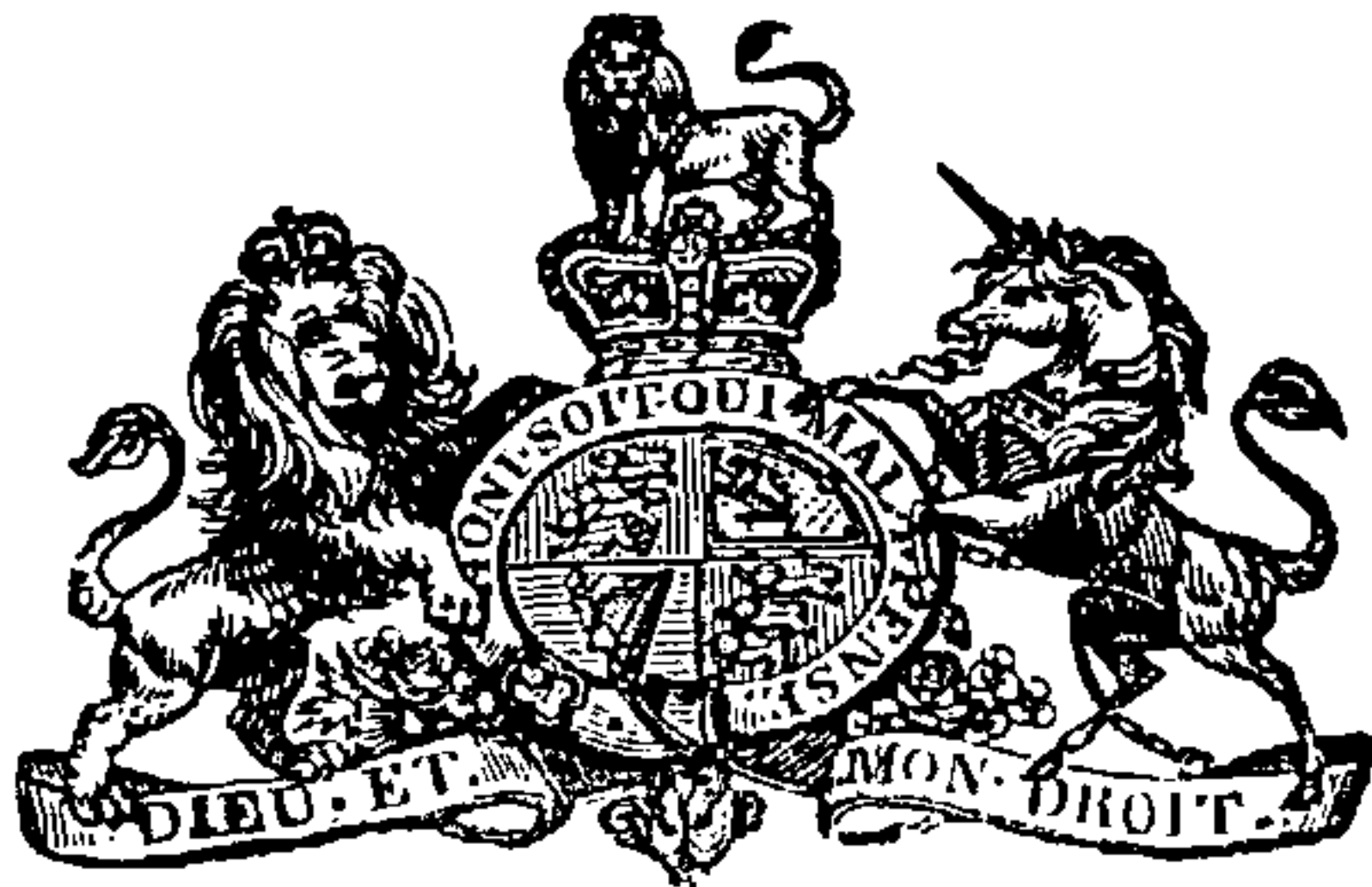


[56 & 57 VICT.] *Great North of Scotland Railway*  
(*Various Powers*) Act, 1893.

[Ch. cci.]



### CHAPTER cci.

An Act to authorise the Great North of Scotland Railway Company to extend their Railway to buy Additional Land and for other purposes. A.D. 1893.  
[24th August 1893.]

**W**HEREAS the Great North of Scotland Railway Company (in this Act called "the Company") were incorporated by the Great North of Scotland Railway Act 1846 and the powers of that Act have been from time to time extended by other Acts which were consolidated and amended by the Great North of Scotland Railway Consolidation Act 1859 and have been extended by other Acts passed since that date : 9 & 10 Vict.  
c. ciii.  
22 & 23 Vict.  
c. viii.

And whereas the construction of the railway herein-after described will be attended with public and local convenience and the Company are willing to undertake that work on the powers herein-after contained being conferred for that purpose and subject to the provisions herein-after set forth :

And whereas the said railway will for a considerable portion of its length pass through lands belonging to persons of the classes mentioned in section 7 of the Lands Clauses Consolidation (Scotland) Act 1845 and it is believed that the construction of the said railway and of other works authorised by this Act will be beneficial to the estates of such persons and it has been arranged that the lands of such persons so far as required for the purpose of the railway and such other works should be conveyed to the Company on consideration of a feu duty to be agreed on between such persons and the Company :

And whereas there are certain small balances of capital which the Company have been authorised to create and issue but which they have not issued and do not intend to issue and it will be convenient that the same should be cancelled :

And whereas the Company have created and issued (inter alia) preference shares and stock (ranking *pari passu* for dividend) under

[Price 1s. 9d.]

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[Ch. cci.] *Great North of Scotland Railway* [56 & 57 VICT.]  
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A.D. 1893. — the titles of five per cent. C preference shares and four per cent. C preference stock and the amounts which the Company have created and issued are as follows (namely) :—

	-	-	£
Five per cent. C preference shares	-	-	90,950
Four per cent. C preference stock	-	-	134,050
Total	-	-	£225,000

and it is expedient that the same should be consolidated as herein-after provided :

And whereas it is expedient that the other provisions contained in this Act should be made :

And whereas plans and sections showing the lines and levels of the railway and works authorised by this Act and of the lands to be taken for the purposes thereof and also a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the sheriff clerks for the counties of Aberdeen and Kincardine respectively and are herein-after respectively referred to as the deposited plans sections and book of reference :

And whereas the purposes of this Act 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. This Act may be cited as the Great North of Scotland Railway (Various Powers) Act 1893.

Incorporation of Acts.

2. The Lands Clauses Acts the Railways Clauses Consolidation (Scotland) Act 1845 and Part I. (relating to construction of a railway) of the Railways Clauses Act 1863 are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act.

Extending certain provisions of Companies Clauses Acts.

3. 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 ;

The transfer or transmission of shares ;

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

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

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

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The conversion of borrowed money into capital;

The consolidation of shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices;

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

And also Parts I. II. and III. of the Companies Clauses Act 1863 relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock are (except where expressly varied by this Act) incorporated with and form part of this Act and shall so far as applicable apply to the Company and to the capital by this Act authorised to be raised.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and the expression "the railway" means the railway and widening and works connected therewith authorised by this Act. Interpretation.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railway and works herein-after described together with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes. The railway and works authorised by this Act include the following viz.:— Power to make works

(a.) A railway (15 miles 2 furlongs and 2 yards or thereabouts in length) wholly in the county of Aberdeen commencing in the parish of Ellon by a junction with the Company's Formartine and Buchan Railway at a point thereon immediately to the southward of the bridge carrying the said Formartine and Buchan Railway over the public road from Ellon to Methlick and terminating in the parish of Peterhead at the south side of the road from Stirling Village to Boddam Harbour;

(b.) A widening of the Company's Deeside Railway wholly in the county of Aberdeen commencing in the parish of Peterculter at a point 2 chains or thereabouts westward of the south side platform of the Company's Culter Station and terminating in

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the parish of Drumoak at or near the east end of the south side platform of the Park Station on the said Deeside Railway ;  
(c.) A diversion in the parish and Royal burgh of Inverurie in the county of Aberdeen of the public road or street known formerly as the Inverurie and Forgue Road now Constitution Street.

Inclination  
of roads.

6. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say) :—

No. on deposited Plan.	Parish.	Description of Roads.	Intended Inclination.
111	Ellon - - -	Public - - -	1 in 15.
14	Cruden - - -	Public - - -	1 in 18.
50	Cruden - - -	Public - - -	1 in 14.
44	Drumoak - - -	Public - - -	1 in 17.

Span of  
bridges.

7. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of any spans not less than the spans herein-after mentioned in connexion therewith respectively (that is to say) :—

No. on deposited Plan.	Parish.	Description of Roads.	Span.
33	Ellon - - -	Public - - -	20 feet.
65	Logie Buchan - - -	Public - - -	20 feet.
86	Cruden - - -	Public - - -	20 feet.
129	Cruden - - -	Public - - -	20 feet.
29	Peterhead - - -	Road - - -	20 feet.

Width of  
certain  
roadways.

8. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say) :—

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No. on deposited Plan.	Parish.	Description of Roads.	Width of roadway.
54	Ellon - - -	Public - - -	20 feet.
77	Ellon - - -	Public - - -	20 feet.
111	Ellon - - -	Public - - -	20 feet.
14	Logie Buchan - - -	Public - - -	20 feet.
21	Slains - - -	Public - - -	20 feet.
32	Slains - - -	Public - - -	22 feet.
14	Cruden - - -	Public - - -	20 feet.
40	Cruden - - -	Public - - -	22 feet.
99	Cruden - - -	Public - - -	20 feet.
111	Cruden - - -	Public - - -	20 feet.
8	Drumoak - - -	Public - - -	20 feet.
44	Drumoak - - -	Public - - -	20 feet.

9. The Company may divert any public road or highway shown upon the deposited plans and sections as intended to be diverted in the manner shown thereon and when and as in each case the new portion of road or highway is made to the satisfaction of the authority in whom the existing road or highway is vested and is open for public use may stop up and cause to be discontinued as a road or highway so much of the existing road or highway as will be rendered unnecessary by the new portion of road or highway and when and so soon as each of the said roads or highways is so stopped up all rights of way over the same shall cease and the Company may (subject to the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to mines lying under or near to the railway) appropriate and use for the purposes of their undertaking the site of the road or highway stopped up as far as the same is bounded on both sides by lands of the Company and subject to the provisions of section 39 of the Railways Clauses Consolidation (Scotland) Act 1845 all such new portions of road or highway shall as respects management and maintenance and in all other respects be deemed to be parts of and be subject to the same provisions as the existing roads or highways or portions of roads or

Power to divert roads as shown on deposited plans.

A.D. 1893. highways for which the same are respectively substituted. Provided always that where any such new portion of road or highway is formed through or along lands belonging wholly or partly to any person through or along whose lands the superseded portion of existing road or highway passes, the value of the site of so much of the said superseded portion of road or highway as passes through or along the lands of such owner and is given up to him shall be taken into account in estimating the compensation payable to him for the land taken from him for such new portion of road or highway.

Stopping up  
of certain  
rights of  
way.

10. The Company may stop up and extinguish all public rights of way (if any) over so much of the road or way numbered 56 on the deposited plans and in the deposited book of reference in the parish of Drumoak and county of Aberdeen as will be within the boundaries of the Company's property.

Power to  
take ease-  
ments &c. by  
agreement.

11. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act in or over or affecting any such lands and the provisions of the last-mentioned Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Agreements  
with limited  
owners.

12. The limited owners (including in that expression any parties described in section 7 of the Lands Clauses Consolidation (Scotland) Act 1845) of the lands and estates of Ellon Ardifferry Teuchan Cruden and Ardendraught Longhaven Boddam and Sandford (parts of which estates respectively are within the limits of deviation shown on the deposited plans and may be taken for the purposes of the railway) may notwithstanding anything in the said Act or in the entails or other deed or deeds under which the said lands and estates respectively are held make agreements and implement any agreements already made for selling to the Company for the purpose of the railway any parts of the said lands and estates respectively required for that purpose in consideration of such respective annual feu duties (although less than the present annual rent or value of the property) and on such other terms as may be agreed on and all such agreements shall be valid and binding on such owners respectively and their respective heirs and successors in such lands and estates and such respective feu duties shall in each case be held and dealt with in the same manner as the income arising from the lands sold and conveyed in consideration thereof.

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Restrictions  
on displacing  
persons of  
labouring  
class.

13.—(1.) The Company shall not under the powers of this Act purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(a.) They shall have obtained the approval of the Secretary for Scotland to a scheme for providing new dwellings for the persons residing in such houses or for such number or proportion of those persons as the Secretary for Scotland shall after inquiry deem necessary having regard to the number of persons residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the other circumstances of the case; and

(b.) They shall have given security to the satisfaction of the said Secretary for Scotland for the carrying out of the scheme.

(2.) The approval of the Secretary for Scotland to any scheme under this section may be given either absolutely or conditionally and after the Secretary for Scotland has approved of any such scheme he may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Secretary for Scotland may dispense with the last-mentioned requirement subject to such conditions (if any) as he may see fit.

(4.) Any provisions of any scheme under this section or any conditions subject to which the Secretary for Scotland may have approved of any such scheme or of any modifications of any such scheme or subject to which he may have dispensed with the above-mentioned requirement shall be enforceable by an order of the Court of Session to be obtained by the Secretary for Scotland.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in

A.D. 1893.      respect of every such house which penalty shall be recoverable by  
— the Secretary for Scotland by action in the Court of Session and  
shall be carried to and form part of the Consolidated Fund of the  
United Kingdom :

Provided that the Court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase section 90 of the Public Health (Scotland) Act 1867 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of that Act and the scheme were one of the purposes of that Act.

(7.) The Company may on any lands belonging to them or purchased or acquired under this section or under any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated solely for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings by the Company shall contain proper covenants for securing that the buildings on such lands shall during such period be used exclusively for the purpose of such dwellings and shall be endorsed with notice of this enactment :

Provided also that the Secretary for Scotland may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as he may see fit.

(8.) The Secretary for Scotland may direct any inquiries to be held which he may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and he and any person appointed by him to hold such inquiry shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested



in them respectively under the Public Health (Scotland) Act 1867 .A.D. 1893.  
in the same manner in every respect as if the preparation and  
carrying into effect of such scheme were one of the general purposes  
of that Act.

(9.) The Company shall pay to the Secretary for Scotland a sum to be fixed by him in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the person appointed to hold any such inquiry and a sum to be fixed by the Secretary for Scotland not exceeding three guineas a day for the services of the person so appointed.

(10.) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Secretary for Scotland under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the Secretary for Scotland is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Secretary for Scotland they might have been sufficient to accommodate.

(11.) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

14. And whereas in the construction of the railway and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may

Owners may be required to sell parts only of certain lands and buildings.

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be severed from the remainder of the said properties without material detriment thereto. Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the properties described or referred to in the Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the arbiter arbiters oversman or jury or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise. If for twenty-one days after the service of notice to sell and convey any portion or portions of the said property any owner or other person shall fail to notify to the Company that he alleges such portion or portions cannot be severed from the remainder of the property without causing material detriment thereto then the Company may proceed to take such portion or portions only but if within such twenty-one days he shall by notice to the Company allege that such portion or portions cannot be severed from the remainder without causing material detriment thereto then the tribunal shall determine the matter of the said allegation in addition to the other questions required to be determined by them. Provided always that if in the opinion of the tribunal any such portions cannot be severed from the remainder of such property without material detriment thereto the Company may withdraw their notice to treat for the portion of the property required by them and thereupon they shall pay to the owners of and other persons interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by them in consequence of such notice. Provided also that if in the opinion of the tribunal any such portions can notwithstanding the allegation of such owner or other person be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person. The effect of this section shall be stated in every notice given thereunder by the Company to sell and convey any premises.

15. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years after the passing of this Act.

16. If the Company fail within the period limited by this Act to complete the railway the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the railway and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Queen's and Lord Treasurer's Remembrancer on behalf of the Court of Exchequer in Scotland in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided 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 such line by unforeseen accident or circumstances beyond their control provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

17. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the "Edinburgh Gazette" shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or who have been subjected to injury or loss in consequence of the compulsory powers of taking property for the railway conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit and if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or

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Period for compulsory purchase of lands.

Penalty imposed unless the line is opened within the time limited.

Application of penalty towards compensating parties injured.

A.D. 1893.

sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a judicial factor has been appointed or the Company is insolvent and has been ordered to be wound up or the railway hereby authorised has been abandoned be paid or transferred to such judicial factor or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company.

Period for  
completion  
of railway.

**18.** If the railway is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Lands for  
extraor-  
dinary pur-  
poses.

**19.** The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation (Scotland) Act 1845 shall not exceed ten acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

Company  
may acquire  
additional  
lands.

**20.** Subject to the provisions of this Act the Company may purchase and take by compulsion or agreement and may hold for the purposes of widening and improving their railway and for sidings stations works buildings ballast pits and other general purposes of their undertaking the lands herein-after described which are delineated upon the deposited plans and described in the deposited book of reference or some of them (that is to say):—

- (a.) Lands in the royal burgh of Inverurie and in the parish of Inverurie and county of Aberdeen partly adjoining their railway on both sides and partly adjoining the Inverurie and Forgue Road now Constitution Street and partly adjoining the Port or Souterford Road in Inverurie and partly situated between the square or market place and the Burn Lane in Inverurie;
- (b.) Lands in the parish of Banchory Ternan in the county of Kincardine situate on the north side of the Company's railway near Banchory Station;
- (c.) Lands in the said parish of Banchory Ternan situate between the Company's Deeside Railway and the River Dee near Banchory Station;
- (d.) Lands in the united parish of Glenmuick Tullich and Glen-gairn in the county of Aberdeen situate on the south side of the Company's railway near Dinnet Station;

- (e.) Lands in the said united parish of Glenmuick Tullich and Glengairn situate to the north-east of the Company's railway near Cambus O'May Station; A.D. 1893.
- (f.) Lands in the said united parish of Glenmuick Tullich and Glengairn situate between the Company's railway and the public road leading from Aboyne to Ballater near Cambus O'May Station;
- (g.) Lands in the parish of Cruden in the county of Aberdeen situate in the Field No. 1738 on the Ordnance Map (scale  $\frac{1}{2500}$ ) of the said parish on the south side of the road from Whinnyfold to Port Erroll.

**21.** It shall be lawful for the Company upon the lands hereinbefore described as lands in the parish of Cruden to erect and maintain a hotel and buildings connected therewith and to equip furnish manage and use the same: Powers to erect and maintain hotel &c.

And the Company may let the said hotel and buildings on lease or otherwise for any term of years and may at any time sell and dispose of any land or buildings acquired or provided by them for the purpose thereof which they may think it unnecessary to retain.

**22.** The Company may from time to time erect or contribute towards the erection maintenance and management of schools of design and other buildings and works at Inverurie for the use of officers servants apprentices and workmen employed by them and may provide and lay out or contribute towards the provision and laying out of land in connexion therewith for purposes of recreation and may appropriate and use for any of such purposes any lands belonging to them. Schools &c. at Inverurie.

**23.** The Company may apply towards the construction of the railway and for the other purposes of this Act to which capital is properly applicable any money which they are already authorised to raise and which may not be required by them for the purposes for which the same was authorised to be raised and they may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to the sums of money which they are already authorised to raise any further sum or sums for the purposes of the railway and other works hereby authorised and other purposes of and connected with their undertaking not exceeding in the whole three hundred thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those methods respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the Company may apply funds and raise additional capital.

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person or corporation accepting the same unless and until a sum not being less than one fifth part of the amount of such share shall have been paid in respect thereof and the capital so raised by the Company shall subject to the provisions of this Act form part of the capital of the Company.

Qualification  
of new shares  
or stock.

24. Subject to the provisions of this Act and except as by or under the powers of this Act otherwise provided the new shares or stock issued under the powers of this Act shall in proportion to the aggregate amount thereof from time to time held by the same person at the same time entitle the respective holders thereof to the same dividends and profits and confer on them the like qualifications and the like right of voting (if any) as the like amount of existing shares or stock of the Company of the same class or description.

Extent of  
preferential  
dividends.

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

Power to  
borrow on  
mortgage.

26. The Company may in respect of the additional capital of three hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole one hundred thousand pounds. Provided that in respect of every one] hundred

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thousand pounds of such additional capital issued and accepted and one half whereof shall have been paid up the Company may borrow a sum or sums not exceeding in the whole thirty-three thousand three hundred and thirty-three pounds but no part of any of the before-mentioned sums of thirty-three thousand three hundred and thirty-three pounds shall be borrowed until shares for so much of the said portion of the additional capital in respect of which the borrowing powers are to be exercised as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved to the sheriff who is to certify under the 42nd section of the Companies Clauses Consolidation (Scotland) Act 1845 before he so certifies that shares for the whole of such portion of additional capital have been issued and accepted and that one half of such portion has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of such portion of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such sheriff as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such sheriff of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

27. The mortgagees of the Company under this Act may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver or judicial factor In order to authorise the appointment of a receiver or judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver or judicial factor is made shall not be less than ten thousand pounds in the whole.

For appointment of a receiver or a judicial factor.

28. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and as regards the undertaking comprised in and

Saving priority of existing mortgages.

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assigned by such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over all mortgages to be granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Debenture stock.

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

Application of moneys.

**30.** All moneys raised by the Company under this Act whether by shares or stock debenture stock or borrowing shall be applied to the purposes of this Act and to the general purposes of the Company to which capital is properly applicable.

Receipt in case of persons not *sui juris*.

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

Consolidating five per cent. C preference shares and four per cent. C preference stock.

**32.** With a view to the consolidation of the existing five per cent. C preference shares and the four per cent. C preference stock of the Company the following provisions shall have effect:—

The directors shall create a new stock (to be called C preference stock) in substitution for the said five per cent. C preference shares and four per cent. C preference stock and such new C preference stock shall be entitled to dividend at the rate of four per cent. per annum with the same priority as the dividend on the existing C preference shares and stock and with the same rights and subject in all respects to the same incidents as the said existing four per cent. C preference stock and the same shall be appropriated as follows:—

Every holder of four per cent. C preference stock shall be entitled to receive in exchange therefor an equal nominal amount of the new C preference stock and every holder of the five per cent. C preference shares shall be entitled to receive in exchange therefor new C preference stock at the rate of one hundred and twenty-five pounds new C preference stock for every one hundred pounds five per cent. C preference shares and so in proportion for any less amount;



The Company shall call in and cancel all the existing certificates of the said existing five per cent. C preference shares and four per cent. C preference stock and shall allot instead thereof to the persons entitled thereto new certificates for the C preference stock to which they will be entitled under the provisions of this section.

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**33.** The new C preference stock created in pursuance of this Act shall be held by the persons to whom the same is issued subject to the same trusts provisoes declarations agreements charges liabilities and incumbrances (if any) as at the time of the issue thereof affect the stock or shares in substitution for which such C preference stock is issued and every deed or other instrument and every testamentary or other disposition disposing of or affecting the existing stock or shares shall take effect with reference to an equal amount of new C preference stock when substituted for four per cent. C preference stock and to new C preference stock when substituted for five per cent. C preference shares after the rate of one hundred and twenty-five pounds new C preference stock for every one hundred pounds five per cent. C preference shares and proportionately for any less amount.

New C preference stock to be held on same trusts.

**34.** It shall be lawful for the Company at any time to resolve that their stock at present designated as original consolidated capital stock shall be known and designated for all purposes as ordinary stock.

Designation of ordinary stock.

**35.** The sums next herein-after mentioned being unissued balances of capital which the Company are empowered to issue but which remain unissued are hereby cancelled (that is to say):—

Cancellation of capital.

Description of Capital.	Amount authorised.	Amount issued.	Amount unissued and to be cancelled.
	£ s. d.	£ s. d.	£ s. d.
Four per cent. lien stock -	1,230,252 15 0	1,230,252 0 0	0 15 0
Four per cent. guaranteed stock.	363,862 10 0	363,862 0 0	0 10 0
Four per cent. A preference stock.	593,556 5 0	593,556 0 0	0 5 0
Deferred ordinary stock No. 1.	133,190 0 0	102,822 0 0	30,368 0 0
Deferred ordinary stock No. 2.	397,546 0 0	397,395 16 9	150 3 3

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Closing of  
register.

**36.** The period prescribed for closing the Company's register of transfers of shares and stock may be any period fixed by the directors of the Company not exceeding twenty-one days previous to each ordinary meeting of the shareholders or in the case of debenture stock twenty-one days prior to each date at which the interest thereon shall be payable anything to the contrary contained in section 18 of the Companies Clauses Consolidation (Scotland) Act 1845 notwithstanding.

Power to  
establish  
savings  
banks &c.

**37.** The Company may if they think fit establish savings banks and with respect to any savings banks established or to be established the following provisions shall apply :—

- (1.) The Company may establish a savings bank or savings banks with or without branches at such of the stations on their railways as they may think fit and may thereat receive by way of deposit from any of their officers clerks servants workmen or apprentices and from the wives and children being minors of such officers clerks servants workmen or apprentices any money at interest :
- (2.) Every such deposit with the interest thereon shall be a charge on the net profits of the Company's undertaking next after the mortgage and other debts of the Company and the interest on their debenture stock :
- (3.) Two copies of the rules of any such savings bank and of every amendment of the same from time to time (the term amendment to include a new rule and the cancelling of a rule) under the hands of three of the directors and of the secretary of the Company shall be sent to the Registrar of Friendly Societies (as defined by the Friendly Societies Act 1875) :
- (4.) Such rules shall contain provisions—
  - (a.) For the management of the savings bank and for the chief office of the same ;
  - (b.) If thought fit for the appointment and discharge of trustees ;
  - (c.) For the payment in and the withdrawal of deposits the rate of interest thereon and the payment of such interest ;
  - (d.) For the keeping and auditing of accounts ;
  - (e.) For the balancing of accounts once a year at least and the sending on or before the first of April in every year to the Registrar of Friendly Societies a general statement (to be called the annual return) of the receipts and expenditure funds and effects of the savings bank as audited and made out to the thirty-first of December then last inclusively with a copy of the auditor's report if any ;

(f.) For supplying every depositor on demand with a copy of the rules for the time being at a price not exceeding sixpence and with a copy of the annual return gratuitously;

(g.) For keeping a copy of the last annual return with the auditor's report if any always hung up in a conspicuous place at the office of the savings bank;

(h.) For giving notice within fourteen days to the registrar of any change in the chief office and of the appointment of any new trustees:

(5.) The registrar on being satisfied that the rules or that any amendment of rules of a savings bank are or is in conformity with law and with the provisions of this section shall issue to the Company an acknowledgment of registry of such savings bank or of such amendment of rules which shall be conclusive evidence that such savings bank or such amendment of rules are or is duly registered:

(6.) The rules when so registered shall be binding on the Company and its officers and on the depositors and their executors administrators and nominees. Unless otherwise provided by the rules the Company shall be deemed to be the trustees of any savings bank established by them:

(7.) Deposits may if the rules so allow be received from or on account of married women in the employment of the Company and such deposits shall be deemed to be the separate property of such women and the same shall be accounted for and paid to such women as if they were unmarried and their receipt shall be a valid discharge to the Company:

(8.) Deposits may if the rules so allow be received from or on behalf of infants and infants above the age of sixteen years may execute all instruments and give all acceptances necessary to be executed or given under the rules but all instruments and acquitances relating to the deposits of infants under the age of sixteen shall be executed or made by their parents or guardians:

(9.) A depositor above the age of sixteen may by writing under his hand sent to the office of the savings bank nominate any person to whom his deposits not exceeding one hundred pounds shall be paid at his decease and may from time to time in like manner revoke or vary such nomination:

(10.) The deposits not exceeding one hundred pounds of a person who dies intestate and without having made any nomination under this Act which remains unrevoked at his death may be paid without confirmation or in England without probate or letters of administration to the person who appears to the

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trustees or a majority of the trustees upon such evidence as they may deem satisfactory to be entitled by law to receive the same :

(11.) Sections 8 9 and 10 of the Provident Nominations and Small Intestacies Act 1883 shall apply to every savings bank herein mentioned as if it were a society and to the depositors therein as if they were members :

Sections 9 10 48 and 49 of the Trustee Savings Banks Act 1863 as amended by the Savings Bank (Barrister) Act 1876 shall apply to every savings bank herein mentioned :

(12.) If the trustees or officers of a savings bank fail to give any notice send any document or return or to do anything which the savings bank is hereby required to do or make a return or shall wilfully furnish information to the registrar in any respect false or insufficient or otherwise act contrary to the provisions of this section they shall be liable to a penalty not exceeding five pounds recoverable at the suit of any person aggrieved or of the Chief or any Assistant Registrar of Friendly Societies in a court of summary jurisdiction and in manner directed by the Summary Jurisdiction (Scotland) Acts 1864 and 1881 :

(13.) Section 39 of the Friendly Societies Act 1875 shall apply to any instrument or document copy or extract of an instrument or document to be executed or issued by a registrar for the purposes of this section A copy of the rules under the seal of the Company shall also be evidence of such rules :

(14.) The following fees shall be payable to the registrar for matters to be transacted under the provisions of this section and shall be paid by such registrar into the receipt of Her Majesty's Exchequer :—

For the acknowledgment of registry of a savings bank and of every amendment of rules of the same twenty-one shillings ;

For the determination of a registrar on a dispute twenty-one shillings ;

And if more than one hearing or adjournment become necessary then twenty-one shillings more for every hearing after the first and for every adjournment ;

For every document required to be signed by a registrar or to bear the seal of the central office (as defined by the Friendly Societies Act 1875) not chargeable with any other fee to the registrar two shillings and sixpence ;

For every inspection on the same day of documents (whether one or more) in the custody of the registrar relating to one and the same savings bank one shilling ;

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For every copy or extract of any document in the custody of the registrar not exceeding two hundred and sixteen words one shilling;

And if exceeding that number four pence per folio of seventy-two words (in addition to the fee if any for the signature of a registrar or seal of the central office).

**38.** A fund may be established by the Company for the payment of superannuation and other retiring allowances to the officers and servants of the Company to be called "the superannuation fund" and for the purposes of such fund five directors of the Company for the time being or persons to be appointed by the board of directors and the following officers of the Company namely the general manager the secretary and the passenger superintendent with the advice of a competent actuary shall constitute a committee for the purpose of preparing and shall prepare a scheme for the establishment of a fund for the payment of superannuation and other retiring allowances to the salaried officers and servants of the Company being contributors to such fund and such committee may by a majority of its members determine in and by such scheme the following matters and things (that is to say) :—

Superannuation fund.

What class of officers and servants of the Company shall be entitled to contribute to and participate in the benefit of the fund and what length of service shall enable them so to participate;

The division of the persons to be benefited by the fund into two or more classes according to the amount of salary or according to such other conditions as the managing committee hereinafter mentioned shall determine power being reserved by the scheme to remove any contributor from the one class to the other provided that no such removal shall place the contributor in a worse position in respect of his past contributions than he would have occupied if the removal had not been made;

What (if anything) shall disqualify any officer or servant of the Company from becoming a contributor to the fund and participating in the benefits thereof;

Under what circumstances any person having been a contributor to the fund shall cease to be entitled to participate in the benefits thereof;

What proportion (if any) of his own contribution to the fund any person having been but ceasing to be a contributor thereto shall be entitled to receive;

What proportion (if any) of the sums contributed by any person to the fund and by the Company to the fund shall be payable

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—

to his representatives in the event of his dying before he becomes entitled to a superannuation allowance ;

The age at which or other circumstances under which any person shall become entitled to a superannuation allowance ;

The payment of a gross sum to any person entitled to a superannuation allowance in substitution for a superannuation allowance ;

The scale upon which superannuation allowances shall be calculated and under what (if any) circumstances such scale may from time to time be revised ;

The percentage of their salaries which the officers and servants of the Company becoming members of the fund shall contribute to the fund not exceeding the rate of two pounds and ten shillings for each one hundred pounds of their respective salaries ;

The future management and direction of the fund and the number qualification and mode of appointment or election of the committee (herein-after called "the managing committee") in whom such management and direction shall be vested and the remuneration of the members and officers of the committee ;

The mode in which the persons by whom and the times at which the accounts of the managing committee or of their treasurer or other officer shall be audited and the manner in which contributors to the fund and others shall have access to the accounts ;

The securities upon which the moneys received on account of the fund shall from time to time be invested ;

The holding of meetings of persons contributing to or entitled to participate in the benefit of the fund ;

And generally all such other matters and things in relation to the fund as the committee appointed by this Act shall deem fit and proper to form part of and to be included in such scheme.

**39.** Any scheme for the establishment of a superannuation fund under this Act shall contain the following provisions :—

Any contributing member leaving the service of the Company in consequence of reductions or alterations in the establishment or from his services being discontinued by the Company from any cause other than fraud dishonesty or misconduct shall be entitled to receive back from the fund the whole amount of his own contributions with simple interest at the rate of two and a half per centum per annum from the date of such contributions respectively and shall have no further claim upon the fund In case of dismissal for misconduct not being

Scheme to  
contain  
certain  
provisions.

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fraudulent or dishonest or involving pecuniary loss to the Company the member shall be entitled to receive back from the fund the amount of his own contributions but without interest unless the directors upon appeal to them think fit (having regard to all the circumstances of the case) to allow interest thereon at any rate not exceeding the rate of two and a half per centum ;

Any contributing member retiring from the service of the Company before superannuation bonâ fide of his own accord and not in order to escape dismissal for fraud dishonesty or misconduct shall be entitled to receive back from the fund the amount of his own contributions thereto but without interest and shall have no further claim on the fund ;

Any contributing member dismissed the service of the Company for fraud or dishonesty or retiring in order to escape dismissal for fraud or dishonesty shall at the discretion of the committee with the approval of the directors forfeit all or any part of his contributions and lose all benefit from the fund except such return (if any) as may at such discretion and with such approval as aforesaid be made to him out of his own contributions :

The Company shall supply a copy of any scheme for the time being in force under this Act at a price not exceeding sixpence to any officer or servant of the Company or the representatives of any such officer or servant in case of death and to any shareholder of the Company and shall supply gratuitously to every officer or servant or other person having an interest in the superannuation fund a copy of the last annual balance sheet of the same for the time being And the Company shall keep a copy of the last annual balance sheet of the superannuation fund for the time being with the report of the auditors thereon for the time being and a copy of the last quinquennial valuation for the time being of the said fund always exhibited in a conspicuous place at the principal office of the Company.

40. No benefit derivable by any contributing member or his representatives from the fund in respect of the contributions by the Company shall (if the Company so provide under such scheme) be assignable by him or chargeable with his debts without the consent in writing of the Company and the Company shall have power from and after any attempt on the part of a contributing member to alienate assign or charge the same or any part thereof without such consent or on the happening of any event whereby the same or some part thereof if belonging absolutely to such contributing member

Against  
alienation of  
benefits  
under fund.

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Managing committee may regulate their own procedure.   
would become vested in or payable to some other person or persons to apply any moneys which may from time to time under such scheme be or become payable to such contributing member out of the contributions by the Company when and as the same shall become payable or any part thereof in such manner as the Company may in their absolute discretion think fit for the maintenance support or benefit of such contributing member and his wife family relatives and persons dependent on him or any one or more of them.

41. The managing committee may from time to time regulate their own procedure and may appoint such officers and at such salaries payable out of the said fund as they may think fit.

Modification of rules and regulations of fund.   
42. The managing committee may from time to time upon the advice of the actuary to the said fund and with the consent of the directors modify the rules and regulations of the fund and the conditions upon which persons may after such modification contribute thereto.

Company to contribute to fund.   
43. The directors shall at the end of each and every half year after the establishment of the superannuation fund contribute out of the revenues of the Company a sum equal in amount to the sum which during the same half year has been contributed thereto by the officers and servants of the Company Provided that the establishment of such superannuation fund shall be consented to at a general meeting of the proprietors convened with notice of the matter And provided also that the contribution by the Company to the superannuation fund shall not affect or take away any right or power of the Company to grant out of their own proper funds superannuation or other allowances to any of their officers or servants.

Actuarial investigation of fund.   
44. After the expiration of five years from the establishment of the fund and thenceforth once in every five years its condition shall be fully investigated and reported on by a competent actuary who shall from time to time propose any such rearrangement of the scheme as may seem to him desirable for its better and more efficient working and shall also exhibit any deficiency which may be apparent in the fund which deficiency shall be provided against by an equitable reduction of the benefits assured and such actuary shall also suggest the equitable appropriation or distribution of any surplus which may in like manner be apparent in the fund.

Company may contribute towards   
45. The Company with the authority of three-fourths of the votes of their shareholders present in person or by proxy at a



general meeting of the Company duly convened with express notice of the special object may authorise the directors from time to time and at such times and in such mode and proportions and upon and subject to such rules regulations and conditions and to such an amount as the directors think fit to contribute towards the funds of any registered society established or to be established under the Friendly Societies Acts for the benefit of persons in the service or employment of the Company.

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funds of  
provident  
society.

46. The classification of merchandise traffic and the schedule of maximum rates and charges applicable thereto and the regulations and provisions contained in the schedule to the Railway Rates and Charges No. 23 (Great North of Scotland Railway) Order 1892 which order is scheduled to and confirmed by the Railway Rates and Charges No. 23 (Great North of Scotland Railway) Order Confirmation Act 1892 shall be applicable and apply to the Company as if the railway by this Act authorised had been part of the Company's system at the date of the passing of the said Confirmation Act and subject thereto the railway and works therewith connected by this Act authorised shall for the purposes of tolls rates and charges and all other purposes whatsoever be part of the Great North of Scotland Railway and be comprised in the undertaking of the Company.

Tolls for  
merchandise.

47. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance on the railway of animals or goods of any description by agreement with the owners or persons in charge thereof either by reason of any special service performed by the Company in relation thereto or in respect of the conveyance of animals or goods (other than small parcels) by passenger trains.

Company  
may take  
increased  
charges by  
agreement.

48. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation (Scotland) Act 1845.

Interest not  
to be paid on  
calls paid up.

49. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any Standing Order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the

Deposits for  
future Bills  
not to be  
paid out of  
capital.

[Ch. cci.] *Great North of Scotland Railway* [56 & 57 VICT.]  
(*Various Powers*) Act, 1893.

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Provision as  
to general  
Railway  
Acts.

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

Costs of Act.

**51.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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The **SCHEDULE** referred to in the foregoing Act.

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Describing **LANDS BUILDINGS and MANUFACTORIES** of which portions only are required by the **COMPANY**.

Parish.	Number on deposited Plan.
Ellon - - - - -	26.
Logie Buchan - - - - -	39.
Cruden - - - - -	217, 221.
Peterhead - - - - -	1, 3.
Peterculter - - - - -	12, 15, 17, 18, 19, 20, 21.
Drumoak - - - - -	4, 5, 13, 64, 65, 67.

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